

May 27, 1996

Karen McDonald  
Freedom of Information Administrator  
BC Hydro  
333 Dunsmuir Street  
Vancouver, British Columbia V6B 5R3

Dear Ms. McDonald:

Re: Section 43 Application

I have had the opportunity of reviewing your request under section 43 for authorization to disregard the section 5 requests made by [the respondent]. Section 43 gives me the power to authorize a public body to disregard requests under section 5 that, because of their repetitious or systematic nature, would unreasonably interfere with the operations of the public body.

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.

I have carefully considered your submission as well as material provided to this Office by [the respondent]. I am satisfied that [the respondent]'s requests are repetitious and systematic and that responding to those requests unreasonably interfere with the operations of BC Hydro. Therefore, I am granting authorization to BC Hydro to disregard the following requests made by [the respondent]:

1. All requests for records in any way relevant to the work [the respondent] performed for BC Hydro in 1993 and [the respondent]'s subsequent small claims action, retroactive to April 24, 1996;
2. All requests for records regarding [a company], retroactive to April 24, 1996;
3. All requests of any kind until May 27, 1997. I rejected BC Hydro's request for a three-year period, because I consider one year reasonable in the present circumstances.

Sincerely yours,

David H. Flaherty  
Commissioner