

CENTRAL COAST REGIONAL DISTRICT

BYLAW NO. 431

A Bylaw to amend the administration of the Freedom of Information and Protection of Privacy Act and to repeal Bylaw 239, 1994.

WHEREAS under section 77 of the *Freedom of Information and Protection of Privacy Act*, a local government:

- (a) *Must designate a person or group of persons as the head of the local public body for the purposes of this Act, and*
- (b) *May set any fees the local public body requires to be paid under section 75.*

NOW THEREFORE, the Board of the Central Coast Regional District in open meeting assembled enacts as follows:

1.0 Definitions and Interpretation

1.1 The definitions contained in Schedule 1 of the Act shall apply to this bylaw except where the context requires otherwise.

1.2 Unless otherwise defined herein, all words and phrases in this Bylaw shall have the meaning given to them in the *Local Government Act*, and *Community Charter*. In this bylaw :

Act means the *Freedom of Information and Protection of Privacy Act, R.S.B.C 1996, Chapter 165;*

Board means the Board of the Central Coast Regional District;

Commercial Applicant means a person who makes a request for access to a record to obtain information for use in connection with a trade, business profession or other venture for profit;

Coordinator means the person designated in section 2.0 of this Bylaw as the Information and Privacy Coordinator;

Head means the person or group of persons designated as the Head of the Regional District under section 3 of this Bylaw;

Regional District means the Regional District of the Central Coast; and

Request means a request under section 5 of this Act.

Board Meeting
 SEP 11 2014
 CCRD ITEM E(2)

2.0 Administration

- 2.1 The Chief Administrative Officer is designated as the Head for the purposes of the Freedom of Information and Protection of Privacy Act.
- 2.2 The duties and Function of Head which remain those of the Head are set out for reference in Appendix 1.
- 2.3 The Board hereby designates the Chief Administrative Officer to be the Information and Privacy Coordinator.

3.0 Powers of Coordinator

The Board hereby authorizes the Coordinator to perform the following duties of exercise the following function of the Head under the Act:

3.1 Responding to Requests

- i. The duty to create a record from a machine readable record in the custody or under the control of the Regional District using its normal computer hardware or software and technical expertise if creating the record would not unreasonably interfere with the operations of the regional district.
- ii. The power to respond to a request except where the Head has the discretion under the Act to determine whether a record shall be released or withheld from disclosure.
- iii. The power to respond to a request except where the Head has made a decision regarding the disclosure or non-disclosure of a record.
- iv. The power to refuse in a response to confirm or deny the existence of:
 - a) A record contain information describe in section 15 of the Act (disclosure harmful to law enforcement), or
 - b) A record containing person information of a third party if disclosure of the existence of the information would be an unreasonable invasion of that party's personal privacy.
- v. The duty to:
 - a) Provide an applicant with a copy of a record or part of a record with a response where the record can reasonably be reproduced, or
 - b) To give reasons for the delay in providing the record.

3.2 Extension of Time

- i. The power to extend the time for responding to a request for up to 30 days under Section 10 of this Act (extending time limit for responding).
- ii. The power to apply to the Information and Privacy Commissioner for a longer time period for response to a request where:
 - a) The applicant does not give enough detail to enable the regional district to identify a requested record,

- b) A large number of records is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the regional district,
- c) More time is needed to consult with a third party, or other public body before the head can decide whether or not to give the applicant access to a requested record, or,
- d) The applicant has consented, in the prescribed manner, to the extension,
- e) A third part asks for a review under section 52(2) or 62 (2) of the Act.

3.3 Transfer of Request

- i) The power to transfer a request and, if necessary, the records to another public body (one or more of the following applies):
 - a) The record was produced by or for the other public body,
 - b) The other public body was the first to obtain the record, or
 - c) The record is in the custody or under the control of the other public body.
- ii) The power to notify the applicant of the transfer.

