



OFFICE OF THE  
INFORMATION & PRIVACY  
COMMISSIONER  
— for —  
British Columbia

Order 04-26

**PROVINCIAL HEALTH SERVICES AUTHORITY**

Celia Francis, Adjudicator  
October 15, 2004

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**Summary:** Applicant requested records related to relationship between the PHSA and a named consulting business. PHSA found to have complied with its s. 6(1) duty in searching for these records.

**Key Words:** duty to assist – adequate search.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, s. 6(1).

**Authorities Considered:** B.C.: Order 00-30, [2000] B.C.I.P.C.D. No. 33.

## 1.0 INTRODUCTION

[1] The applicant requested records related to the relationship between a named consulting business and the Children’s and Women’s Health Centre (“CWHC”) and the Provincial Health Services Authority (“PHSA”), as well as records of the costs or salaries billed by the business to the PHSA. The applicant clarified that the time period he was interested in ran from the date of the inception of the relationship to the date of the request (January 2003). The PHSA responded by providing a copy of the service agreement dated July 31, 2001 between the business and the PHSA and “copies of invoices”.

[2] The applicant complained to this office about the response. He said the service agreement he had received only covered the period from September 1, 2001 to March 31, 2002. He said that he was aware that the PHSA currently had an agreement with the

business and suggested that there should therefore also be an agreement covering the period after March 2002.

[3] Because the matter did not settle in mediation, a written inquiry was held under Part 5 of the Act. I have dealt with this inquiry, by making all findings of fact and law and the necessary order under s. 58, as the delegate of the Information and Privacy Commissioner under s. 49(1) of the Act.

## **2.0 ISSUE**

[4] The issue before me in this case is whether the PHSA complied with its duty under s. 6(1) of the Act to assist the applicant by conducting an adequate search for responsive records.

## **3.0 DISCUSSION**

[5] **3.1 Preliminary Matters** – One of the issues in this inquiry is whether the PHSA complied with s. 6(1) of the Act in conducting an adequate search for service agreements between the PHSA and the named consulting business. In another process, the applicant later received copies of service agreements between the PHSA and the named consulting business for the periods April 2002-March 2003 and April 2003 forward.

[6] As the PHSA located the service agreement for the period of interest to the applicant and the applicant received a copy of this agreement, I told the parties I did not propose to consider the issue of the adequacy of the search for service agreements in the current inquiry. Only the applicant responded, agreeing with my proposal. Accordingly, I have not considered here the PHSA's search for relevant service agreements and have considered only the adequacy of the PHSA's search for other responsive records, principally those related to costs billed by the named business.

[7] **3.2 Standards for Records Searches** – The Information and Privacy Commissioner has set out in a number of orders the standards he expects from public bodies in searching for records and accounting for those searches in inquiries (see Order 00-30, [2000] B.C.I.P.C.D. No. 33, for example). I apply here the same principles, without repeating them.

[8] Section 6(1) reads as follows:

### **Duty to assist applicants**

6 (1) The head of a public body must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.

[9] **3.3 Did PHSA Fulfil its Section 6(1) Duty?** – The PHSA said that the time period covered by the request was September 2001, when the relationship between the

CWHC and the business began, to January 10, 2003, the date of the applicant's request. It said it had disclosed all the invoices and related records it could locate: copies of invoices from September 2001 to March 2002; a summary of accounts payable to the business from April 2002 to January 2003; and an invoice from January 2003. (The material before me shows that the PHSA disclosed the summary and January 2003 invoice during the inquiry process, in February 2004). It also said it had located a copy of a letter of November 12, 2002 to the business providing notice of termination of its services as of March 15, 2003 and enclosed a copy of this record with its initial submission.

[10] The PHSA said it was unable to locate hard copies of invoices for the period from April to December 2002. The PHSA argued that it had met its duty under s. 6(1) of the Act to search for responsive records. Affidavit evidence from the PHSA's corporate director of human resources supported the PHSA on this point (paras. 2-7, initial submission; paras. 3-4 & 6, Dalton affidavit).

[11] The applicant expressed dissatisfaction with the small number of cost-related records he received and, understandably, complained that he had not received some of the records earlier. From my review of the material, however, I am satisfied that the PHSA made reasonable efforts to search for responsive records.

[12] I note that, in his reply, the applicant said he had not received any records related to the business's "employment relationships" with its employees, for example, with a named individual. The PHSA did not comment on this issue in its submissions. It is not clear to me why the PHSA would have records related to the employment relationships between the consulting business, apparently a private business, with its individual employees. In any case, I am satisfied from my review of the material before me that the PHSA made reasonable efforts to search for responsive records.

[13] I find that the PHSA complied with its duty under s. 6(1) to assist the applicant in its search for records responsive to the applicant's request.

#### **4.0 CONCLUSION**

[14] Given my finding on s. 6(1) as discussed above, no order under s. 58 respecting this issue is necessary.

October 15, 2004

#### **ORIGINAL SIGNED BY**

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Celia Francis  
Adjudicator