

**OIPC File F13-54010**

In the matter of the application by the

Ministry of Technology, Innovation and Citizens' Services (Public Body)

for authorization under section 43 of the

Freedom of Information and Privacy Act (the Act)

to disregard requests from

Paul Ramsey (Me/I)

**Response to the Initial Submissions for the Public Body**

March 8, 2014

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**1. Response to the Public Body's Statements of Fact**

- 1.01 The public body states in 3.04 that I withdrew my June 18, 2013 request, which is correct on its face. The context around the withdrawal is that I was assured, and still believe, that the June 18 request would contain data entirely duplicative of the data in the July 4 request, so I withdrew it to avoid further burden to the Public Body.
- 1.02 The Public Body states in 3.05 that the matter was not resolved in mediation, which is correct on its face. Only one meeting with the Public Body occurred. At that meeting, I agreed to modify my requests to meet all the concerns raised by the Public Body. In particular, they were concerned about releasing Subject line information and 3rd party emails. I agreed to remove Subject line information from my request and agreed to the consistent anonymization of 3rd party email addresses. I also offered to provide at my own expense a computer script that would carry out the necessary data processing and 3rd party email address anonymization. The Public Body did not request any further meetings before proceeding with the Section 43 process.
- 1.03 The public body notes in passing in 4.07 that I requested logs for more servers than exist. This is correct, since I did not know exactly how many servers existed, I requested logs for servers that might exist as well as ones I knew did exist.
- 1.04 The public body notes in 4.09 that the aggregate number of lines of text requested is very large (377M). While it is large from a human point of view,

from a computational point of view, it is not. A consumer-grade laptop can filter 377M lines of text in a few minutes.

- 1.05 The public body states in 4.11 that "OCIO staff must process every message tracking log file to delete the necessary fields". The word "process" may imply manual labour to some readers, but the processing would in fact be automated computer processing.
- 1.06 The public body states in 4.13 that "government employees are permitted to use their email for personal correspondence in certain circumstances" but fails to enumerate the circumstances. The circumstances are fully enumerated in section 12.3.1 of the policy manual attached to the Affidavit of Dan Ehle.

## **2. Response to the Public Body's Claims**

- 2.01 The Public Body agrees that computer filtering can be used to automatically sever all private data columns and anonymize 3rd party emails with about 35 hours of staff time (Dan Ehle Affidavit, line 15). At mediation, I offered to provide the computer script needed for the processing, which would lower staff time further.
- 2.02 The Public Body asserts that government employees may use their email for personal correspondence (4.13), and that analysis of the data could determine relationships between employees (4.15), and that some of those relationships might be personal (4.16), even scandalous (4.17), so therefore they are required to **manually** review all the data (4.19), which would take a great deal of time (4.22, 4.23, 4.24), and therefore be vexatious (4.36).

- 2.03 The Public Body's argument hangs on whether government employees may use their email for personal correspondence (4.13). If they do not, or if they have no expectation of privacy in doing so, then the data can be **automatically** processed to sever relevant columns and anonymize 3rd party emails, in about 35 hours of staff time.
- 2.04 Section 12.3.1 (3) of the government *Core Policy and Procedures Manual* states that "Employees must have their manager's permission for the personal use of government information technology resources. Personal use of government information technology resources must not occur during peak hours and must be consistent with professional conduct and the Standards of Conduct". (Dan Ehle Affidavit, Appendix A)
- 2.05 Section 12.3.1 (4) of the government *Core Policy and Procedures Manual* states that "Any content created or transmitted using government equipment or retained within the government network will be managed as a government record. There is no expectation of personal privacy related to the use of government information technology resources except for specific privileged communications (ie, Cabinet, solicitor/client, and union representative communications)". (Dan Ehle Affidavit, Appendix A)
- 2.06 Government employees are both extremely restricted in their use of government technology for personal purposes and further are explicitly warned that such use has "no expectation of personal privacy".
- 2.07 Since government employees are highly restricted from personal email use, and are directed that all communications are government records and not

private, there should be no private personal connections to be found via analysis, and therefore there is no need for laborious manual review of the data, so the request for the files can be completed using automatic computer filtering in 35 hours of staff time, not the 17.2 years (4.23) stated by the Public Body.

- 2.08 The Public Body states in 4.20 that releasing fields other than date, time, sender, and recipient, may require security review. As discussed in mediation, I am prepared to alter my request to avoid any reasonable concerns about security. Once the decision about what fields to released is made, automatic processing can remove all private fields: meeting the stated security concerns does not require manual review of the data.
- 2.09 I submit that the request is neither frivolous nor vexatious, and should not be disregarded under Section 43 of the Act.

Respectfully submitted,  
March 8, 2014  
Victoria, British Columbia



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Paul Ramsey