



**DISTRICT OF BARRIERE  
POLICY & PROCEDURES MANUAL**

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**SECTION: STAFF AND COUNCIL**

**SUBJECT: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

4936 Barriere Town Road  
P.O. Box 219  
Barriere BC V0E 1E0  
TEL 250 672-9751  
FAX 250 672-9708  
inquiry@barriere.ca

**barriere.ca**



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## Introduction

This policy manual is designed to provide both staff and the public with an overview of the *Freedom of Information and Protection of Privacy Act* and its application to District of Barriere records.

Any questions regarding the *Freedom of Information and Protection of Privacy Act* or District of Barriere policies with respect to the release of information may be directed to the Corporate Officer or Deputy Corporate Officer who have been designated 'Head' by the District of Barriere Freedom of Information and Protection of Privacy Bylaw or his or her delegate who is authorized to perform the duties and functions of the Head.

The Head and Coordinator can be reached as follows:

Email:	channigan@barriere.ca
Phone:	250 672-9751
Fax:	250 672-9708



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# Chapter 1

## The *Freedom of Information and Protection of Privacy Act*

British Columbia's *Freedom of Information and Protection of Privacy Act* (the 'Act') has applied to local government since its enactment in November 1994. The Act represents the provincial government's legislative commitment to make public bodies more accountable to the public and to protect personal privacy.

The Act gives individuals the right to access information held by local government and protects privacy by placing restrictions on the collection and disclosure of personal information. The Act establishes a legislated set of rules governing what information can and cannot be released. The underlying principle is that ALL recorded information is available to the public, except for information that is subject to the specific and limited exceptions to disclosure set out in the Act.

Information that is currently released by departments should continue to be made available except if the information is personal information. The Act does not replace other procedures for public access, or limit access to information other than personal information currently available to the public. Staff is expected to incorporate the concepts and procedures of the Act into their normal service delivery.

District of Barriere Bylaw No. 0004 – A bylaw for the administration of the *Freedom of Information and Protection of Privacy Act* was adopted by Council on January 7, 2008. A copy of the bylaw is available at [barriere.ca](http://barriere.ca). This bylaw may be amended from time to time.

### What is Freedom of Information?

The *Freedom of Information and Protection of Privacy Act* establishes a process by which any person may request access to records held by the District of Barriere. Individuals also have the right to review their own personal information held by the District.

The general right of access to information is restricted by certain *specified and limited exceptions*, necessary to protect a variety of needs of confidentiality and the right of individuals to privacy.

The Act also provides a review process whereby decisions relating to the disclosure or non-disclosure of information and other related issues, may be reviewed by the Information and Privacy Commissioner of British Columbia.

Individuals requesting answers to questions (rather than requesting copies of records) will not be treated as a formal request for information. Staff is expected to assist such individuals through routine departmental procedures.

## What is Protection of Privacy?

The Act protects the personal privacy of individuals by restricting the collection, use and disclosure of personal information. Disclosure of personal information, even to other public bodies, is strictly limited under Part 3 of the Act.

The District of Barriere may only collect personal information:

- That it has clear authority to collect (i.e. expressly authorized under an Act or information is collected for the purposes of law enforcement), or
- Where collection is directly related to and is necessary for operating a program or activity of the District.

Personal information can be used only for the reasons it was originally obtained; multiple, and inconsistent uses of information are restricted by the Act.

The individual from whom the information is collected is entitled to know what the information will be used for and under what authority we are collecting it. *If personal information is not needed, do not collect it.*

The security of personal information is one of the most important privacy-related issues that the District has to deal with. In accordance with Section 30 of the Act reasonable security arrangements must be established and maintained to protect personal information against unauthorized access, collection, use, disclosure or disposal.

It is recommended that all staff practice good privacy protection by:

- Using passwords on their computer;
- Locking computers when away from work station or desk;
- Using locks on cabinets;
- Turning monitors away from public view;
- Not leaving completed application forms and other records containing personal information in high traffic and/or public areas; and
- Destroying all personal and/or confidential information by shredding.

## What is Personal Information?

Personal information is simply defined as “recorded information about an identifiable individual.” Examples of personal information that cannot be disclosed by the District of Barriere include but are not limited to the following:

- An individual's name, home address, personal email or telephone number;
- The individual's race, national or ethnic origin, colour or religious or political beliefs or associations;
- An individual's age, sex, sexual orientation, marital status or family status;
- An identifying number, symbol or other particular assigned to the individual (i.e. Social Insurance Number, driver's license number, customer ID, etc.);
- Information about the individual's health care history, including a physical or mental disability;



- Information about the individual's education, financial, criminal or employment history;
- Anyone else's opinion about the individual (but not the identity of the opinion holder); you can know what is said about you, but not who said it.
- The individual's personal view or opinion, except if it is about someone else, belongs to the individual and is considered personal information; and
- Images of identifiable individuals captured by surveillance systems.

