

	POLICY / PROCEDURE		No.	1.8
	Access to Information and Privacy Management Program		Effective Date	March 14 2023
			Revision Letter	
			Council Approval	2023-05-05

1. PURPOSE

The purpose of this policy is to set out the District's access to information and protection of privacy responsibilities as outlined in the *Freedom of Information and Protection of Privacy Act* (the Act).

2. SCOPE

This policy applies to all District staff, volunteers, Council members, and service providers.

3. SUMMARY

This document sets out procedures for:

- the provision of public access to information and records;
- the protection of personal information collected and used by the District; and
- the management of privacy breaches.

4. DEFINITIONS

Personal information means recorded information about an identifiable individual, including their name, address, telephone number, race, ethnicity, age, fingerprints, social insurance number, driver's license number, and health, educational, financial, criminal, or employment history.

Contact information means information that enables an individual at a place of business to be contacted, for example, name, position, business telephone number, business address, and business email. This is not considered *personal information*.

Record means any information that is recorded or stored by any means.

Custody means having physical possession of a record, including responsibility for access, managing, maintaining, preserving, disposing, and providing security.

Control means the authority to manage, restrict, regulate, or administer the use or disclosure of a record through its lifecycle.

FOI Coordinator means the Corporate Officer or a person designated by the Corporate Officer to manage an FOI request.

Privacy Officer means the staff person responsible for ensuring that the District meets its obligations for the protection of privacy under FOIPPA. The Corporate Officer is the District's Privacy Officer.

5. PROCEDURE

ACCESS TO INFORMATION

5.1 Routine Requests

The public has the right to request information and records that are in the custody or control of the District. Staff will make every reasonable effort to assist applicants and to respond to information requests without delay. Most requests are for information that is not sensitive or personal. These routine requests will be fulfilled in a timely manner.

5.2 FOI Requests

Requests for records that may contain sensitive, confidential, or personal information are called Freedom of Information (FOI) requests. These requests are processed in accordance with the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

If you are uncertain if a record may be provided, please check with the Corporate Officer. The Corporate Officer is responsible for management of all privacy issues, including FOI requests.

FOI Request Procedure

- a. When an FOI request is received, the *FOI Coordinator* will contact the requestor to confirm and clarify the request.
- b. The FOI Coordinator will work with other departments to gather the records and identify any confidential or sensitive information.
- c. The FOI Coordinator will provide the requestor with a fee estimate if there will be a fee for fulfilling the request.
- d. Third-party consultations will be conducted if required or as a courtesy.
- e. The FOI Coordinator will review the records and sever any information as required under FOIPPA.
- f. The prepared records will be reviewed and released to the requestor.
- g. If the requestor is not satisfied with the response, they may contact the Office of the Information and Privacy Commissioner to request a review of how the District handled the request.

PROTECTION OF PRIVACY

FOIPPA protects the personal privacy of individuals by restricting how and when a public body may collect, use, and disclose personal information.

5.3 Collection of Personal Information

We will collect personal information only when necessary to provide a program or service.

5.4 Privacy Impact Assessments

A privacy impact assessment is a tool designed to ensure compliance with FOIPPA's privacy requirements by requiring that staff consider all potential privacy issues when developing a new program.

We will create a privacy impact assessment (PIA) for every new initiative that will include the collection of personal information. Staff will work with the Privacy Officer, through completion of the PIA, to ensure that only personal information that is necessary is collected, that appropriate security measures are in place for the protection of personal information, and that individuals have access to and the ability to correct any personal information collected by or held by the District.

5.5 Notice of Collection

A notification statement must be included on all District forms where personal information is collected. The notice will state the purpose of collecting the information, the legal authority for collecting it, and the title and contact information of the Privacy Officer. Department managers will work with the Privacy Officer in developing appropriate notices of collection for their initiatives.

5.6 Use of Personal Information

We will use personal information only for the purpose for which it was collected, or for a use consistent with this purpose.

5.7 Disclosure of Personal Information

We may disclose personal information to staff or service providers on a "need-to-know" basis only. We will follow the requirements of FOIPPA in all our dealings with personal information.

