

File No.: 04-1000-20-2021-279

June 21, 2021

s.22(1)

Dear s.22(1)

RE: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")

I am responding to your request of May 31, 2021 under the *Freedom of Information and Protection of Privacy Act* for:

In relation to a Virtual Open House for a City-initiated rezoning proposal for City-owned land at 625-777 Pacific Street, which can be seen at the following link: <https://shapeyourcity.ca/625-777-pacific-st> [shapeyourcity.ca]. On this webpage and in the linked documents there are views of a 3D computer model. This request is for record of the 3D computer model in FBX 2018 format.

We have completed the search for responsive records for this request and no responsive records have been located other than the image located in the publicly available link.

Subject matter experts in the Real Estate Services Department confirm the image in this link, <https://shapeyourcity.ca/625-777-pacific-st> is an extraction of a computer model and is the only record that is responsive to the request. The City confirms that the computer model itself is not a record as per the definition in Schedule 1 of the Act, "books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records".

The model itself is an approximate "point in time" draft which the City created by gleaning information from various third party computer models and city data. The computer model under discussion is made up of data from various third party and city sources and it requires a computer program to produce a three dimensional computer model (not a record) which has been instantiated as an image (snapshot of image is the record) in the link.

The data that made up the computer model is partially considered proprietary because: 1) some of the data used belongs to various third parties and 2) the data was gleaned and "modified" by the City into a model to be used for a specific purpose. The data in this computer model is not

mutable – it cannot be separated, sliced, or severed or else the model would be rendered changed and/or considered useless. Being unable to slice the data into subsets makes it impossible for the City to view/prepare the data and notify third parties. In other words, each of the data subsets assembled to create the model are not stand-alone, they all interact together to create the current computer model which cannot be viewed without a computer program.

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2021-279); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

[Signature on file]

Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

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*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

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