

IN THE MATTER OF:
THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT
AND IN THE MATTER OF:
**AN ADJUDICATION UNDER SECTION 62,
REQUESTED BY M. (F.) ON 14 FEBRUARY 2000**

**REASONS FOR DECISION
OF
THE HONOURABLE MR. JUSTICE BAUMAN**

[1] On 18 November 1999, the applicant received a memorandum from a staff member in the Office of the Information and Privacy Commissioner. The staff member added the initials "B. Comm." and "LL.B." after his name and the applicant thereafter, on 28 December 1999, wrote to the Office of the Information and Privacy Commissioner to the attention of the Portfolio Officer in question, noted the reference to the Portfolio Officer's degrees and stated:

I am writing to ask you to provide me with further particulars of your qualifications and educational history. Specifically, I would like to know the names of the elementary and secondary schools and university that you attended. Further, I would also like to have copy of your application letter (and resume) for your position as Portfolio Officer with the O.I.P.C.

[2] On 10 January 2000, the Director of Finance and Administration of the Office of the Information and Privacy Commissioner responded:

The office will not be providing copies of the above requested records. All of this information is personal information and therefore exempt from release under s. 22(3)(d) of the Act. In this regard, you may wish to refer to the decision of Bauman, J. (as an Adjudicator under the Act) dated June 19, 1997 which concerned a request by you for similar information.

[3] The applicant raises as a preliminary point the issue of whether his letter of 28 December 1999 was a formal access request under s. 5 of the *Freedom of Information and Privacy Act*, R.S.B.C. 1996, C. 165.

[4] On this preliminary point the applicant says this:

The letter to which the O.I.P.C. responded was addressed to Mr. Skinner. That letter was not intended to be a formal access request made under s.5 of the Act. In fact, Mr. Skinner himself invited me to make the request when he wrote the letters "B.Comm." and "LL.B." after his name in his memo dated November 16, 1999. Of course, I do not know why Mr. Skinner did this, but he sure placed himself in a very difficult position. Therefore, I submit that Mr. Skinner should

not be allowed to use the Act as a shield when he himself has opened the door for the type of request that I sent to him on December 28, 1999.

[5] I accept the applicant's assertion that his letter "was not intended to be a formal access request made under s. 5 of the Act."

[6] Accordingly, I have no jurisdiction in the matter under ss. 60, 61 and 62 of the Act.

[7] As that is an end to the matter, it is not necessary for me to comment any further upon the submissions of the applicant or the Commissioner's response thereto.

Bauman, J

Vancouver, B.C.
7 December 2000