

British Columbia Ferry Services Inc.  
Suite 500 – 1321 Blanshard Street  
Victoria, BC V8W 0B7  
Tel (250) 978-1502  
Fax 1-866-846-0453  
www.bcferreries.com

By email to: [ ]

November 25, 2015

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[ ]  
[ ]

Our File: FOI-2016-015

Dear [ ]:

**Re: Freedom of Information and Protection of Privacy Request**

British Columbia Ferry Services Inc. (BC Ferries) received your request for access to records under the *Freedom of Information and Protection of Privacy Act* (the FOIPP Act) on October 14, 2015. Your request is as follows:

*Under the Freedom of Information and Privacy Act, please provide me with a copy of all notes and recordings taken during the interviews of [three named individuals] during the Divisional Inquiry into the grounding and sinking of the Queen of the North on March 22, 2006. The DI number is #815-06-01.*

BC Ferries has interview notes responsive to this request (“the interview notes”) but does not have any recordings.

BC Ferries declines to provide access to the interview notes, as they were gathered in contemplation of litigation and are subject to solicitor-client privilege (section 14).

In addition, the interviews were conducted in confidence. The disclosure of the interview notes would reasonably be expected to harm the effectiveness of investigative techniques and procedures currently used by BC Ferries (section 15(1)(c)), harm the security of BC Ferries’ properties or systems (section 15(1)(l)), and interfere with public safety (section 19(1)(b)). (For your reference, please see Order F14-19 at <https://www.oipc.bc.ca/orders/1657>, which is a decision by an adjudicator with the Office of the Information and Privacy Commissioner regarding BC Ferries’ decision to withhold interview notes related to a workplace incident.)

The disclosure of personal information within the interview notes also would also be an unreasonable invasion of third parties' privacy (section 22(1)), including some personal information that would be presumed to be an unreasonable invasion of third parties' personal privacy as it relates to employment history (section 22(3)(d)). Considerations relevant to making this determination include that the personal information was supplied in confidence (section 22(2)(f)), third parties might be exposed to financial or other harm (section 22(2)(e)), and disclosure may unfairly damage the reputation of any person referred to in the interview notes (22(2)(h)).

Finally, the disclosure of information within the interview notes would reveal advice or recommendations developed by or for BC Ferries (section 13(1)).

You can apply to the Information and Privacy Commissioner for a review of this response. You have 30 working days from receipt of this letter to request a review by writing to:

Office of the Information and Privacy  
Commissioner for British Columbia  
PO Box 9038, Stn. Prov. Govt.  
Victoria, BC V8W 9A4  
Facsimile: (250) 387-1696

If you request a review, please provide the Commissioner's office with a copy of this letter, a copy of your original request, and the reasons or grounds upon which you are requesting the review.

If you have any questions, please write or call our office at (250) 978-1502.

Sincerely,

*Original signed by*

Jason Eamer-Goult  
Manager, Regulatory & FOIPP  
FOIPP Office