Corporation of the Village of McBride

Freedom of Information and Protection of Privacy Requests Policy
AD – 14

Purpose:

The general purpose of this policy is to establish a process by which Freedom of Information and Protection of Privacy Requests are handled.

Regulations:

1. Requests for information made under the Act will be submitted in writing on a completed and signed `Request for Access to Records Form` (Schedule A).

2. Request for Information made under the Act will be referred to the Chief Administrative Officer. As appointed by Council, the Chief Administrative Officer will be responsible for processing all requests.

3. Responses to requests made under the Act will be made in accordance with rules and timelines set out in the Act. Access to all documents and records of the Village that are subject to release under the Act will be granted to the person preparing the response.

4. Requests for information that are subject to a payment as stipulated by the Act must be paid before the information is released.

5. The responsibilities of the Head are attached in Schedule B.

6. Village Staff will refer to the process outlined in the "LGMA Freedom of Information and Protection of Privacy Act Toolkit for Local Government Organizations".

Approved through Council Resolution: 035/14 this 11th day of February, 2014.

_____
        CAO Signature

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Schedule "A"

YOUR NAME			
Last Name	First Name	Middle Name	☐Mr. ☐Mrs. ☐Miss ☐Ms ☐Other _____

YOUR ADDRESS			
Street, Apt.#, PO Box, RR No.	City/Town	Prov./Terr.	Postal Code

YOUR TELEPHONE / FAX NO.(s) (incl. area code)		
Day phone ( )	Email Address ( )	Day Fax No. ( )

DETAILS OF REQUESTED INFORMATION	
Please describe the records you are requesting. Be as specific as possible, as this will assist the Request process. Attach a separate sheet, if the space below is not sufficient.	Please specify any Ref # or File #, if known.

Are you requesting access to another person's personal information? ☐ YES ☐ NO
If so, please attach, as appropriate:
   a)   That person's signed consent for disclosure, or
   b)   Proof of authority to act on that person's behalf

Preferred method of access to records: ☐ Examine Original ☐ Receive Copy	Your signature	Date signed: YY/MM/DD

FOR PUBLIC BODY USE ONLY	
Request No.	Request Category: ☐ ACCESS TO GENERAL INFORMATION ☐ ACCESS TO PERSONAL INFORMATION
Request Code	Date Rec'd YY/MM/DD FOI Head/Coordinator Signature

Schedule "B"
DUTIES AND FUNCTIONS OF HEAD

Section	Description
6(1)	The duty to assist applicants.

12.1   The duty to refuse to disclose to an applicant information that would reveal:

 (a) a draft of a resolution, bylaw or other legal instrument by which the local public body acts or a draft of a private bill, or

 (b) the substance of deliberations of a meeting of its elected officials or of its governing body or a committee of its governing body, if an Act or a regulation under this Act authorizes the holding of that meeting in the absence of the public.

13   The duty to refuse to disclose information that would reveal advice or recommendations developed by or for a public body.

14   The duty to refuse to disclose information subject to solicitor/client privilege.

15   The duty to refuse to disclose information if the disclosure could reasonably be expected to harm a law enforcement matter or that would have any of the other results set out in Section 15 of the Act.

16   The duty to refuse to disclose information if the disclosure could reasonably be expected to be harmful to intergovernmental relations or negotiations in accordance with Section 16 of the Act.

17(1)   The duty to refuse to disclose information which could reasonably be expected to harm the financial or economic interests of a local public body or the government of British Columbia or the ability of that government to manage the economy including the matters set out in Section 17(1) of the Act.

17 (1.1)   The duty to refuse to disclose research information under Section 17(1.1) of the Act.

18   The duty to refuse to disclose information if the disclosure could reasonably be expected to result in damage or to interfere with the conservation of any of the things referred to in Section 18 of the Act (heritage sites, endangered species, etc.).

Schedule "C"
Responding to Requests

The request is received by the local government body and is then directed to the Head. The Head determines first whether the request is for a record which is routinely accessible or not. If yes, then the Head provides the record. If no, the Head proceeds to the next step.

The Head assigns a number to the request and makes a preliminary review of the request to:
- determine if there is sufficient information to process the request or if additional information is needed;
- determine whether the record is in the custody and control of the local government body, and
  o if so, where the records might be located; or
  o if not, then to which public body the request should be transferred;
- determine the time frame for processing the request in order to comply with legislated response times;
- determine whether the records requested contain information about a third party and if so, prepares the third party notification; and
- prepare a fee estimate, if necessary.

If necessary, the Head should seek clarification from the applicant to garner additional information in order to process the request.

The Head acknowledges receipt of the request for access, indicating when a response will be provided (within the 30 business day time frame pursuant to section 7 of the Act) and provides the applicant with a written fee estimate, if applicable.

The Head sends a request to the applicable department(s) to retrieve the records which are the subject of the request and ask for a time estimate to retrieve the records. If it becomes apparent that additional time will be required to process the request, the Head will deal with the issue by means of a time extension.

The department should conduct a thorough search for all applicable records and provide those records to the Head.

The Head will review the records to determine what information can or cannot be released to the applicant and marks the records for severing.

The Head severs the information which cannot be released and completes the preparation of the response package to be provided to the applicant.

The Head prepares the final response to accompany the record package and provides all releasable records to the applicant.

If the applicant is not satisfied with any aspect of the local government body's response to the request, the applicant may appeal to the Office of the Information and Privacy Commissioner ("OIPC") to review the response.

Various decisions are made at each stage of the process. The Head may be required to take additional steps in order to comply with the requirements of the Act. The applicant or a third party impacted by any of the decisions made by the Head has a right to ask the OIPC to review those decisions.