



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER

British Columbia
Canada

Order No. 326-1999

INQUIRY REGARDING A CITY OF CRANBROOK FIRE-FIGHTING REPORT

FINAL ORDER

David Loukidelis, Information & Privacy Commissioner
November 19, 1999

In Order No. 326-1999, dated October 29, 1999, I made three interim orders respecting the decision by the City of Cranbrook to refuse to disclose to the applicant the record entitled *Evaluation of Fire Fighting Services for the Corporation of the City of Cranbrook*, prepared by the Insurers Advisory Organization (“IAO Report”). Those interim orders, which are found on page 9 of Order No. 326-1999, read as follows:

1. I find that the City was not authorized by s. 12(3)(b) of the Act to withhold information in the disputed record from the applicant. Under s. 58(2)(a) of the Act, I require the City to give the applicant access to the record, subject to my order respecting s. 13(1) of the Act.
2. I find that the City was not authorized by s. 17(1) of the Act to withhold information in the disputed record from the applicant. Under s. 58(2)(a) of the Act, I require the City to give the applicant access to the record, subject to my order respecting s. 13(1) of the Act.
3. Under s. 58(3)(a) of the Act, I order the City to comply with s. 4(2) of the Act by severing the IAO Report to withhold only the information that the City is authorized by s. 13(1) to refuse to disclose, and to return that record to me, so severed, within 10 days after the date of this interim order. I will then review the severed record, conclude this inquiry, and make an order in that regard under s. 58(2) of the Act.

On November 9, 1999, the City delivered the IAO Report to me, severed in accordance with interim order three. (I had granted the City a brief extension of time to do this.) As contemplated by that interim order, I have reviewed the record as severed by the City and have concluded this inquiry.

Some of the material severed and withheld by the City is not properly withheld under s. 13(1) of the *Freedom of Information and Protection of Privacy Act* (“Act”). It is, in fact, “factual material” within the meaning of s. 13(2)(a) of the Act. Disclosure of that factual material would not, in my view, permit anyone to draw inferences about advice or recommendations made to the City in the IAO Report. The discussion in Order No. 326-1999 on the s. 13(1) issue applies here. I therefore find that the City was not authorized to withhold some of the information it withheld under s. 13(1) of the Act.

In light of this finding, I have severed the IAO Report and removed only the information the City is authorized by s. 13(1) to withhold. The remainder of the information must be disclosed by the City. A copy of the IAO Report as severed by me is delivered to the City with its copy of this final order.

Having concluded this inquiry, I make the following final orders respecting the severed version of the IAO Report delivered to me by the City:

1. I find that the City was not authorized by ss. 12(3)(b) or 17(1) of the Act to refuse access to information in the IAO Report. Under s. 58(2)(a) of the Act, I require the City to give the applicant access to the information withheld by the City on the basis of ss. 12(3)(b) and 17(1), subject to my orders respecting s. 13(1) of the Act.
2. I find that the City was authorized by s. 13(1) of the Act to refuse access to some of the information in the IAO Report. Under s. 58(2)(b) of the Act, I confirm the decision of the City to withhold the specific information in the IAO Report as identified in the severed version I have prepared and delivered to the City along with its copy of this final order.
3. I find that the City was not authorized by s. 13(1) of the Act to refuse access to some of the information withheld by the City under that section. Under s. 58(2)(a) of the Act, I order the City to give the applicant access to some of the information in the IAO Report withheld by the City on the basis of s. 13(1) as identified in the severed version I have prepared and delivered to the City along with its copy of this final order.

November 19, 1999

David Loukidelis
Information and Privacy Commissioner
for British Columbia