## What is a Record?

The definition of a "record" under the *Interpretation Act* applies to the interpretation of the *Freedom of Information and Protection of Privacy Act* as follows:

"includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise."

Records, then, include memos, letters, reports, emails, maps, calendars, post-it notes, annotations, doodles, etc. Remember, if it is recorded, it is a record which may be subject to release under the Act.

The information contained in records could be produced by a public body or received from other sources, such as third parties, service providers or other public bodies.

All records created or received by employees during the course of their work duties or during the conduct of District business belong to the corporation, not the individual employee.

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# Chapter 2

## Handling Requests for Information

### Making a Request

Before a formal written request for a record is made it should be established that the record being searched for is not “routinely available”.

**Routine requests** – Requests for information that is easily accessible and not subject to the *Freedom of Information and Protection of Privacy Act*. A fee may be charged for this information, as set out in the “*Fees and Charges Bylaw No. 73, Amendment Bylaw No. 109*” or other applicable District bylaw. The request can be verbal and does not require the involvement of the FOI Coordinator.

**Information requests** – Requests for information that is generally routinely available but requires an information review of the records, usually by a departmental supervisor or the FOI Coordinator. This can also be a request for records that are not readily to hand, such as records stored in semi-active or archived files. As with routine requests, applicable fees may be charged, as set out in “*Fees and Charges Bylaw No. 73, Amendment Bylaw No. 109*”. These requests should be responded to within a time frame that is reasonable for the size of the request or the location of the records.

**Formal requests** – Requests for records that are neither routinely available, nor available through more informal procedures. Formal requests under the *Act* must be made in writing. A form for this purpose is available, but a letter, fax or email is also acceptable. Formal requests are to be directed to the FOI Coordinator as soon as received, as the *Act* stipulates a deadline for response.

Staff may direct an applicant to the FOI Coordinator for assistance with making a request. Wherever possible, staff should assist an applicant in preparing a written request. Assistance may include helping an applicant to define the request as specifically as possible.

Just because an applicant provides a request in writing, or makes a request for records “pursuant to the *Freedom of Information and Protection of Privacy Act*,” does not make it a formal request. If the information is routinely available staff should provide it to the applicant routinely.

## Points to Remember...

- Any staff member, of any department, can accept a written request for information.
- Requests can be submitted in the form of a letter, email, fax or by using the form on the last page of this Manual (and available at [Barriere.ca](http://Barriere.ca)) but must be made in writing.
- It is not necessary for applicants to quote the *Act* to obtain access to records.
- It is not necessary for applicants to provide their contact information when making an FOI request. However, it enables the FOI Coordinator to better assist the applicant with their request.
- The *Act* does not apply to requests for answers to questions, only to requests for copies of, or access to, records.
- Requestors should be encouraged to be as specific as possible in wording their request to enable the District to effectively respond to the request.
- Written requests for records that are not normally routinely available must be forwarded immediately to the FOI Coordinator for response. The FOI Coordinator will be in contact with staff to receive copies of responsive records once an acknowledgement letter has been sent to the requestor.
- Section 6 of the *Act*, Duty to assist applicant states:
  - “(1) The head of a public body must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
  - (2) Moreover, the head of a public body must create a record for an applicant if
    - the record can be created from a machine readable record in the custody or under the control of the public body using its normal computer hardware and software and technical expertise, and
    - creating the record would not unreasonably interfere with the operations of the public body.”
- If the records require severing prior to disclosure, the request must be processed as a formal request for information.

## Requests for Personal Information

The *Act* guarantees an individual the right to see his/her own personal information held by the District of Barriere. However, the *Act* restricts persons from getting access to personal information about another individual without the individual’s consent.

Please note that a property file, for example, may contain personal information, but the file itself is not the homeowner’s personal information.

## Requests for Correction of Personal Information

Incorrect personal information can have serious consequences for an individual. For example, incorrect personal information could result in the denial of benefits associated with a disability claim or the refusal of employment opportunities.

Public bodies must make every reasonable effort to ensure that personal information in their custody is accurate and complete. If someone's personal information changes, that person may make a request to the public body to correct the information in their files. A public body must provide the corrected information to any individual or company to whom recorded information was disclosed within the preceding year. This means that a careful record must be kept of individuals to whom recorded personal information is disclosed. Consequently, it is important to establish a protocol that only required personal information, information relating directly to and necessary for an operating program or activity of the District, is collected.

Applicants may request the correction of their personal information, either verbally or in writing.

