



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
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News Release

NEWS RELEASE
For Immediate Release

Aug. 14, 2014

B.C. Information and Privacy Commissioner to investigate whether government should have notified the public about potential risks at Mount Polley mine

VICTORIA—B.C.'s Information and Privacy Commissioner Elizabeth Denham will investigate whether government should have notified the public about potential risks relating to the Mount Polley mine under section 25 of the *Freedom of Information and Protection of Privacy Act*.

“My office has been closely monitoring recent events involving the Mount Polley mine tailings-pond breach, which has significantly impacted the people and lands of B.C.'s Cariboo region. In the aftermath of the breach, concerns are being raised about what government knew about the condition of the Mount Polley mine and whether the public should have been notified of potential risks before the disaster occurred,” said Commissioner Denham.

“After reviewing all publicly available information about the Mount Polley incident, and in light of a complaint received by my office, I have decided to investigate whether government was legally bound to disclose information about the Mount Polley mine to British Columbians under section 25 of the *Freedom of Information and Protection of Privacy Act*.”

Section 25 of FIPPA imposes a legal requirement on public bodies to provide citizens with timely information in two circumstances: where there is an imminent and significant risk of harm to the environment or to health or safety of the public; or where information is, for any other reason, clearly in the public interest.

In December 2013, the Commissioner published a comprehensive investigation report about a public body's duty to warn under section 25 of FIPPA. The report determined that public bodies do not fully understand their obligations to inform the public in such cases. The report made three recommendations, including policies and training for public bodies and their employees specific to section 25, and a legislative amendment that would mandate public bodies to disclose information in the public interest, even where the information is of a non-urgent nature.

In the course of an investigation, the Commissioner has the power to compel disclosure of documents, interview government or company officials, make determinations of compliance with the law and issue recommendations for change. The investigation results will be made public.

The Office of the Information and Privacy Commissioner will not make any further comment until the investigation is complete.

To access the Commissioner's December 2013 report on section 25 of FIPPA, visit:
<https://www.oipc.bc.ca/report/investigation-reports/>

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