3.4 Information to be Released Within 60 Days

- i) The power to notify an applicant of the publication or release of information that the Head has refused to disclose under section 20 (1) (b) of the Act on the basis that the information is to be published or released to the public, within 60 days after the applicant’s request is received.

3.5 Business Interests

- i) The power to refuse to disclose to an applicant information that would reveal:
 - a) Trade secrets of a third party, or
 - b) Commercial, financial, labour relations, scientific or technical information of a third party;
- ii) The power to refuse to disclose to an applicant information that is supplied, implicitly or explicitly, in confidence.
- iii) The power to refuse to disclose to an applicant information of which could reasonably be expected to:
 - a) Harm significantly the competitive position or interfere significantly with the negotiating position of the third party,
 - b) Result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,
 - c) Result in undue financial loss or gain to any person or organization, or

- d) Reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.
- iv) The duty to refuse to disclose to an applicant information that was collected on a tax return or gathered for the purpose of determining tax liability or collecting a tax.
- v) The duty set out in paragraphs (1) and (2) is subjected to section 21(3) of the Act which provides that the duty to refuse disclosure does not apply if third party consent to the disclosure or the information is in a record that is in the custody or control of the British Columbia Archives and Records Service or the archives of a public body and that has been in existence for 50 or more years.

3.6 Notification

- i) The power to notify a third party that the regional district intends to give access to a record that the Coordinator has reason to believe contains information that might be expected from disclosure under section 21 (disclosure harmful to business interest of a third party) or section 22 (disclosure harmful to personal privacy) of the Act.
- ii) The power to give notice under section 23 (2) of the Act where the Coordinator does not intend to give access to a record that contains information excepted from disclosure under section 21 (disclosure harmful to a business interests of a third party) or section 22 (disclosure harmful to personal privacy) of the Act. The power to give written notice of the decision where or not to give access to a record that the Coordinator has reason to believe contains information that might be expected from discloser under section 21 or 22 of the Act to applicant and a third party.

3.7 Public Interest

The power to disclose information in accordance with section 25 of the Act to the public, to an affected group of people to an applicant:

- a) About a risk of significant harm to the environment or to the health or safety of the public or a group of people,
- b) The disclosure of which is, for any other reason, clearly in the public interest.

3.8 Information Protections

- i) The power to protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.
- ii) The duty to refuse to disclose information to an applicant if the disclosures is prohibited or restricted by or under another Act.

3.9 Commissioner's Orders

The power to comply with an order of the Information and Privacy Commissioner.

4.0 Fees

An applicant making a request shall pay to the regional district the fees set out by section 75 of the Act set out in Schedule “A” for the purpose of:

- (a) Locating, retrieving and producing the record;
- (b) Preparing the record for disclosure;
- (c) Shipping and handling the record;
- (d) Providing a copy of the record.

5.0 Citation

This bylaw may be cited as “Freedom of Information and Protection of Privacy Act Bylaw 431, 2014”.

6.0 Repeal

Central Coast Regional District Bylaw No. 239 “Central Coast Regional District Freedom of Information Bylaw No. 239, 1994” is repealed.

READ A FIRST TIME THIS 10th day of July, 2014.

READ A SECOND TIME THIS 10th day of July, 2014.

READ A THIRD TIME THIS 10th day of July, 2014.

RECONSIDERED AND ADOPTED this _____ of _____, 2014.