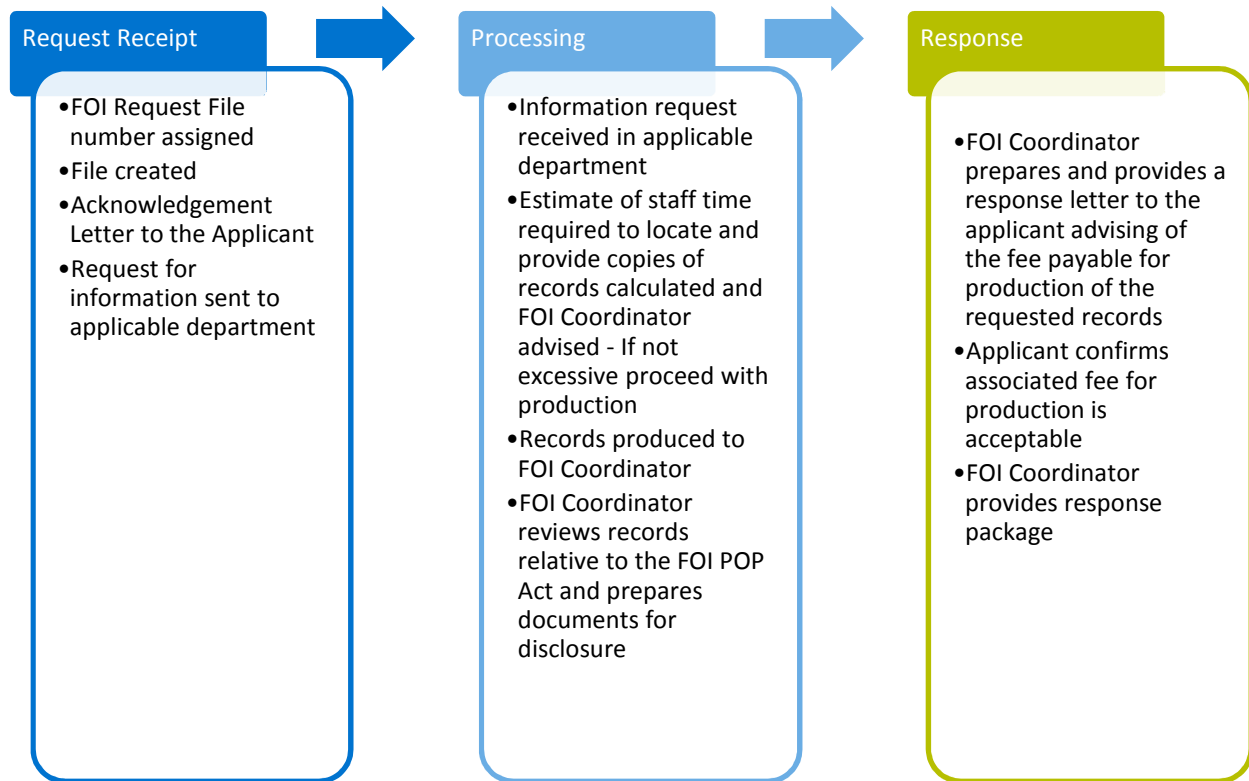
## Timelines

The *Freedom of Information and Protection of Privacy Act* generally requires that a response be provided to the applicant within 30 business days of receipt of the request. The term "day" is defined in the Act as "not including a holiday or a Saturday." In the *Interpretation Act*, the definition of "holiday" includes Sundays, and statutory holidays. The combined effect of these definitions is that weekends and holidays are not included in the calculation of time limits under the *Freedom of Information and Protection of Privacy Act*.

Occasionally it might be necessary to extend the timeline by an additional 30 business days. Should this situation arise, the FOI Coordinator will advise the applicant of the time extension in advance.

## Standard Request Process:

This is the standard process for a simple *Freedom of Information and Protection of Privacy Act* request where no 'Third Party Notice' is required and the number to records requested is not large. Where 'Third Party Notice' is required or the number of records requested is very large, the process and timeline to accomplishing the process will be extended as appropriate.



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# Chapter 3

## Routinely Available Records

The following list identifies some of the most common record types that are routinely available to the public at the District of Barriere. The list should be used to help determine whether or not a particular record can be released routinely or whether a more formal review is required. It is by no means an exhaustive listing; it is meant only as a guide.

Copies of routinely available records may be provided at a cost in accordance with the “*Fees and Charges Bylaw No. 73, Amendment Bylaw No. 109*” or any other applicable bylaw.

Examples of routinely available records include:

- Annual Reports
- Brochures
- Budgets (Operating or Capital)
- Building Permits (Except personal information supplied in support of the application)
- Building Plans (Exterior views and site plans only)
- Bylaws
- Council agendas and minutes (Except from meetings closed to the public)
- Council Committee agendas and minutes (Except from meetings closed to the public)
- Licenses (Except personal information supplied in support of the application)
- Maps
- Policies/Manuals
- Official Community Plans
- Permits (Except personal information supplied in support of the application)
- Public Hearing agendas and minutes
- Records published to the District’s website
- Staff reports supporting items on Council agendas (Except from meetings closed to the public)
- Statistical Information

Reviews and FOI requests are handled by the Corporate Officer. Any requests for records not available routinely should be made in writing and directed to the Corporate Officer.

Fees may apply to the provision of records requested under the *Act* as per District of Barriere *Freedom of Information and Protection of Privacy Bylaw No. 0004*. See Chapter 5 for more information about fees.

