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MINISTRY ORDERED TO PROCESS ACCESS TO INFORMATION REQUEST FOR OIL AND GAS PANEL RECORDS

Victoria—Information and Privacy Adjudicator Celia Francis today ruled that draft reports and other records in the possession of the Offshore Oil and Gas Scientific Panel (“Panel”) are in the control of the Ministry of Energy, Mines and Petroleum Resources. She therefore ordered the Ministry to respond to an access to information request for the same records made under the *Freedom of Information and Protection of Privacy Act* (“Act”).

The order followed an appeal of the Ministry’s decision that it did not have to process the access request on the grounds that it did not have legal custody or control of some of the records.

The original access request was made by the West Coast Environmental Law Association (“WCEL”) after the government released the Panel’s January 15, 2002 report, titled *British Columbia Offshore Hydrocarbon Development – Report of the Scientific Review Panel*. The Ministry told WCEL that the records were not in its control.

In the inquiry, the Ministry argued that the Panel was independent from government and, therefore, the Ministry did not have control of the Panel’s records. WCEL disagreed, saying that the contracts with the Panel expressly provided for Ministry control of the records and that there was no conflict between the Panel’s independence and Ministry control of the records.

Adjudicator Francis found that, while there was no indication that the Ministry had directed or influenced the Panel’s findings or report in any way, the Ministry has control of the Panel’s draft reports and other records. She ordered the Ministry to make a decision under the Act as to whether WCEL is entitled to have access to all or part of the Panel’s records.

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