

Subject: Re: FOI request - Jason Austin
From: Jason Austin <jason.austin@shaw.ca>
Date: 12/30/2015 9:42 AM
To: Angila Bains <abains@crd.bc.ca>

Ms. Bains

I have today received your letter dated December 22, 2015 regarding your file # 0580.20/15-042.

I am writing here to give you the opportunity to correct that letter before I file another complaint with the office of the Freedom of Information Commissioner.

- I had asked for electronic copies, and specifically stated I did not want photo copies. You know full well that the FOI Act states at S. 9 (2.1):
"If the applicant has asked for a copy under section 5 (2) in electronic form and it is reasonable to provide the record in that form, a copy of the record or part of the record must be provided in that form with the response."
- Everything you just sent was part of email correspondence so it all existed in electronic format, and there was no excuse not to forward it to me in that form as I directed.
- Not only did you send me photo copies instead of electronic format, but what you sent had been deliberately changed to make it unreadable:
 - The copies of the emails had been reduced in size, and the photo copies were so faint, as to make them almost unreadable.
 - And then from pages 13 onwards were pages of something that were clearly not in the format used by the CRD, and perhaps were part of something intended to be printed in landscape orientation, but whatever they were they were not in the format used by the CRD nor were they readable.

This is a blatant, arrogant abuse of the FOI process Ms. Bains and I will not accept it. I want an apology today, and I want the records in electronic format by tomorrow. I remind you that this was an FOI request made more than 5 months ago on July 16, 2015.

Sincerely,

Jason Austin

On 10/29/2015 2:11 PM, Jason Austin wrote:

Hello Angila

I confirm I called and we spoke about this. As requested by you I have written out my comments and which are attached here. This includes extracts from emails and other sources that will help put this into context for you - and perhaps to see why I have been so upset by the delays in providing the requested information.

I am pleased you have promised to review the 2014 FOI requests I had made because those - as with every FOI request I have made with the CRD in the last 5 years - were incomplete. I look forward to hearing from you about those.

Regards, Jason

On 10/29/2015 11:15 AM, Angila Bains wrote:

Mr. Austin,

I apologize for the delay in response. I have been out of the office. Can you please give me a call to discuss this matter? I need clarification as to how to narrow the scope of your request in order to avoid the fee estimate. I can be reached at 250-360-3639. Thank you kindly.

Angila

Angila Bains
Manager, Information Services
Legislative & Information Services
Capital Regional District
625 Fisgard Street
Victoria, BC V8W 2S6

250.360.3639
abains@crd.bc.ca

From: Jason Austin [<mailto:jason.austin@shaw.ca>]
Sent: Friday, October 23, 2015 3:42 PM
To: Angila Bains <abains@crd.bc.ca>
Subject: FOI request - Jason Austin

Hello Ms. Bains

As you will see from my email to Lynn below, I was instructed by the office of the Information & Privacy Commissioner to attempt to negotiate with the CRD for the release of the FOI material I requested before they commence their own investigation. My FOI request was:

Hello Angila

At <https://www.crd.bc.ca/docs/default-source/parks-pdf/sarfactsheetivb.pdf?sfvrsn=2> the CRD identifies 9 species that it says are "confirmed resident species" in Island View Beach Regional Park. These include the Common Nighthawk, the Fleshy Jaumea, the American Glehnia, and the Sand-Verbena moth.

I would like:

- *copies of the records that led to this determination for each of these 4 species*
- *copies of the emails, both internal and external, that discuss these*
- *copies of working papers and drafts that refer to these*

Thank you.

Jason

In your reply, you said the CRD estimated 1,600 pages and umpteen hours to photocopy them for a cost of \$1,165.

- **First**, I believe there are not 1,600 pages in the material I requested. A consultant engaged by the CRD for a report on two species at the park did a detailed report in only 12 pages. I did not ask for a treatise on these species - the first part of my request was simply for the records that led the CRD to make the statement that those species named are "confirmed resident" in Island View Beach Regional Park, and the rest was just the emails and working papers that discuss and refer to these.

- **Second**, I do not want photo copies, I prefer to have the records, emails and working papers in electronic format, so regardless of how many there are there is no time needed to photo copy them.

- **Third**, this request is related to the environment of one of the most popular and heavily used public parks in the Capital Regional District. That environmental information will be used in the development of a new management plan for that park, and might lead to restrictions on the public access to areas of that park. This data is therefor in the public interest.

Will you reconsider your position please and provide me with the material I requested at no cost, and without further delay.

Thank you.