Chairperson

Corporate Administrator

CENTRAL COAST REGIONAL DISTRICT
FUNCTIONS OF HEAD

APPENDIX 1

Section	Description
6(1)	The Head must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
12(1)	The power to refuse to disclose to an applicant information that would reveal the substance of deliberations of the Board of Directors, commissions or any of its committees, including any advice, recommendations, policy considerations or draft legislation or regulations submitted or prepared for submission to the Executive Council or any of its Committees.
13(1)	The power to refuse to disclosure information that would reveal advice or recommendations developed by or for a public body.
14	The power to refuse to disclose information subject to solicitor client privilege.
15	The power 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 power 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 power 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(2)	The power to refuse to disclose research information if the disclosure could responsibly be expected to deprive the researcher of priority of publication under section 17(2) of the Act.
18	The power to refuse to disclose information if the disclosure could reasonably be expected to result in damage to or interfere with the conservation of any of the things referred in section 18 of the Act (heritage sites, endangered species, etc.).
19(1)	The power the refuse to disclose information, including personal information about an applicant, where the disclosure could reasonably be expected to threaten anyone else's safety or mental or physical health or interfere with public safety under section 19 (1) of the Act.
19(2)	The power to refuse to disclose to an applicant personal information about the applicant if the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's safety or mental or physical health under section 19(2) of the Act.

- 22 The power to refuse to disclose personal information of disclosure would be unreasonable invasion of a third party's personal privacy under section 22 of the Act.
- 24 The duty to make a decision and to give written notice of a decision under section 24 of the Act.
- 70 The duty to make available to the public manuals, instruction, or guidelines issued to the offices or employees of the public body or substantive rules or policy statements adopted by the public body in accordance with section 70 of the Act.
- 71 The power to prescribe categories of records that are in the custody or under the control of the public body and that are available to the public on demand without request for access under the Act, to require persons who as for a copy of an available record to pay a fee to the public body in accordance with section 71 of the Act.
- 75(5) The power to excuse an applicant from paying all or part of a fee if, in the Head's opinion, the applicant cannot afford the payment or for any other reason it is fair to excuse payment or for any other reason it is fair to excuse payment where the record relates to a matter of public interest, including the environment or public health or safety.

CENTRAL COAST REGIONAL DISTRICT
RECORD TYPES

APPENDIX 2

The following list identifies some of the most common record types that are routinely available to the public and includes categories of both routinely available records as well as those requiring a request under the *Freedom of Information and Protection of Privacy Act*. The list should be used to determine whether or not a particular record can be released routinely or whether a more formal review is required. It is by no means exhaustive listing and is meant only as guide.

Subject Heading	Routine	FOI Request Required
A		
Access to Information Requests (FOIPPA)		X
Accident Reports - Employees		X
Accident Reports - Other		X
Accounts Payable - General Information	X	
Accounts Payable - Individual Vendors Case Files		X
Accounts Payable - Invoices		X
Accounts Receivable - General Information	X	
Accounts Receivable - Individual Account Case Files		X
Administration - Organization Charts	X	
Advertising - Statutory Notices for Public Hearings, Development Variance Permit, etc.	X	
Advertising - Other	X	
Agendas - Advisory Committees, Boards and Commissions of the Regional District	X	
Agendas - Board, Special Committees, etc. - Open Meetings	X	
Agendas - Board, Special Committees, etc. - Closed Meetings		X
Agreements		X
Application Forms (completed) - Various		X
Agricultural Land Commission - Individual Case Files		X
Arbitration Decisions		X

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Subject Heading	Routine	FOI Request Required
Assessment Roll/Information - The public is to contact BC Assessment directly		
Audits/Auditor's Reports		X
Awards - Nomination Forms/Applications		X
B		
Banners	X	
Bear Aware Program - General Information	X	
Benefits - Employees		X
Board - Financial Disclosure forms	X	
Board - Indemnities/Remuneration see Statement of Financial Information	X	
Board - Personal Information (i.e. Home address)		X
Board Meetings - Minutes/Agendas/Reports - Open Meetings	X	
Board Resolutions - Closed (In Camera) Meetings		X
Board Resolutions - Open Meetings	X	
Board of Variance - Applications and supporting documents		X
Board of Variance - Minutes and Agendas	X	
Boil Water Advisory - General Information	X	
Bonds and Letters of Credit		X
Budgets - General Information	X	
Budgets - Annual	X	
Budgets - Capital	X	
Budgets - Draft	X	
Budgets - Operating- Final	X	
Budgets - Yearly Financial Report	X	
Building Plans/Drawings *Copyrighted*		X
Building Regulations and General Information	X	
Buildings - Regional District Owned - Individual Case Files		X
Burial Permits	X	
Burning Permits	X	
Bylaws	X	