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# Chapter 4

## Corporate Policies and Procedures

Standardized policies and procedures apply to records requested under the *Freedom of Information and Protection of Privacy Act* as outlined in this chapter by record type. These policies reflect provisions of the Act as well as the corporate/administrative policies of the District of Barriere. Please direct any questions regarding this information to the Corporate Officer.

### Aerial Photographs

Any Aerial photographs the District has in its possession are routinely available.

The Province maintains an extensive aerial photograph database that may be accessed via GeoBC: <http://geobc.gov.bc.ca/>. The North Thompson Museum and Archives is another source of historical photographs.

### Agreements

See 'Contracts and Agreements'.

### Appraisals

Land appraisals commissioned or received by the District are not routinely available to the public. Requests for appraisals are to be forwarded to the FOI Coordinator for response.

### Assessment and Tax Rolls

The Assessment Roll is not available at the District Office public viewing, as it is not a District record. The Assessment Roll can be viewed at the BC Assessment Office in Kamloops.

Property Tax Roll information may be viewed with a request to the Finance Officer . No property owner information is included.

Individuals wishing to obtain property owner information should visit the BC Assessment Office, use the BC OnLine service or contact the Land Title Office in Kamloops for assistance.

### Building Permits and Plans

Issued building permits are routinely available to any interested party. The application and supporting materials for the building permit are not routinely available and should ordinarily be subject to a formal FOI request. However, it is not uncommon for neighbours to be interested in developments within their neighbourhood and, within the limits of common sense, every effort should be made to provide them with information other than personal information.

Where a request is made to view building plans, access should be provided to plans showing site layout and any exteriors elevations. These plans may be viewed, but not copied as they are protected by copyright law. Copies of such plans will only be provided upon receipt of a written release from the owner and the professional that created the plans or as part of an FOI request. The federal Copyright Act provides for the copying of copyright materials as part of an access request. However, copyright restrictions still apply to the use of the copied plan by the applicant or by any other person. Any released plan must be stamped with the appropriate "Copyright Act Information" stamp.

For security reasons, the District will not make available those plans showing interiors of a building, unless the plans have been considered as part of a development application at an open meeting of Council or written permission from the owner has been obtained.

## Business Licenses

A business is not considered an individual and therefore does not have privacy rights under the *Act*. *Most* issued business license information is routinely available to the public. Copies of current business licenses can be printed and released to the public. However, the District of Barriere does not maintain a hardcopy of business licenses from previous years.

The following business license information contained within a database containing all business license related information and may be released in the form of a Business Licence Summary Report – FOI to the public upon request:

- Business License number
- Business License type code
- Location
- Business Name
- Mailing Address
- Business Phone number
- Description of Business

Additional information regarding license details, fee payment and license restrictions can also be routinely disclosed. The release of business license information must NOT disclose any additional personal information supplied in support of the license application. Therefore, information on the 'Name and Contacts', 'Additional Mailing Address' and 'Remarks' can only be released to the license holder. Such personal information may include phone numbers and/or the applicant's home address (if different from business address) and must be severed from any information disclosed in accordance with Section 22(1) of the *Freedom of Information and Protection of Privacy Act*. For home-based businesses, the applicant's home address is considered public information because it is the location of the business.

Issued business license information that is routinely available may be provided in electronic or printout form for a fee.

For information relating to other types of licenses, see *Licenses* below.



## Cemetery Records

The District acknowledges that personal information collected by the Barriere Memorial Cemetery is of value to relatives and to genealogical and historical researchers.

Copies of issued cemetery licenses, burial permits, and plaque permits are routinely available to the public. The following information can be routinely provided upon request:

- the name of the person to whom the license or permit was issued
- the date the license or permit was issued
- the location of the plot or grave
- the name of service provider (Funeral Home)
- the value of the license or permit

Requests for copies of cemetery licenses or permits for interments within the past twenty (20) years that contain personal information supplied in support of the application, must be forwarded to the FOI Coordinator.

For interments that occurred more than twenty (20) years ago, all other information is considered part of the cemetery archives and may be made available in accordance with Sections 35 (Disclosure for Research or Statistical Purposes) or Section 36 (Disclosure for Archival or Historical Purposes) of the *Freedom of Information and Protection of Privacy Act*. A signed research agreement may be required before access is granted.

## Closed Meetings

The meetings of Council and Council Committees may be, in specific circumstances, held “in camera” or “closed” according to the *Community Charter*. Typically, matters relating to land, legal issues and human resources are held in closed meetings. Records relating to a closed meeting will not be released unless the matter has been discussed at length in an open meeting, or if the report or minutes have been in existence for more than 15 years. No other exemptions under the *Freedom of Information and Protection of Privacy Act* apply.

## Comments on Planning Proposals

Notices for a planning or development proposal must be made available to the public prior to the application appearing before Council through such means as public hearings. Members of the public that object to proposals may submit their objection to the Corporate Officer before the applicable deadline.

