

March 31, 1994

Ms. Cynthia Bowen
Manager, Communications
British Columbia Lottery Corporation
10760 Shellbridge Way,
Richmond, BC.
V6X 3H1

Dear Ms. Bowen,

RE: SECTION 43 APPLICATION

I have had the opportunity of reviewing your request under section 43 to disregard the section 5 requests made by [the respondent], on the grounds that, because of their repetitious or systematic nature, they would unreasonably interfere with the operations of the public body, in this case the British Columbia Lottery Corporation (BCLC).

As the purpose of the Freedom of Information and Protection of Privacy Act is to make government bodies more accountable to the public by giving the public a right of access to records, authorization to disregard must be given sparingly and only in obviously meritorious cases. Granting section 43 requests must be the exception to the rule, and not a routine option for public bodies to avoid their obligations under the legislation.

With respect to your application, however, I am satisfied that [the respondent]'s requests are repetitious and systematic, and unreasonably interfere with the operations of the public body.

I am basing my decision on the following factors:

1. [The respondent]'s 1,600 requests for records in a four month period constitute a repetitious request.
2. These requests are part of a systematic attempt by [the respondent] to cause problems for BCLC, as evidenced by [the respondent]'s own statements.
3. The history of the relationship between [the respondent] and BCLC supports the argument that [the respondent]'s requests are of a systematic nature.
4. The BCLC has spent over 200 hours responding to [the respondent]'s requests, and estimates a further 7,000 hours will be needed to respond to the remaining requests.
5. The cost of responding to the remaining requests would likely exceed \$200,000 and would unreasonably interfere with the operation of BCLC.
6. That every response given to [the respondent] by BCLC has a multiplying effect in that the responses generate volumes of new requests for records from [the respondent] on the same or

related subjects.

7. It is unlikely that [the respondent]'s concerns about BCLC, real or imagined, will ever be addressed through the disclosure of the records requested.

8. Of the 21 letters from [the respondent] requesting information, BCLC had responded in good faith to the first 13 before making application under section 43.

I do not believe that [the respondent] should have [his/her] access rights under the Act denied permanently. This would be an obvious breach of natural justice and an unreasonable curtailment of [the respondent]'s information rights.

Therefore, I am granting authorization to BCLC to disregard [the respondent]'s outstanding requests and to disregard any other request [the respondent] may make until September 31, 1994. Thereafter until March 31, 1995, [the respondent] will be restricted to requesting five records at any given time, and shall not request a further five records until such time as BCLC has responded to the outstanding requests. Of course, BCLC will be expected to respond to those requests within the 30 day time period, subject to the extensions as permitted in the Act.

Yours Truly,

David H. Flaherty, Commissioner

c.c. [the respondent]