

Our File Number: 292-30/CLB -2011-00012

July 21, 2011

Jonathan Chapnick
Staff Representative BCGEU
4911 Canada Way
Burnaby BC V5G 3W3

Dear Jonathan Chapnick:

Re: Request for Records
Freedom of Information and Protection of Privacy Act

I am writing in response to your request of May 30, 2011 under the Act. Community Living BC (CLBC) received your request for:

1. *Records showing:*
 - a. *The number of Emergency Requests for CLBC funded supports for individuals and families in 2010 and 2011;*
 - b. *The dates when these Emergency Requests were made;*
 - c. *The status of these Emergency Requests (i.e. whether the requested funded supports have or have not been provided); and*
 - d. *With respect to the Emergency Requests that have been satisfied (i.e. the requested funded supports have been provided), the dates when these emergency requests were satisfied.*
2. *Records showing the number of individuals and families who have outstanding requests for funded supports and are currently waiting for funding on CLBC's Service Request Registry;*
3. *Records showing the number of individuals and families who made requests for CLBC funded supports (excluding under the Personal Supports Initiative) for the years 2010 and/or 2011;*
4. *Records showing the number of individuals and families eligible for CLBC funded supports (excluding under the Personal Supports Initiative) who received new funding for the years 2010 and/or 2011 (excluding funding for children in care transitioning from the Ministry of Children and Family Development);*

.../2

5. *Records showing the number of individuals and families who received funding for 2010 and/or 2011 for non-emergency situations (i.e. situations not meeting the criteria for raising health and safety concerns)*

CLBC does not collect or maintain records containing the information as you requested it.

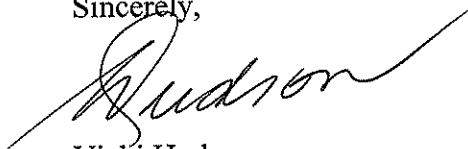
With respect to parts # 1, 4 and 5, CLBC has considered whether FOIPPA requires them to create the records under section 6 (duty to assist). A copy of section 6 is enclosed for your reference. Although the circumstances requiring creation of a record under section 6 do not apply, CLBC is looking into using existing data sources to respond to these portions of your request outside of FOIPPA. CLBC will respond directly on this matter.

With regard to points # 2 and 3, CLBC does not maintain service “waiting” lists for day and residential support programs. Each Request for Service is individually reviewed and addressed within the context of an individual’s disability-related needs, available funds, existing services and other individual factors. Information related to individuals’ requests for service is constantly updated and prioritized. Outstanding service requests are tied directly to a person’s CLBC supports. Personal information such as individual case files must be protected in accordance with section 22 (harm to personal privacy) of FOIPPA. A copy of section 22 is enclosed for your reference.

Your access request, CLB-2011-00012, is now closed.

You have the right to request a review of this decision. Please note you have 30 business days to request a review. I have enclosed information regarding this process. If you have any questions or concerns regarding your request please contact Samara Fisher, the analyst assigned to this file, at 250-356-5285 to discuss your request. You may be transferred to this number free of charge by calling Enquiry BC at 660-2421 in Vancouver or at 1-800-663-7867 outside Victoria and Vancouver.

Sincerely,



Vicki Hudson
Manager, Justice / Social Team
Information Access Operations

Enclosure

How to Request a Review with the
Office of the Information and Privacy Commissioner

If you have any questions regarding your request please contact the analyst assigned to your file. The analyst's name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:

Information and Privacy Commissioner
PO Box 9038 Stn Prov Govt
4th Floor, 947 Fort Street
Victoria BC V8W 9A4
Telephone 250-387-5629 Fax 250-387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
1. A copy of our response; and
2. The reasons or grounds upon which you are requesting the review.

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.

(2) Moreover, the head of a public body must create a record for an applicant if

(a) the record can be created from a machine readable record in the custody or under the control of the public body using its normal computer hardware and software and technical expertise, and

(b) creating the record would not unreasonably interfere with the operations of the public body.

Freedom of Information and Protection of Privacy Act

[RSBC 1996] Chapter 165

Disclosure harmful to personal privacy

- 22 (1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.
- (2) In determining under subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether
- (a) the disclosure is desirable for the purpose of subjecting the activities of the government of British Columbia or a public body to public scrutiny,
 - (b) the disclosure is likely to promote public health and safety or to promote the protection of the environment,
 - (c) the personal information is relevant to a fair determination of the applicant's rights,
 - (d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,
 - (e) the third party will be exposed unfairly to financial or other harm,
 - (f) the personal information has been supplied in confidence,
 - (g) the personal information is likely to be inaccurate or unreliable, and
 - (h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant.
- (3) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if
- (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,
 - (b) the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation,
 - (c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,
 - (d) the personal information relates to employment, occupational or educational history,
 - (e) the personal information was obtained on a tax return or gathered for the purpose of collecting a tax,
 - (f) the personal information describes the third party's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness,
 - (g) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations about the third party.

- (h) the disclosure could reasonably be expected to reveal that the third party supplied, in confidence, a personal recommendation or evaluation, character reference or personnel evaluation,
 - (i) the personal information indicates the third party's racial or ethnic origin, sexual orientation or religious or political beliefs or associations, or
 - (j) the personal information consists of the third party's name, address or telephone number and is to be used for mailing lists or solicitations by telephone or other means.
- (4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if
- (a) the third party has, in writing, consented to or requested the disclosure,
 - (b) there are compelling circumstances affecting anyone's health or safety and notice of disclosure is mailed to the last known address of the third party,
 - (c) an enactment of British Columbia or Canada authorizes the disclosure,
 - (d) the disclosure is for a research or statistical purpose and is in accordance with section 35,
 - (e) the information is about the third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff,
 - (f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,
 - (g) public access to the information is provided under the Financial Information Act,
 - (h) the information is about expenses incurred by the third party while travelling at the expense of a public body,
 - (i) the disclosure reveals details of a licence, permit or other similar discretionary benefit granted to the third party by a public body, not including personal information supplied in support of the application for the benefit, or
 - (j) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body, not including personal information that is supplied in support of the application for the benefit or is referred to in subsection (3) (c).
- (5) On refusing, under this section, to disclose personal information supplied in confidence about an applicant, the head of the public body must give the applicant a summary of the information unless the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information.
- (6) The head of the public body may allow the third party to prepare the summary of personal information under subsection (5).