If the planning process in question is governed by a section of the *Local Government Act* that authorizes public disclosure in relation to planning matters and liquor licensing, staff may disclose personal information as required by the *Local Government Act*. Section 33.1 of the *Freedom of Information & Protection of Privacy Act* permits a public body to disclose personal information for the purpose of complying with an enactment of BC.

## Complaints

The District receives several different types of complaints from members of the public. Many of the District's bylaw enforcement issues are a direct result of complaints lodged by individuals. Complainants are advised that their names and addresses will be kept confidential unless the release is required for legal action. This confidentiality is protected by Sections 15, 19 and 22 of the *Freedom of Information and Protection of Privacy Act*.

The person the complaint is about has the right to know the substance of the complaint, but not the identity of the individual who made the complaint. The requestor should be made aware that the complainant's identity will not be revealed. In the event of a bylaw complaint, the substance of a complaint may not be released until the investigation has been concluded. Requests for copies of complaints must be directed to the FOI Coordinator.

## Contracts and Agreements

Generally speaking, most contracts or agreements signed by the Mayor and Corporate Officer or staff with any other party are available to the public.

Care must be taken to examine the wording and clauses of a contract to ensure that it does not reveal trade secrets, proprietary information or information which could possibly harm the business interests of a third party. Therefore, before releasing any contractual information staff must consult with the FOI Coordinator.

Wherever possible, contracts awarded by the District must include a confidentiality clause stating the contract or agreement is subject to FOI and will be released upon request. In addition, contracts and agreements must address whether the District or the consultant/contractor has ownership of the records created while under contract. Contact the Corporate Officer for examples of appropriate wording.

## Council Records

It is the policy of the Corporate Officer that all "non-confidential" Council records, such as agendas for regular Council meetings, are available to the public only **after** they have been approved by the Chief Administrative Officer.

**Council Meeting Agendas (Open Meeting):** Open meeting agendas and accompanying reports are generally posted to the District website by the close of day on the Friday prior to the regularly scheduled meeting date.

**Council Meeting Minutes (Open Meeting/Public Hearing):** Open meeting minutes are posted to the District website by the end of business on the Friday following the adoption of the minutes; adoption occurs at a regularly scheduled Monday evening meeting.

## Email

Email is subject to the Freedom of Information and Protection of Privacy Act.

If the information contained in an email message is of value to the organization and is deemed to be retained by the CAO, it must be filed on the appropriate physical (paper) file and/or electronically within the records management system.

The same retention principles that apply to regular mail should apply to the disposal of email. “Junk” mail, for example, is disposed of on a regular basis. Some email is more relevant to your professional activities and may be stored in an email folder. Some email contains significant statements about strategies or decisions and must be printed and or electronically saved to be retained in the relevant file.

Please note that when you are requested by the FOI Coordinator to produce records in response to a request, it is expected that you will also include any and all relevant email records in your possession.

## Employee Files

Employees are entitled to view their employee file. A request in advance must be made to the Human Resources Department to arrange a time to review the file. Direct supervisors may access employee files in order to review work history, education/training, discipline, etc.

Please note that as an employee, you are entitled to see any comments made about you – that is your personal information – however, the identity of the person making the comments may be withheld.

Information regarding a person's employment history is considered personal information and will not be disclosed to third parties, unless express permission of the employee is obtained first. This includes information regarding benefits paid to the employee. If a request for salary information is received, the requestor will be told of the salary range for that particular position without identifying any individual's specific salary unless express permission from the employee has been obtained first.

Verbal requests from outside agencies wanting to confirm whether a particular individual is currently employed at the District of Barriere should not be confirmed without the employee's consent.

## Fire Incident Reports

The Fire Department releases information as Routinely Available Records and / or Information Releases, or as required under the *Freedom of Information and Protection of Privacy Act*.

**Routinely Available Records:** Although some information is available on the District website, a fee may be charged under the Miscellaneous Fees and Charges bylaw depending on the format requested and the complexity of the request for the following:

- Maps
- Hydrant location
- Annual reports
- Budgets
- Policies / Guidelines
- Bylaws
- Brochures
- Strategic Plans

**Freedom of Information Requests:** Any requests for information that may have corporate impact beyond the fire department shall be forwarded to the Corporate Officer for co-ordination.

## Invoices from Lawyers

Requests for details of legal invoices must be forwarded to the FOI Coordinator. The details may divulge the strategy or grounds on which a legal case is being based or

disclose personal information, therefore must be treated as a formal FOI request. Individual or case specific invoices are considered privileged communication between the solicitor and District and are usually withheld.

## Licenses and Permits

Copies of issued building, electrical, mechanical, plumbing, occupancy and any other permits or licenses providing a discretionary benefit are routinely available to the public, including the following information:

- Name of the person or company to whom the license or permit was issued
- Name and address of businesses connected with the license or permit, such as the name of a contractor or subcontractor
- Location that the work is being performed at
- Value of construction
- Size of building and use of property
- The permits should not disclose any additional personal information supplied in support of the permit application, such as:
  - the home or cellular phone number of the applicant
  - the permit applicant's home address if it is different from the property to which the permit applies
  - how long the owner has owned the property
- Lists of permits issued (weekly or monthly) may be made routinely available to the public, but must not contain personal information that is supplied in support of the permit application.
- Requests for copies of permits or licenses that contain personal information that was supplied in support of the application must be forwarded to the FOI Coordinator.