Jason Austin

On 10/23/2015 3:02 PM, Lynn Wilson wrote:

Hi Jason:

In response to your email, I acknowledge that the FOIVB do not believe that the CRD should proceed with the Step 3 community dialogue on November 21st for the reasons you've outlined below. However, this meeting, as part of the approved four-step public participation process, will proceed as planned. The CRD is comfortable that the community dialogue session will provide a good opportunity for participants to discuss possible options for addressing identified issues using available information. For context, we have not received any other requests to not hold this session; neither have we received any other requests to provide additional/different information than what is publicly available.

As a reminder, staff will consider the results of Steps 1-3, as well as other relevant input, as we prepare the draft management plan during Step 4. The public will have an opportunity to comment on the draft plan before it is finalized and sent to the CRD Board for approval. So, given that the Step 3 community dialogue is part of a larger planning process with many opportunities for input, I hope you will choose to remain engaged in this process. We feel it is important for everyone with an interest in Island View Beach Regional Park to be able to consider all sides of the issues; the community dialogue session will provide a good opportunity to do this if people with diverse viewpoints participate in it.

Regarding your request for more information about species at risk, we feel we have already provided you with the information you are looking for. The CRD and the parks committee are also comfortable with the information provided to date and feel it is sufficient to move forward with the process. You are welcome to contact Angila to pursue this further if you would like.

Regards,
Lynn

From: Fof IvBeach [<mailto:friendsofislandviewbeach@gmail.com>]
Sent: Tuesday, October 20, 2015 2:52 PM
To: Lynn Wilson
Subject: Re: Island View Beach

Hi Lynn

Thank you. The letter was a group effort and I will forward your reply on to all those who participated in it. We appreciate the assistance of the CRD to help protect the area.

We also enjoyed the meeting with you and Kim on the 5th. and I will pass on your email to the group there and to Tom as host. We want to engage in dialogue with the CRD about IVB but until that meeting the sense we have had was that the CRD

was pursuing a goal of its own and that communication with the public was only for show. We left the October 5th meeting however, with the feeling that perhaps this is changing and we really hope it is.

I have been wanting to write to you to summarize the points we made during the meeting but time ran away from me. You will have written up your notes - can you share those with us?

There is another matter that I'll raise now in this spirit of open dialogue (!). As you know, we feel strongly that it is a waste of time and money to proceed with the public meeting in November while the Step 1 environmental assessment is incomplete. It is incomplete because it did not give factual evidence of what species at risk are in the park; *where* they are; *what* protection (if any) they may require; and *when* they may need protection. We have been saying for years that the environment should drive the development of a new park plan, and that trying to create a plan without an accurate environmental assessment is like building a house without foundations. I requested that information several times from the CRD and it was refused, and when I made an FOI request for it, a reply was given to me saying it would cost me \$1,165 which I interpreted as trying to thwart my FOI request. I filed a complaint with the Office of the Information and Privacy Commissioner and they have written back asking me to "negotiate" with the CRD, and if that is not successful then they will investigate. I had planned to write to Ms. Bains today (the CRD Manager, Information Services) but it occurs to me as I am replying to your email now it might be worthwhile to try this informally with you first. This was what I requested on July 16, 2015:

Hello Angila

At <https://www.crd.bc.ca/docs/default-source/parks-pdf/sarfactsheetivb.pdf?sfvrsn=2> the CRD identifies 9 species that it says are "confirmed resident species" in Island View Beach Regional Park. These include the Common Nighthawk, the Fleshy Jaumea, the American Glehnia, and the Sand-Verbena moth.

I would like:

- copies of the records that led to this determination for each of these 4 species*
- copies of the emails, both internal and external, that discuss these*
- copies of working papers and drafts that refer to these*

Thank you.

Jason

In reply, Ms. Bains said they estimated 1,600 pages and umpteen hours to photocopy them for a cost of \$1,165.

- First, we both know there are not 1,600 pages. Matt Fairbairn's detailed July 2014 report, for example, was only 12 pages. I did not ask for a treatise on these species
- the first part of my request was for the records that led the CRD to make the statement that those species named are "confirmed resident" in Island View Beach

Regional Park. Todd Golumbia admitted to me that he had no personal knowledge of them, and the CRD has never claimed before that these species are in the park; so Todd must have been replying on external sources to make the claim they are there. It is that evidence of their existence in Island View Beach Regional Park I am seeking.

- Second, I would prefer to have the records, emails and working papers in electronic format, so regardless of how many there are there is no time needed to photo copy them.

Will you raise this with senior staff today please and see if they will agree to provide that information now, or whether I will need to pursue this formally with Ms. Bains.

Thanks

Jason

This e-mail and any attachments are for the use of the intended recipient only and must not be distributed, disclosed, used or copied by or to anyone else. This e-mail and any attachments may be confidential, privileged and/or subject to the Freedom of Information and Protection of Privacy Act. If you receive this message in error, please delete all copies and contact the sender. Thank you. Please consider the environment before printing this email.