

Action Number: S084717
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

In the matter of the *Judicial Review Procedure Act*,
R.S.B.C. 1996, c. 241 (as amended)

And in the matter of the *Freedom of Information and Protection
of Privacy Act*, R.S.B.C. 1996, c. 165 (as amended)

And in the matter of Order F08-10 of the Delegate of the
Information and Privacy Commissioner for British Columbia

BETWEEN:

**BRITISH COLUMBIA PUBLIC SCHOOL EMPLOYERS' ASSOCIATION and
BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 69 (QUALICUM)**

PETITIONERS

AND:

**OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA, BRITISH COLUMBIA TEACHERS'
FEDERATION, MOUNT ARROWSMITH TEACHERS' ASSOCIATION,**


RESPONDENTS

ORDER

BEFORE) THE HONOURABLE *M* Wednesday, the 19th day
JUSTICE *ROOKE* } of August, 2009.

THE APPLICATION of the British Columbia Public School Employers' Association and Board of Education of School District No. 69 (Qualicum) coming on for hearing at the Law Courts at 800 Smithe Street in Vancouver, British Columbia, on the 19th day of August, 2009, and on hearing Keith E.W. Mitchell, counsel for the applicants, Morgan A. Rea, counsel for the British Columbia Teachers' Federation and Mount Arrowsmith Teachers' Association, and Susan

E. Ross, counsel for the Information and Privacy Commissioner for British Columbia, and [REDACTED] and [REDACTED] having been duly served with the application but not entering appearances;

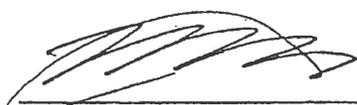
THIS COURT ORDERS, on the consent of the appearing parties, that

1. the application for judicial review is granted;
2. the part of Order F08-10 of the Delegate of the Information and Privacy Commissioner for British Columbia, dated May 21, 2008, that relates to and requires the Board of Education of School District No. 69 (Qualicum) to give access to information in record 262 (the "grievance records"), is set aside on the ground that s. 21(1) of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165, requires the Board of Education of School District No. 69 (Qualicum) to refuse access; and
3. no costs are ordered.

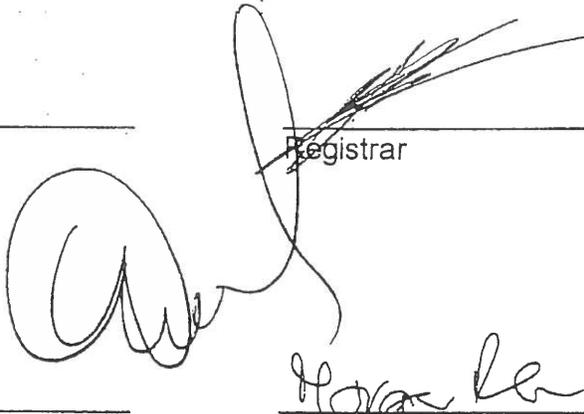
By the Court:

Registrar

Agreed as to form:



Counsel for the Petitioners



Counsel for the British Columbia
Teachers' Federation and Mount
Arrowsmith Teachers'
Association



Counsel for the Information
and Privacy Commissioner for
British Columbia