

**In the Matter of a Request for Review  
Between an Applicant and the City of Nanaimo  
OIPC File 14-58563**

**SUMMARY OF INITIAL SUBMISSIONS**

1. The City submits that it properly withheld the information at issue in this Inquiry under sections 22 and 17 of the *Freedom of Information and Protection of Privacy Act* (the "Act").
2. The request at issue in this Inquiry is a short portion of a recording of a City Council meeting held on July 14, 2014 (the "Record"). The City has redacted the Record from the recording that is available for viewing on the City's website.
3. The statements made in the Record are about identifiable City employees and, therefore, constitute their employment history. Accordingly, these statements are the personal information of the third parties and fall within the scope of section 22(3)(d) of the Act. None of the factors in section 22(2) of the Act rebut the presumption in section 22(3)(d) that disclosure of employment history would be an unreasonable invasion of the privacy of the third parties.
4. As well, disclosure of the Record and further re-publication of the Record could result in defamation claims being commenced against the City. Therefore, disclosure of the Record can reasonably be expected to cause financial and economic harm to the City in accordance with section 17(1) of the Act.

**REPLY TO: VANCOUVER OFFICE**

**VIA COURIER**

May 6, 2015

Cindy Hamilton  
Registrar of Inquiries  
Office of the Information and Privacy Commissioner for B.C.  
4th Floor, 947 Fort Street  
Victoria, BC V8V 3K3

Dear Ms. Hamilton:

**Re: Inquiry - OIPC File No. F14-58563**  
**Our File No. 00037-0410**

We are attaching the City's Initial Submissions with respect to the above Inquiry. The following documents are attached:

1. Submissions:

- a. Summary of Initial Submissions;
- b. Initial Submissions - original and *in-camera*; and
- c. List of Legal Authorities;

2. Affidavits of:

- a. Bill McKay, sworn April 21, 2015 (original and *in-camera*)
- b. Ted Swabey, sworn May 4, 2015 (original and *in-camera*);
- c. Ian Howat, General Manager, April 21, 2015 (original and *in-camera*);
- d. Terry Hartley, sworn April 21, 2015 (original and *in-camera*);
- e. Guillermo Ferrero, sworn May 4, 2015 (original and *in-camera*); and
- f. Chris Jackson, sworn May 4, 2015 (original and *in-camera*).

The material that is being filed *in-camera* is highlighted in yellow in the Submissions and the above listed Affidavits and has been redacted from the Applicant's copy. The Notice of Motion, which is also being filed *in-camera*, has been removed from the Applicant's copy of the above listed Affidavits. The responsive record has also been redacted (Exhibit "E" of Mr. Ferrero's Affidavit).

If you have any questions regarding the above, please contact the writer at your earliest convenience.

Yours very truly,

YOUNG ANDERSON



Carolyn M. MacEachern  
[maceachern@younganderson.ca](mailto:maceachern@younganderson.ca)

CMM/cm

copy to: Client  
Applicant

REPLY TO: VANCOUVER OFFICE

VIA COURIER

May 6, 2015

Ron Bolin  
3165 King Richard Drive  
Nanaimo, BC V9T 4A1

Dear Mr. Bolin:

**Re: Inquiry - OIPC File No. F14-58563**  
**Our File No. 00037-0410**

Please find enclosed the City's Initial Submissions and Affidavits with respect to the above Inquiry.

We are providing the attached Submissions and Affidavits for the purposes of this Inquiry only and as required by the *Freedom of Information and Protection of Privacy Act*. The City is of the view that the information at issue in this Inquiry is the personal information of identifiable City employees that is potentially defamatory and the City is required to withhold the information. The City requests that you not publish the attached Submissions and Affidavits on your blog, as further re-publishing of this information may identify the employees and result in the risks outlined in the attached Submissions.

If you have any questions regarding the enclosed Submissions and Affidavits, please contact the writer.

Yours very truly,

YOUNG, ANDERSON



Carolyn M. MacEachern  
[maceachern@younganderson.ca](mailto:maceachern@younganderson.ca)

copy to: OIPC  
Client

Enc(s)

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