5.8 Security

We will protect personal information in our custody or control through reasonable security measures that may include:

- Locking cabinets where personal information is stored;
- Limiting access to digital records;
- Storing sensitive information in secured folders;

5.9 Retention of Personal Information

We will retain personal information for at least one year after it has been used to make a decision that directly affects an individual. Personal information will be destroyed after this date according to the LGMA Records Management destruction schedule.

PRIVACY BREACH RESPONSE

- 5.10** The Privacy Officer will notify affected individuals and the Office of the Information and Privacy Commissioner for British Columbia, without unreasonable delay, if they

experience a privacy breach that could reasonably be expected to result in significant harm to affected individuals.

- 5.11 The Privacy Officer will take immediate, common-sense steps to limit a breach.
- 5.12 The Privacy Officer will assess the potential harm from a breach and take steps to mitigate any harm.
- 5.13 The Privacy Officer will investigate the causes of a breach with the objective of developing and implementing measures designed to prevent future breaches.

PRIVACY-RELATED COMPLAINTS

- 5.14 Staff will refer all privacy-related complaints to the Privacy Officer.
- 5.15 The Privacy Officer will follow the procedures set out in Administrative Fairness Policy No. 1.1 in receiving, investigating, and responding to a privacy-related complaint.

EDUCATION & AWARENESS

- 5.16 The Privacy Officer will ensure that information regarding access to information and the District's privacy program is available to the public on the District website.
- 5.17 The Privacy Officer will provide training to administrative staff regarding their roles and responsibilities in providing access to information and protection of privacy.
- 5.18 Staff, volunteers, service providers, and Council members will familiarize themselves with this policy.
- 5.19 The Privacy Officer will work with department managers in crafting and implementing PIAs as required.
- 5.20 Service providers will familiarize themselves with this policy and will acknowledge their roles and responsibilities in ensuring the protection of privacy.

6. RESPONSIBILITIES

- 6.1 Every staff member, volunteer, service provider, and Council member has the following responsibilities:

Access to Information

- a. Be aware of the difference between routine and FOI requests for information;
- b. Respond to all routine requests in a timely manner;
- c. Forward all FOI requests to the *FOI Coordinator*; and

- d. Respond within five days to all requests from the *FOI Coordinator* for records related to an FOI request.

Protection of Privacy

- a. Collect personal information with proper authority and using a privacy notification;
- b. Collect only as much personal information as is necessary for the initiative;
- c. Use personal information only for the purpose for which it was collected;
- d. Share personal information with other staff on a need-to-know basis only; and
- e. Do not share personal information with anyone other than staff or service providers without approval.

Records Creation and Retention

- a. Follow records management practices as established by Records Management Policy 1.2;
- b. Create records when necessary to fulfill operational requirements;
- c. Ensure that all communications are professional;
- d. Maintain records in accordance with Records Management Policy 1.2; and
- e. Regularly review records for transitory records that may be deleted.

Security

- a. Ensure personal information is securely stored and transmitted;
- b. Do not store personal information outside Canada without the permission of the Privacy Officer; and
- c. Follow all guidelines of the Privacy Officer for the safe storage of personal information.

Policy and Procedure

- a. Be familiar with all District policies and procedures related to access to information and the protection of privacy.

6.2 The Privacy Officer has the following responsibilities:

- a. Review this policy no less than once annually;
- b. Present any recommended updates or amendments to the Chief Administrative Officer for approval;
- c. Inform staff, volunteers, service providers, and Council members of any changes to the policy; and
- d. Post this policy and any revisions on the District website.

6.3 Council is responsible for approving this policy.

6.4 The Chief Administrative Officer is responsible for approving revisions to this policy.

7. Document Approvals

Role	Position	Name of Approver	Approval Signature	Date Approved
Owner	Chief Administrative Officer	John Simcock		
Reviewer	Corporate Officer	Gwendolyn Kennedy		
Final Approver	Mayor and Council	Martin Elphee		

8. Revision History

Effective Date	Rev Letter	Document Author	Description of Change