## List of Licensed Businesses

The list of licensed businesses within the District of Barriere is considered public information and is available on the District Website of [barriere.ca](http://barriere.ca) under the tab of "Business in Barriere". The list may contain the following:

- name and location of the company
- Business phone number and if supplied, website address.
- type of business and product(s) produced

**Note:** Businesses do not have privacy rights under the Act; only individuals do.

## Permits

See "Licenses and Permits".

## Petitions

Citizens may provide input or feedback in the form of petitions and form letters listing their names, addresses and signatures to express support or opposition to an issue and to establish their legitimate interest in the matter. Since the intent of such petitions is to demonstrate the degree of public support or opposition to the subject matter of the petition, individuals who complete them normally expect that they will be used for discussion purposes and that it will be part of the District's public record.

If the petition is discussed in an open meeting, then staff can provide copies of requested petitions under Section 33.1(1)(c) and (c.1) of the *Freedom of Information and Protection of Privacy Act*, which permits disclosure for a consistent purpose otherwise personal information will be severed. The request must be in writing and forwarded to the FOI Coordinator for response.

**Note:** Alternative Appeal Process (AAP) petitions are not normally available for public inspection.

## Police Investigations

Section 33.2(i) of the *Freedom of Information and Protection of Privacy Act* allows public bodies such as the District to disclose information to law enforcement bodies to assist in a specific investigation of a law enforcement matter. Staff can provide the requested information directly to the RCMP, provided that sufficient identification is supplied by the officer. The District currently engages in regular exchanges of information with the RCMP on bylaw enforcement matters.

The District does not have jurisdiction over RCMP records and cannot transfer a request for RCMP records made under the BC *Freedom of Information and Protection of Privacy Act*. Requests for RCMP records must be directed to the RCMP, as they are a federal body subject to the federal *Access of Information Act* and the federal *Privacy Act*.

## Property Information

Routine access to property files is granted upon request **only** to the registered owner(s) or individuals who have obtained written permission from the registered owner(s) to access property files. All other requests to access property files must be treated as a formal FOI request.

See "Building Permits and Plans" for more information.

## Property Tax or Utility Billing Information

Under Section 249 of the Community Charter we must provide the following information to anyone who requests it:

- the amount of unpaid taxes and/or utilities,
- whether the property has been sold for taxes, and
- if the property has been sold for taxes, the time, if any remaining, for redemption and the amount required to redeem it.

The charter specifies a “certificate showing” the above information, but in essence it can be in any form.

As the section reads “**unpaid**” taxes, we can give out balances owing to anyone.

If more detailed information is requested, such as information about payments or releasing of access codes a reasonable affirmation that the person you are speaking to is the owner is required. A reasonable affirmation can be obtained by asking the customer various questions that allow you to determine that they are the owner of the property, such as:

- Previous payment information such as: what they paid in the past, how they paid it and who paid it
- Phone numbers submitted on previous HOG claims
- How a previous HOG was claimed (i.e. online or by paper form)
- If on the instalment plan and if so what they pay each month
- If the mortgage company pays, the name of the mortgage company and/or bank
- Adjustments to account done in the past
- Name of people on title (including middle names)
- Names of previous owners of the property

If reasonable affirmation is achieved then staff may give out the information the customer requested.

Information may be given to customers in various forms, including verbal, re-printing of bills or tax certificates. Tax certificates may be given to **any customer**, but our usual fee applies.

## RFP's – Requests for Proposals

Request for proposals are available to the public on the District of Barriere website at Barriere.ca or by request to the Administration Department.

All ‘Requests for Proposals’ should contain a statement advising that “All proposals received may be made publicly available, except information relating to unit pricing, confidential third party business information, and employment history of employees.”

## Surveys – of the Public

Results of surveys conducted by the District of Barriere or our agents are considered public information and should be routinely disclosed. Please note that the survey forms themselves will likely contain personal information that should not be disclosed. Therefore, it is District of Barriere policy not to release the completed forms. An FOI request must be made if an applicant wishes to see the actual completed forms.

A survey form must include a statement informing the public why the information is being collected, under what authority and for what purposes the personal information will be used. This allows the individual discretion whether or not to participate and informs them what will happen with the information collected. Contact the Corporate Officer for examples of appropriate wording to be used for public surveys.

When conducting internet-based surveys, the personal information collected must reside on a server within Canada in accordance with section 30.1 of the Act. Contact the Corporate Officer for assistance.

