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22nd July, 2015

Elizabeth Denham
Information and Privacy Commissioner for British Columbia
PO Box 9038 Stn. Prov. Govt.
Victoria B.C. V8W 9A4

Dear Ms. Denham:

I understand that you are currently conducting an investigation under section 42 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) of the allegations made by Tim Duncan about an incident involving the deliberate destruction of government records. I understand also that your Office has now expanded that investigation to include government-wide practices related to the retention and deletion of government records.

I am writing to follow up on my letter of June 3 2015 in which I provided evidence of three separate occasions where records requested from government under FOIPPA were either deleted or were simply not disclosed as required by law. I would like to flag for your attention today a 4th incident which indicates that this problem extends beyond core government to other public bodies. In this case, BC Ferries returned a 'no records' response to our request for correspondence between the company's CEO and the Minister of Transportation during the first three months of this year. BC Ferries, CEO Mike Corrigan, even explained this no records response to the media on April 25, 2015, that his conversations 'only happen on the phone or face-to-face.' However, a subsequent request to the Ministry of Transportation during the same time period revealed that Mr. Corrigan had in fact emailed the Minister regarding the corporation's employee pass program.

The specifics of this most recent case are outlined below and original documents are attached to this letter:

- On March 31, 2015 the Official Opposition submitted a freedom of information request to BC Ferries for all records of correspondence between CEO Mike Corrigan and the Hon. Todd Stone, Minister of Transportation. The timeframe of the request was Jan 1, 2015 to March 31, 2015. The request came back 'no records' responsive.

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- On April 25, 2015 Mr. Corrigan was interviewed about the 'no records' response by CBC Radio 1 in Prince George. The interviewer noted that, "(Mike Corrigan) *says those conversations only happen on the phone or face-to-face*" and that, "*Corrigan says it is not because any records were hidden.*" Corrigan himself comments that: "*I'm not a big person for sending letters and emails back and forth...*"
- On July 21, 2015 the government posted the response to a FOIPPA request for correspondence between the Hon. Todd Stone, Minister of Transportation and the CEO of BC Ferries between Jan 1, 2015 and March 31, 2015. The responsive record package included an email sent from Mike Corrigan to Todd Stone (as well as other Ministry of Transportation officials) on Feb 5, 2015 discussing BC Ferry's employee pass program.
- It remains unclear why the Feb 5, 2015 email from Mike Corrigan to Todd Stone was missing from BC Ferries previous FOIPPA response.

We respectfully request that you include this case in your ongoing investigation.

Sincerely,



Doug Routley, MLA
(Nanaimo-North Cowichan)
Official Opposition Deputy Spokesperson for Forests, Citizen Services