May 24, 2012

Honourable Blair Lekstrom
Minister of Transportation
  and Infrastructure
Room 342 , Parliament Buildings
Victoria BC V8V 1X4

Dear Minister Lekstrom:

Re: Bill 47 – Coastal Ferry Amendment Act, 2012; OIPC File F12-49236

I write further to my letter of May 11, 2012 regarding Bill 47, the Coastal Ferry Amendment Act. We had the opportunity to meet with ministry staff today and were advised of the policy rationale for the proposed provision that would give the British Columbia (BC) Ferries Commissioner the discretion not to publish financial and service information provided by BC Ferries in relation to price caps.

We understand there is a concern that release of some elements of the capital plan of BC Ferries would undermine the bidding process in relation to major capital expenditures and, as a result, would be contrary to the public interest in having cost-effective ferry services.   We were advised that the Act was amended in 2010 to add a new requirement for BC Ferries to submit its capital plan to the Commissioner (s. 64.1). It was an oversight at that time that the Commissioner was not given the discretion to not publish that information.

I am satisfied with the ministry's explanation of the proposed provision. It is unfortunate that our office was not previously consulted on this proposed legislation before it was introduced in the House. I trust that efforts will be made going forward to include my office in your consultation processes with respect to legislative proposals that raise access and privacy issues.

Sincerely,

Elizabeth Denham
Information and Privacy Commissioner
  for British Columbia

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