## Surveys – Site Survey Certificates

Site surveys are submitted to the District of Barriere as part of various application processes. Site survey Certificates are protected by copyright, but may be copied as part of an FOI request. Like building plans, copyright applies to the use of the released survey by the applicant or by any other third party. Any released copy of a survey must be stamped with the appropriate “Copyright Act Information” stamp.

## Tenders

Tenders submitted to the District in response to a call for bids or request for proposals are available to the public, **except for** information regarding unit pricing, employment histories and other confidential third party business information. Section 21 of the *Act* recognizes that the release of such information could potentially harm the company’s business interests and provide access to personal information of their employees. Unit pricing information is considered proprietary information belonging to the third party. This information is therefore “blacked out” or severed prior to disclosure by the FOI Coordinator.

Requests for copies of tenders submitted to the District should be directed to the FOI Coordinator.

## Utility Billing Information

See “Property Tax or Utility Billing Information” for more details.



## Video Surveillance

The District of Barriere utilizes video surveillance to protect District assets, staff and the public. The images captured by surveillance cameras, which are stored on various media including but not limited to CD-ROM and/or hard drives, contain personal information and therefore shall not be subject to public viewing. Only authorized staff may view the recorded images.

In accordance with Section 33(2)(i) of the Act, the District of Barriere will disclose video surveillance records to the RCMP in response to a written request in relation to an active police investigation.

## WorkSafeBC (Workers' Compensation Board) Investigations

WorkSafeBC administers the *Workers Compensation Act*, which provides WorkSafeBC investigators with the authority to request and obtain the records necessary to complete an investigation without the involvement of the FOI Coordinator. Staff can directly release information to the WorkSafeBC (WCB) investigator upon presentation of sufficient identification from the investigator.

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# Chapter 5

## Charging Fees

Section 75 of the *Freedom of Information and Protection of Privacy Act* permits public bodies to charge applicants fees for costs associated with processing requests to access records under the Act. The maximum fees are set out in the *Freedom of Information and Protection of Privacy Regulation* (B.C. Reg. 323/93) to the Act.

For the purposes of calculating fees payable the Act and Regulation distinguish between 'commercial' and 'applicants other than commercial'. A 'commercial' applicant is defined as, "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" (i.e. lawyer). It follows that an 'applicant other than commercial' or a non-commercial applicant is any applicant that is not a commercial applicant (i.e. private citizen).

The Act prohibits public bodies from charging applicants for access to their own personal information. Please note that a property file, for example, may contain personal information, but the file itself is not the homeowner's personal information.

*Freedom of Information and Protection of Privacy Act* Section 75(1) stipulates that an applicant may be required to pay a public body for the following services:

- locating, retrieving and producing the record
- preparing the record for disclosure
- shipping and handling the record
- providing a copy of the record

Section 75(2) further states that an applicant must not be required under subsection (1) to pay a fee for the following:

- the first three hours spent locating and retrieving a record, or
- time spent severing information from a record

If an applicant is required to pay fees for services under subsection (1), subsection (4) requires that the public body give the applicant an estimate of the total fee before providing the service.

Records provided routinely to applicants by departments may charge the applicant for copies in accordance with departmental bylaws for collecting fees.

## Fee Estimates

In order to prepare and provide fee estimates to applicants in a timely fashion, departments may be asked to provide the FOI Coordinator with an estimate of the number of records that respond to the request, as well as the amount of staff time that would be involved with the following:

- Locating records that respond to the request (includes time spent searching for both physical and electronic records in the Records and Information Management systems and on the computer network, email archives, etc.)
- Preparing the records for photocopying (removing staples, etc.)
- Photocopying the records
- Time spent reassembling the original files

Section 75(5) provides that the head of a public body may excuse (upon written request) “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
- the record relates to a matter of public interest, including the environment or public health or safety.”

**Note:** “Public interest” is a specifically defined term and should not be confused with records that may be of interest to some members of the public or that the public may find interesting.

The District of Barriere Freedom of Information and Protection of Privacy Bylaw adopts the Schedule of Maximum Fees provided by British Columbia Regulation 323/93, as amended from time to time, to be the maximum fees charged by the District as permitted under the Act. The schedule is reproduced on the following page for convenient reference.

**Schedule of Maximum Fees** - *\*as set out in **District of Barriere Fees & Charges Bylaw No. 73 and its amendments**. Schedule here for convenience purposes only. Should a conflict of fees arise between this schedule and the Bylaw, the Bylaw presides as correct.*

<b>General Document, Services &amp; Misc Sales</b>	
Black & White Photocopies	.25¢ per letter size page  .50¢ per legal or ledger size page
Color Photocopies	\$1.00 per letter sized page  \$2.00 per legal or ledger size page
Returned Cheque	\$25.00
Faxes (incoming/outgoing)	\$1.00 per page
Tax Certificate statement	\$25.00 per folio
Business License Application Searches (one Business License Application Search at any one time is no charge)	\$25.00 for each additional license application viewed
Composter	\$25.00
Garden Tool Kit	\$25.00
<b>Freedom of Information Requests</b>	
Locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
Producing a record electronically or manually	\$7.50 per ¼ hour
Preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
Shipping	Actual costs of shipping method chosen by applicant
Data copied to District provided USB Drive	\$20 per drive + preparation fees
Non-District provided USB Drive	\$7.50 per ¼ hour
Data copied to District provided CD or DVD	\$5 +preparation fees
Non-District provided CD or DVD	\$7.50 per ¼ hour
DVD or CD Duplication (excluding any reproductions prohibited by Copyright laws.	Cost of actual reproduction by third party.

