



F06-03-MS Rejected Arts Grant Applicant Demands Names of Jury

A Vancouver theatre group applied for a grant from the Spirit of BC Arts Fund, a BC government program intended to assist creative projects that contribute to the development of arts and culture in the province. After their application was rejected, the group wrote to the Ministry of Tourism, Sport and the Arts requesting a list of names of all the advisory committee members who adjudicated the application, all documents pertaining to the refusal of the application and all other documents written by administrators that might pertain to the application.

The ministry released all the requested records except for the names of the advisory board members, which it withheld under sections 19(1)(a) and 22(2)(e) of the *Freedom of Information and Protection of Privacy Act*, which authorize the withholding of information the disclosure of which could reasonably be expected to threaten anyone's health or safety. The ministry explained to us that an advisory committee member had once been assaulted at a cocktail party after participating in a decision to reject an application for funding. The applicant told us that, without knowing who sat on the review committee, the theatre group had no way of knowing if advisory committee members had appropriate artistic backgrounds to qualify them to assess the group's application.

The cited sections of FIPPA have been the subject of orders that conclude that there must be evidence—which cannot be solely speculative—that the release of the records would threaten a third party's health or safety or cause a third party harm. After we brought this requirement to the attention of the ministry, it decided to release the list of names to the applicant. As a courtesy, the ministry contacted all of the affected advisory committee members and informed them of its decision. None of the members contacted expressed any concern about the release of their names.