

## **Evidence of Delaying Tactics by the CNSOPB**

### **September 2013**

Geophysical Service Incorporated continues to find evidence of government agencies which, GSI believes are intentionally using delaying tactics in the company's access to information requests.

Here is one example GSI uncovered of a government agency which simply did not cooperate. More than that, it was misdirection, resulting in obstruction of what are reasonable expectations of the right of access to information for any Canadian citizen or company. The agency is the Canada Nova Scotia Offshore Petroleum Board which has apologized for violating the Access to Information Act.

In September of 2012 Paul Einarsson, GSI COO and Chairman filed an access to information request seeking further clarification on any secondary use of survey data related to information received in an earlier ATIA request to the board.

(That request was to obtain further documentation on Allowable Expenditure Applications which included GSI programs listed by license and in part relating to any disclosures or copies made to or for third parties, of these submissions.)

Acknowledgement of the September request was received in a letter in December of 2012 stating that the CNSOPB had no records pertaining to this request.

Looking beyond this Mr. Einarsson proceeded to make more inquiries on this file following up with emails, letters and phone calls.

In March of this 2013 legal counsel for GSI in Halifax received an email from a legal associate representing the AIA Coordinator for the CNSOPB, which was forward to GSI.

It read as follows;

*"Our client advises that its Access to Information Coordinator has recently received a number of direct communications, including telephone calls, from Paul Einarsson in respect of an access to information request made by Mr. Einarsson. Given GSI's ongoing litigation against the Board, we ask that any further communication from Mr. Einarsson or the Applicant, including access to information requests, be sent by you to us. We will direct the communication to our client and, if applicable, response will follow in accordance with the Access to Information Act."*

GSI did comply with the request believing that the existence of the current litigation justified those issues being dealt with through the lawyers. However, Paul Einarsson advised his legal counsel that he did routinely talk to other AIA coordinators at other agencies with a right to do so, irrespective of any separate legal action.

Eventually, Paul Einarsson filed a complaint with the Office of the Information Commissioner of Canada over the continued lack of response from the CNSOPB.

Additional information was requested by the OIC Investigator Sabrina Heyde, in mid-July of this year.

Einarsson followed up in this July 30<sup>th</sup> email;

*Ms. Heyde,*

*Further in relation to this file I provide the communications the outside counsel of the CNSOPB had with my external counsel... on this matter for your review.*

*Please let me know if you have further questions?*

Approximately a month later OIC investigator Sabrina Heyde communicated the results of her review of the GSI complaint, with a rather startling revelation.

She replied;

*Good morning Mr. Einarsson,*

*I am writing to follow up on your complaint as captioned above. This is a complaint relating to CNSOPB (the "Board")'s request that all further access to information requests be submitted to the Board through your legal counsel.*

*I advised the Board that such a requirement is in contravention of the Access to Information Act (the Act) and the Board has since apologized for this oversight and has undertaken to process all past and future access to information requests in accordance with the Act.*

*In light of the foregoing, I am now preparing to close this particular complaint and will be recommending a finding of **well-founded without the need to make recommendations to the Head of the Institution.***

*Should you have any questions or concerns, or wish to submit any final representations, please do not hesitate to contact me at the coordinates listed below.*

*Yours very truly,*



**Sabrina Heyde, J.D.**

*Investigator / Enquêteur*

*Office of the Information Commissioner of Canada |*

Clearly as stated in the response by the OIC investigator the Board (CNSOPB) was in violation of the Access to Information Act.

**It is GSI's opinion, this reveals abuse of the Access to Information Act by the board, which by improperly requesting all communication would have to go through legal counsel, did nothing more than delay and obstruct GSI receiving the information it needed in a reasonable and timely matter.**

**We invite you send us your comments, stories or questions.**

**Visit our website [contact page](#).**