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April 19, 2007

Jacquie Edwards
Director, Information Planning and Services
Office of the Premier
PO Box 9424 Stn Prov Govt
Victoria, British Columbia V8W 9V1

by fax only to (250) 356-8201

Dear Ms. Edwards:

I make this request pursuant to the *Freedom of Information and Protection of Privacy Act*.

This request is for any correspondence or other communication between Jessica McDonald, or anyone else in the Office of the Premier, and KPMG.

On April 19th the Minister of Finance told the Legislature: “Ten days before the *Globe and Mail* article did appear, the Premier and the Deputy Minister to the Premier were made aware of this particular e-mail. Immediately the deputy minister did a review, found nothing wrong, but with extra caution decided to go to an outside firm, KPMG, and asked them to do a full review of the situation. When that review is completed, it will be made available — after it's been checked for FOI issues.”

OPIC File F07-30869 concerned the “proactive release” of information by a Ministry. The Office of the Commissioner found that a release by a Ministry not in response to a request under the *Act* is essentially beyond the terms of the *Act*, including exemptions and appeal procedures. In order for the *Act* to apply, it is necessary to make a formal request for information that the government might release or has released in a proactive manner. Such a request is not redundant, and is not satisfied by any proactive release.

Government does not have the authority to overrule time limits in the *Act* by declaring that at some unspecified date of its choosing it will proactively release information. The time limits in the *Act* apply to this request.

Please confirm your receipt of this request and the file number assigned to it.

Sincerely,

David D. Schreck