

December 21, 2021

Applicant c/o  
Access and Privacy Officer  
Corporate Information Management, ATIPP Office

Final Response ATIPP Access Request 21-284

---

### Decision

The Executive Council Office searched the Deputy Minister's Office, Aboriginal Relations Division, Intergovernmental Relations and Corporate Programs Division, Major Projects Yukon branch and Implementation and Reconciliation branch and identified records responsive to Access Request #21-284. Our final response on the information is as follows:

### Access Granted in Part

The Executive Council Office has provided partial access to information and records relating to the request noted below:

- |  |
|--|
| <p><b>A:</b> All correspondence, including notes, briefing notes, emails, memoranda and meeting minutes, relating to BMC Minerals Ltd.'s Kudz Ze Kayay Project in Yukon ("KZK Project"), authored by or sent by any one of the following persons:</p> <ul style="list-style-type: none"><li>- Stephen Mills, Jasmina Randhawa, Brian Macdonald, Samantha Paterson, and Keith Maguire (Executive Council)</li></ul> <p>(collectively, the "Yukon Representatives")</p> <p><b>B:</b> All corresponding, including notes, briefing notes, emails, memoranda and meeting minutes, relating to the KZK Project, sent to any one of the Yukon Representatives from any one of the following persons:</p> <ul style="list-style-type: none"><li>- The Honourable Seamus O'Regan, Jean Francois Tremblay, Jeff Labonte, and Rinaldo Jeanty (Natural Resources Canada);</li><li>- The Honourable Melanie Joly, Paula Issak, Rebecca Turpin, Margaret Buist, Lisa Dyer, Adrian Paradis, Carey Sibbald, and Krista Magee (Canadian Northern Economic Development Agency);</li><li>- The Honourable Bernadette Jordan, Timothy Sargent, David Carter, and Helene Marquis (Fisheries and Oceans Canada); and</li><li>- Laura Cabott, Dale Eftoda, Bryony McIntyre, Lawrence Joe, Dennie Nicloux, Steve Karam, and Andrew Reid (Yukon Environmental and Socio-Economic Assessment Board).</li></ul> <p>The time period of the records sought is July 1, 2019 to October 31, 2020</p> |
|--|

Information in Cabinet records has been withheld under section 67(3)(a) as access must not be granted to Cabinet records as defined in section 67(1)(a), (c) and (f).

Personal email addresses, family status, country of origin, employee leave and information about employment history and physical health have been withheld under sections 70(1), 70(3)(a)(iii) and 70(3)(a)(iv)(A) of the ATIPP Act as disclosure would be an unreasonable invasion of third-party privacy.

Information related to login ID's and passwords has been withheld under section 72(1)(b)(vi) as disclosure could reasonably be expected to adversely affect the security of a communications system.

Information shared with legal counsel for the purpose of seeking legal advice has been redacted under section 73(a) since it is subject to legal privilege. This includes 63 pages of documents shared with legal counsel that have been withheld in full.

Information has been withheld under section 74(1)(a) as the disclosure would reveal advice and recommendations about government processes and positions prepared for a public body or a minister.

A non-public email account address and cell phone number has been removed under section 75(1)(a)(ii) since keeping such accounts non-public has monetary value to the government.

Information provided by other governments or related to consultations and agreements with other governments has been withheld under section 76(1) where the disclosure could reasonably be expected to harm relations between the Government of Yukon and a First Nation government or the Government of Canada. Fourteen pages of responsive records from the federal government have been withheld in full. These include three records of meetings (5,6 and 4 pages respectively) and two internal documents (1 and 3 pages respectively).

Commercial information of a third-party business has been removed under section 77(1)(a) because its release may reasonably be expected to result in undue financial loss or gain to the third-party.

In the interest of reducing costs for the applicant, five identical copies of the 287 page YESAB Screening Report Recommendations Kudz Ze Kayah Project – Project Number 017-0083 that were attached to responsive records have been removed (see pages 1594, 1687, 1691, 1695, 1697 ). One copy of the report has been included (pages 424-710).

Note: Email attachments with extension.png are a result of file conversion within email signatures and have been removed as they are not attachments to the emails.

### **Final Costs**

Out of scope, duplicate records and five identical reports have been removed and have not been charged.

Total hours 34.5@50pages/hour

29.5 hours (34.5 hours less 5 free hours) @\$30/hour = \$885.00

Deposit paid = \$1350.00

Refund deposit due = \$465.00

- 1647 pages granted in part or full have been charged.
- 77 pages withheld in full have been charged.

### **Right to Complain**

You have the right to make a complaint in respect of this response to the Yukon Information and Privacy Commissioner under Section 66 of the ATIPP Act, no later than 30 business days after you receive this response. To make a complaint, contact:

Yukon Information and Privacy Commissioner

3162 3<sup>rd</sup> Ave.

Whitehorse, YK Y1A 1G3

E-mail: [intake@yukonombudsman.ca](mailto:intake@yukonombudsman.ca)

Phone: (867) 667-8468; toll free (in Yukon) 1-800-661-0408 (ext. 8468)

### **Contact Person in Department**

If there are any questions, please contact Gwen Rempel, Access and Privacy Manager for the Executive Council Office at (867) 667-8774 or [eco.atipp@yukon.ca](mailto:eco.atipp@yukon.ca)

Reviewed by:	Signatures:
Stephen Mills, Deputy Minister	