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“Sorry” For Access Breach

A federal board has apologized for violating the *Access to Information Act* against an Alberta company.

The [Canada-Nova Scotia Offshore Petroleum Board](#) admitted to contravening the law when it told a complainant that all *Access* requests must be vetted by legal counsel.

“We got a little apology,” said Paul Einarsson, chair and COO of [Geophysical Service Inc.](#) of Calgary. “I don’t believe it’s sincere; it sounds harsh, but I want some accountability.”

Einarsson’s company, the largest owner of marine seismic data in Canada, has sued for an injunction to prevent the Nova Scotia board from distributing its copyright surveys to third parties without consent.

Geophysical Service Incorporated has also filed claims against the Department of Natural Resources, National Energy Board and Canada-Newfoundland Offshore Petroleum Board for improperly using company surveys in breach of the *Copyright Act*.

“No citizen should be exposed to this,” Einarsson said.

Stuart Pinks, CEO of the Nova Scotia board, did not respond to *Blacklock’s* interview request.

Geophysical Service deposited copies of its research with federal agencies as a condition of permits to map the ocean floor. In filing *Access* requests to determine what secondary use the Nova Scotia board made of his surveys, Einarsson was advised that such requests be forwarded to a federal attorney.

“They told us to go away,” he said. “That was wrong, and inconsistent with any citizen’s right to *Access to Information*.”

An investigator with the Office of the Information Commissioner agreed, dismissing the order as unlawful: “Such a requirement is in contravention of the *Access to Information Act* and the board has since apologized.”

It was not the first time Crown agencies have been cited for infractions in dealing with Geophysical Service Incorporated attempts to enforce its copyrights.

The information commissioner in a July application in Federal Court cited Natural Resources Canada for improperly concealing records of what it did with Einarsson’s surveys, and asked that a judge compel the department to release the information to Geophysical Service Inc.

The action is pending. Counsel for the commissioner has declined comment.

“I get a deaf ear when I try to talk to government,” Einarsson said. “I get no help; I’ve tried talking to members of cabinet, the minister of natural resources – I don’t hear from them now.”

By Tom Korsi 