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Subject Heading	Routine	FOI Request Required
Bylaws - Draft		X
Bylaws - Enforcement/ Complaints		X
C		
Cheques/Cheques Requisitions		X
Circulars, Directives, Orders	X	
Claims - General Information	X	
Claims - Individual Case Files		X
Classifications - Jobs		X
Collective Agreements - Draft		X
Collective Agreements - Final	X	
Commercial Vehicle Licenses/Permits		X
Committee Appointments - Applications		X
Committees - Internal/Staff - Agenda/Minutes		X
Committees, Commissions, Boards - Agenda/Minutes	X	
Competitions - Jobs		X
Complaints		X
Contracts/Agreements/Leases		X
Court of Revision - Elections - Agendas/Minutes	X	
Court of Revision - Frontage Tax - Agendas/Minutes	X	
Criminal Record Checks - Staff and Volunteers		X
D		
Debt and Debenture		X
Demographic Data	X	
Design Guidelines	X	
Development - Individual Area Plans	X	
Development Cost Charges	X	
Development Guidelines	X	
Development Permits & Development Variance Permits - General Information	X	

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Subject Heading	Routine	FOI Request Required
Development Permits & Development Variance Permits - Applications		X
Development Permits & Development Variance Permits - Individual Case Files		X
E		
Easements/Rights of Way/Encroachments/Restrictive Covenants	X	
Economic Development - General Information	X	
Economic Development - Newsletter	X	
Elections - List of Registered Electors	X	
Elections - Campaign Financing Disclosure Forms	X	
Elections - Nomination Papers	X	
Election - Results	X	
Emergency Measures - Business Recovery Plans	X	
Emergency Measures - Regional District's Emergency Plan	X	
Employee Benefits		X
Employees Classification	X	
Employees - Individual Case Files - Current		X
Employees - Individual Case Files - Terminated		X
Employment Applications/Resumes		X
Engineering Project Files		X
Expense Accounts - Council/Staff See Accounts Payable	X	
Expense Claims - Council/Staff	X	
F		
Facilities - Regional District Owned		X
Financial Audits		X
Financial Disclosure Forms - Board of Directors	X	
Financial Disclosures Forms Employees		X
Financial Statements	X	

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Subject Heading	Routine	FOI Request Required
Fire Incident Reports		X
Fire Cause Determination Reports		X
Fire Inspection Reports		X
First Aid/WCB Reports		X
Freedom of Information and Protection of Privacy - Individual Requests for Information/Change of Personal Information		X
G		
Garbage Collection/Recycling Calendar	X	
Geographic Information System (GIS) - Database and Mapping Information	X	
Government Protocols and Cost-Sharing Agreements		X
Grants from Regional District - General Information	X	
Grants from the Regional District - Request/Applications		X
Grants to the Regional District - General Information	X	
Grievances - Individual Case Files		X
H		
Heritage Sites		X
I		
Inspections - Workers Compensation Board		X
Insurance Policies		X
Insurance - Employees Benefits		X
Inventories and Asset Control		X
Invoices		X
J		
Job Description	X	
Job Evaluations		X

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Subject Heading	Routine	FOI Request Required
K		
L		
Labour Negotiations		X
Landfill Operations - General Information	X	
Land Sale/Options/Exchange/Transfer		X
Leases		X
Legal Opinions		X
Legal Opinions - Invoices/Costs		X
Litigation - Individual Case Files		X
Litigation - Invoices/Costs		X
Long Term Disability - Individual Case Files		X
M		
Management Reviews		X
Maps	X	
Minutes - Advisory Committees, Boards and Commission of Board	X	
Minutes - Board, Special Committees, etc. - Open Meetings	X	
Minutes - Board, Special Committees, etc. - Closed Meetings		X
Mission Statement	X	
N		
News/Media Releases	X	
Newsletter - Regional District	X	
Nomination Papers - Elections	X	
Notice on Title (i.e. Building Contravention)	X	
O		
Official Community Plan	X	
Operating Budgets - See Budgets		
Organization Review/Audits	X	
P		
Payroll		X
Performance Planning and Review		X

