



## HUU-AY-AHT TRIBUNAL NOTICE OF RESPONSE RESPONSE OF ADMINISTRATIVE DECISION MAKER

# FORM B1

NOTES: This form is to be used for a Response by or on behalf of an administrative decision maker responding to an Application.

If there is not sufficient space on this form for any of the information required, you may attach a schedule and reference it in the space provided. You may also attach documents if necessary.

Responses must be filed with the Tribunal within 14 days of service of the Notice of Application.

### APPLICATION RESPONDED TO

This is the Amended Response to Application # **2014-003**

### RESPONSE TO GROUNDS

Briefly set out your position on the Grounds for Appeal advanced in the application, including any relevant additional facts.

1. Executive Council acknowledges that it is not in compliance with the requirements of s. 4 of the *Freedom of Information and Protection of Privacy Act*.

### Additional Facts

2. As part of a recent structural reorganization, the HUU-ay-aht government has initiated a hiring process for a records officer. This position will be responsible for putting in place the administrative infrastructure required for Executive Council to bring itself into compliance with the provision at issue. It is planned and anticipated that compliance will be achieved by the end of 2014.

### RESPONSE TO RELIEF SOUGHT

Set out your position on the relief sought in the Application.

The Respondent objects to all relief sought on the following basis:

1. Declaratory relief is not appropriate in the circumstances:
  - a. as the Applicant has other statutory means at her disposal to address the issues raised in this Application which have not been exhausted;
  - b. as no right of the Applicant is raised in the situation; and
  - c. as it would serve no practical purpose; Executive Council acknowledges that it is not in compliance with the legislation and is taking steps to bring itself into compliance.
2. Depending on the timing of the tribunal's decision, the 90-day timeframe for compliance with s.4 of the *Freedom of Information and Protection of Privacy Act* could pose significant practical difficulties.

