

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

Freedom of Information Bylaw No. 590, 2014

A bylaw for the administration of the Freedom of Information and Protection of Privacy Act

WHEREAS, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 as amended, requires that a regional district to designate the Head and set any fees for services;

NOW THEREFORE, the Board of the Skeena-Queen Charlotte Regional District, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited for all purposes as the "Skeena-Queen Charlotte Regional District Freedom of Information Bylaw No. 590, 2014."

Definitions and Interpretation

2. (a) The definitions contained in Part 1 of the *Act* shall apply to this Bylaw.

(b) In this Bylaw:

"Act" means the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended;

"Board" means the Board of the Skeena-Queen Charlotte 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 3(2) of this Bylaw as the Information and Privacy Coordinator;

"Head" means the person designated under section 3(1) of this Bylaw as the Head;

"Regional District" means the Skeena-Queen Charlotte Regional District; and

"Request" means a request under section 5 of the *Act*.

Administration

3. (a) The Corporate Officer, or his/her Deputy, is designated as the Head for the purposes of the *Act*;

(b) The Corporate Officer, or his/her Deputy, is designated as the Information and Privacy Coordinator;

(c) For the purposes of the *Act*, the Head and the Coordinator shall act in their respective capacities for all Boards, Commissions and Committees of the Regional District; and

(d) The duties and functions of the Head are set out for reference in Appendix 1.

Powers of the Coordinator

4. The Head may delegate any of the Head's duties under the *Act* to the Coordinator.

Fees

5. An applicant making a request shall pay to the Regional District the fees set out in Schedule "A" to this bylaw for the purposes of:

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

Repeals

6. (a) The "Skeena-Queen Charlotte Regional District Freedom of Information Bylaw No. 297, 1995" is hereby repealed; and

(b) For certainty, the following amendment bylaws are hereby repealed:

- "The Administration of the Freedom of Information and Protection of Privacy Bylaw No. 421, 2001."

READ A FIRST TIME this 21st day of November, 2014.

READ A SECOND TIME this 21st day of November, 2014.

READ A THIRD TIME this 21st day of November, 2014.

ADOPTED this 21st day of November, 2014.

Chair

Corporate Officer

APPENDIX 1

| Section of the Act | Description |
|--------------------|---|
| 6(1) | The duty to assist applicants. |
| 8(2) | The power to refuse a response to confirm or deny the existence of: <ul style="list-style-type: none"> a) A record containing information described in section 15 of the Act (information harmful to law enforcement); or b) A record containing personal information of a third party if disclosure of the existence of the information would be an unreasonable invasion of that party's personal privacy. |
| 12.1 | The power to refuse to disclose to an applicant information that would reveal: <ul style="list-style-type: none"> 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 power to refuse to disclose 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(1.1) | The power to refuse to disclose research information under section 17(1.1) 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 matters referred to in section 18 of the Act. |
| 19(1) | The power to 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. |
| 20(1)(b) | The power to refuse to disclose information that will be released or published within 60 days. |
| 21 | The duty to refuse to disclose information harmful to the business interests of a third party in accordance with section 21 of the Act. |
| 22 | The power to refuse to disclose personal information if disclosure would be an 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, instructions, 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 available to the public on demand without request for access under the Act, to require persons who ask for a copy of an available record to pay a fee to the public body in accordance with section 71 of the Act. |

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| 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 where the record relates to a matter of public interest, including the environment or public health or safety. |
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SCHEDULE "A"

1. FEES – FOR APPLICANTS OTHER THAN COMMERCIAL APPLICANTS

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| (a) For locating and retrieving a record | \$12.50 per ¼ hour after the first 3 hours |
| (b) For producing a record manually | \$12.50 per ¼ hour |
| (c) For producing a record from a machine readable record | \$16.50 per minute for cost of use of mainframe processor on all locally attached devices plus \$7.50 per ¼ hour for developing a computer program to produce the record |
| (d) For preparing a record for disclosure | \$7.50 per ¼ hour |
| (e) For shipping copies | Actual costs of shipping method + handling |
| (f) For copying records: | |
| i. Photocopies and computer printouts | \$0.25 per page (8.5" x 11") and \$0.30 per page (11" x 17") |
| ii. Microfilm/fiche to paper duplication | \$0.50 per page |
| iii. Photographs | \$5.00 to produce a negative \$12.00 each for 16" x 20" \$9.00 each for 11" x 14" \$4.00 each for 8" x 10" \$3.00 each for 5" x 7" |
| iv. Photographic print of textual, graphic or cartographic record (8" x 10") | \$12.50 each |
| v. Hard copy laser print B/W 300 dots/inch | \$0.25 each |
| vi. Hard copy laser print B/W 1200 dots/inch | \$0.40 each |
| vii. Hard copy laser print, colour | \$1.65 each |
| viii. Photomechanical reproduction of 105 mm cartographic record/plan | \$3.00 each |
| ix. Slide duplication | \$0.95 each |
| x. Plans | \$1.00 per square metre |
| xi. Audio cassette duplication | \$10.00 plus \$7.50 per ¼ hour of recording |
| xii. Video cassette (1/4" or 8 mm) | \$11.00 per 60 minutes cassette plus \$7.50 per ¼ hour of recording \$20.00 per 120 minutes cassette plus \$7.50 per ¼ hour of recording |
| xiii. Video cassette (1/2" duplication) | \$15.00 per cassette plus \$11.00 per ¼ hour of recording |
| xiv. Video cassette (3/4" duplication) | \$40.00 per cassette plus \$11.00 per ¼ hour of recording |

For additional forms of records not outlined in this Bylaw, dependant on availability, the maximum fee to locate, retrieve and produce these records will be charged in accordance with the *Freedom of Information and Protection of Privacy Act*.

2. FEES – COMMERCIAL APPLICANTS

For each service listed above, the cost will be the actual cost of providing that service.