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Subject Heading	Routine	FOI Request Required
Petitions (to Council)	X	
Policies and Procedures	X	
Proposals		X
Public Hearings - Minutes/Agendas/Notices	X	
Purchase Orders		X
Q		
Quotations		X
R		
Reclassifications		X
Recreation Programs - General Information	X	
Recreation Programs - Applications/Registrations		X
Recreation Surveys		X
Remuneration - Board	X	
Remuneration -Staff		X
Reports - Annual	X	
Reports - Financial	X	
Reports, Videos, CDs - Specific Projects		X
Reports and Statistics	X	
Reports to Board	X	
Reports to Board - Closed (In Camera) Meetings		X
Restrictive Covenants - See Land Titles Office for registered documents		
Rezoning Applications		X
Rezoning - General Information	X	
Rezoning - Individual Case Files	X	
Rezoning Notifications	X	
Rights of Way, Easements	X	
S		
Salaries - Staff		X
Sewage Dumping (Outside Agencies)	X	
Signing Authorities - List	X	
Staff Meetings Minutes and Agendas		X
Staff Reports - Open Meeting	X	
Staff Reports - Closed (In Camera) Meetings		X

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Subject Heading	Routine	FOI Request Required
Statement of Financial Information	X	
Subdivisions Plans - Individual Case Files		X
Subdivision Plans (registered in Land Titles)	X	
Surveys of the Public	X	
T		
Taping of Meetings (Open)	X	
Taping of Meetings (Closed)		X
Tax Exemptions	X	
Taxation Assessments - General	X	
Taxes Paid	X	
Telephone Bills		X
Tenders	X	
Timesheets (payroll)		X
Training and Development - General Information	X	
Training and Development - Individual Employees		X
Trails - General Information	X	
Transit - General Information	X	
Travel Advances		X
Travel Allowance and Expenses		X
U		
Unsanitary Premises - Complaints		X
Utilities (Water, Sewer, Garbage) - Paid	X	
V		
Variance Permits - See Development and Development Variance Permits		
Vendors/Suppliers - Individual Case Files		X
W		
Water Quality Reporting	X	
Workers Compensation Board (WCB) - Claims		X
Workplace Inspections		X
Work plans		X
Works and Services Agreement	X	

Subject Heading	Routine	FOI Request Required
X, Y, Z		
Zoning and Rezoning - General Information & Regulations	X	
Zoning and Rezoning - Individual Applications and Supporting Documents		X
Zoning and Rezoning - Individual Case Files		X
Zoning and Rezoning - Public Hearing Notices/Agendas/Notes/Reports to Council/Letters of Support Or Objections	X	

SCHEDULE "A"

SCHEDULE OF MAXIMUM FEES

1. For applicants other than commercial applicants. (See Section 75 of the Act for further information).

(a) for locating and retrieving a record	\$7.50 per 1/4 hour after the first 3 hours
(b) for producing a record manually	\$7.50 per 1/4 hour
(c) for preparing a record for disclosure	\$7.50 per 1/4 hour
(d) for shipping copies	actual costs of shipping method chosen by applicant
(e) for copying records	
(i) photocopies and computer print outs (black and white)	\$0.50 per page (8.5" x 11"); \$0.75 per page (8.5" x 14"); \$1.00 per page (11" x 17")
(ii) Photocopies and computer print outs (colour)	\$1.00 per page (8.5" x 11"); \$1.50 per page (8.5" x 14"); \$2.00 per page (11" x 17")
(iii) CDs and DVDs recordable or rewritable	\$4.00 per disk
(iv) plans	See e(i) and e(ii)
(f) other	at the discretion of the CAO

2. For commercial applicants

The actual cost of providing the Service