



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER

British Columbia
Canada

Order No. 329-1999

INQUIRY REGARDING MINISTRY OF ATTORNEY GENERAL RECORDS

David Loukidelis, Information and Privacy Commissioner
November 30, 1999

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Summary: Applicant sought legal costs associated with government complaint to British Columbia Press Council. Ministry refused to disclose information under s. 14 (solicitor client privilege). Ministry authorized to withhold information.

Key Words: Solicitor client privilege.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, s. 14.

Authorities Considered: B.C.: Order No. 328-1999.

1.0 INTRODUCTION

This case raises the same issue as was dealt with in Order No. 328-1999. The public body and the applicant are the same. The same type of record is involved. The outcome is the same.

On January 25, 1999, the applicant made the following access request to the Ministry of Attorney General (“Ministry”) under the *Freedom of Information and Protection of Privacy Act* (“Act”):

In October 1998 the Provincial Government launched a complaint against David Black to the British Columbia Press Council regarding his publishing directive. I hereby request a copy of any and all documents in any format whatsoever with regard to this matter including but not limited to reports,

memos, studies, correspondence (including e-mail), as well as any invoices, costs, accounts and any proof of payment thereto for services rendered in this matter to date.

Having extended the time for response under the Act, the Ministry wrote to the applicant on April 13, 1999 and provided copies of responsive records. The Ministry severed some information from those records under ss. 13(1) and 14 of the Act.

2.0 ISSUE

In this inquiry, the parties are agreed that the only dispute is about access to the total amount of legal fees incurred by the provincial government in relation to the complaint described in the original access request. The Ministry declined to release the information, citing solicitor client privilege and s. 14 of the Act. That section says a public body “may refuse to disclose to an applicant information that is subject to solicitor client privilege.”

Under s. 57(1) of the Act, the Ministry bears the burden of establishing that it was authorized by s. 14 to refuse to disclose the requested information.

3.0 DISCUSSION

Again, this case is for all intents and purposes the same as the case dealt with in Order No. 328-1999. This is reflected, among other things, in the fact that the submissions of both parties in this case are almost identical to the arguments they made in Order No. 328-1999. Having considered the material before me in this case, I have decided it is to be disposed of in the same way as the case addressed in Order No. 328-1999. For the reasons given in Order No. 328-1999, I find that s. 14 of the Act authorized the Ministry to refuse to disclose the disputed information to the applicant.

4.0 CONCLUSION

For the reasons given above, I find the Ministry is authorized under s. 14 of the Act to refuse to give access to the record in dispute. Under s. 58(2)(b) of the Act, I confirm the decision of the Ministry to refuse access to the record in dispute.

November 30, 1999

David Loukidelis
Information and Privacy Commissioner
for British Columbia