

**In the Case of an Application from the Ministry of Attorney General for Authorization to Disregard Requests from [the respondent] under Section 43 of the *Freedom of Information and Protection of Privacy Act* (the Act)**

I have had the opportunity of reviewing the application under section 43 of the *Freedom of Information and Protection of Privacy Act* (the Act) for authorization to disregard requests made by [the respondent] under section 5 of the Act.

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, in this case the Ministry of Attorney General.

Since the purpose of the 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 should be the exception to the rule and not a routine option for public bodies to avoid their obligations under the legislation.

Based on a detailed review of the submissions of the Ministry of Attorney General and not having received a reply submission from the respondent, the following factors have led me to decide that [the respondent's] access requests are repetitious, systematic, and unreasonably interfere with the operations of the Ministry:

1. Since August, 1995, [the respondent] has made 21 requests for access to records under the Act from the Ministry of Attorney General, 20 of them since January, 1996. The Ministry has now in fact responded to all of them. The Ministry submits that these requests placed unreasonable demands on it and are repetitive and systematic. Indeed, they are also a continuation of the repetitive requests previously made to the Ministry of Employment and Investment, which I treated in a section 43 Order dated August 23, 1996. The Ministry submits that these requests are not being made in good faith.
2. The Ministry conservatively estimates that it has spent at least 110 hours responding to requests made by [the respondent]. This has had a significant impact on the workload of staff in both the Information and Privacy Program Office and the Management and Administrative Services Division of the Legal Services branch of the Ministry.
3. The Ministry submits that to devote such time and effort to a single applicant under the Act unreasonably interferes with the operations of the Ministry and is unfair to other applicants and to taxpayers, especially since the requests for access are not being made in good faith and responding to them will never address the applicant's real concerns. To continue to incur the costs of responding to these requests would offend public policy, particularly in these times of fiscal restraint, and would bring the Act into disrepute.
4. The Ministry of Attorney General's submission that [the respondent] is irresponsibly using the Act as a weapon against the Ministry of Attorney General because [the respondent] is unhappy with government's response to the dispute over [the respondent's] mineral claims.

5. Background information, including the reasons for decision and determination of the Chief Gold Commissioner in the dispute between [third parties] and [the respondent] over mineral claims, dated November 25, 1994, and the Supreme Court of British Columbia's dismissal on [the date] of [the respondent's] petition to judicially review the order of the Chief Gold Commissioner.

In summary, I find that the access requests of [the respondent] to the Ministry of Attorney General are repetitious, systematic, and unreasonably interfere with the operations of the Ministry.

**Therefore, I authorize the Ministry to disregard the following:**

**1. All requests for records which relate to the following categories of information:**

- a) **Records relating to court actions involving the Chief Gold Commissioner and/or the Mineral Tenures Branch or relating to the *Mineral Tenures Act*; or**
- b) **Records relating to allegations of fraud or other wrongdoing made to the Attorney General against the Chief Gold Commissioner or other employees of the Mineral Tenures Branch; or**
- c) **Records relating to expenses incurred in providing legal services in connection with items a) and b); or**
- d) **Records relating to audits conducted on the Mineral Tenures Branch and the travel expenses of a named Ministry of Finance employee who is an auditor,**

**for a period of one year.**

**2. All other requests to the Ministry for records of any kind for a period of one year.**

The above apply to requests for records made by [the respondent], [four named parties associated with the respondent] or any other request in which [the respondent] is the "directing mind."

April 11, 1997

David H. Flaherty  
Commissioner