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# Chapter 6

## Managing Personal Information and Forms

The *Freedom of Information and Protection of Privacy Act* governs how public bodies are to collect, use and retain personal information. The District of Barriere has a duty to ensure that information is legitimately collected, stored securely, kept current and used only for the purposes for which it is collected.

Section 27(2) of the Act requires that individuals from whom information is being collected be advised on the purpose for collecting it (i.e. what will it be used for); the legal authority for collecting it and the contact information for a staff member who can answer questions regarding the information collection. Wherever possible, staff should only collect personal information directly from the person who the information is about.

### Collection of Personal Information

The Act imposes limitations on the collection of personal information. Section 26 of the Act stipulates that public bodies may only collect personal information under the following circumstances:

- Where the collection is expressly authorized by law (e.g. Elections purposes as per the *Local Government Act*)
- Law enforcement purposes (includes bylaw enforcement)
- Where the information relates directly to, and is necessary for, an operating program or activity of the public body.

Public bodies need to collect personal information when it is essential for program delivery or operational requirements. Methods of collection include forms, questionnaires, personal interviews, surveys, etc. Even unsolicited resumes from job applicants are considered to be “collected” by the public body.

### Forms and Surveys Design

Prior to designing forms or surveys, it is important to examine their purpose, use and format. Whether on-line or in traditional paper format, forms and surveys that collect personal information must be designed to provide the public with the information required under Section 27 of the Act.

A further clause should be added to application forms to indicate that as result of the application, issued permits and/or licenses will be routinely available to the public.

### Use and Disclosure of Personal Information

The Act embodies the principle that individuals own their personal information and have the right to exercise control over its use and disclosure.

Public bodies are only permitted to use personal information for the following purposes:

- The purpose for which it was collected or a use consistent with that purpose;
- A purpose for which the person concerned has consented in writing; or
- A purpose for which the information may be disclosed to the public body under section 33 to 36.

Public bodies are only permitted to disclose personal information in certain circumstances; the most common of which are as follows:

- If the individual the information is about has consented in writing
- For the purpose of complying with a law of British Columbia or Canada
- For the purpose of complying with a subpoena, warrant or court order
- To a public body or a law enforcement agency in Canada to assist in a law enforcement matter
- To an officer or employee of the public body if the information is necessary for the performance of his or her duties or safety (“need-to-know” principle)
- For research, statistical, archival or historical purposes

Should you have questions regarding the use or disclosure of personal information, contact the FOI Coordinator.

## Security and Retention of Personal Information

The security of personal information is one of the most important privacy-related issues that public bodies such as the District of Barriere have to deal with. Reasonable security arrangements must be established and maintained to protect personal information against unauthorized access, collection, use, disclosure or disposal.

All staff should practice good privacy protection by:

- Using passwords on their desktop computer
- Locking computers when away from work station or desk
- Using locks on cabinets
- Turning monitors away from public view
- Not leaving completed application forms and other records containing personal information in high traffic and/or public areas
- Shredding confidential/personal information rather than simply ‘recycling’

The District is required to retain personal information for one year if that information was used as a basis for a decision directly affecting the individual to allow the affected individual a reasonable opportunity to obtain access to that personal information. After one year, the information may be disposed of by a manner of shredding and/or digital deletion from the server.

## Keeping Information Current

The right of an applicant who believes there is an error or omission in his or her personal information held by a public body, to request that information be corrected or amended to include new information is established by Section 29 of the *Act*.

If an individual requests a change to their personal information, it is up to the public body to ensure that the change or annotation is made to the records within its custody and control **and** to provide the change to any other body the information has been provided to within the preceding one year period. For example, for purposes of taxation the District might collect personal information in terms of name, addresses and telephone numbers and as an adjunct to taxation the information is relayed to the BC Assessment Authority. If the individual relays an update to that information to the District, it is up to the District to ensure the update is also sent to the BC Assessment Authority.

It is important to review information you are collecting as well as the forms on which you are collecting the information by asking the following questions:

- Do you need the information?
- Do you have authority to collect the information?
- What will the information be used for?
- Who else will you provide that information to?
- Is the applicant advised of what the information will be used for and under what authority?

**As a rule of thumb: If you don't need the personal information, don't collect it!**

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# Chapter 7

## Personal Information Directory

The District of Barriere is required under Section 69(6) of the *Freedom of Information and Protection of Privacy Act* to make available for inspection and copying by the public a Personal Information Directory. The Directory must list each personal information bank held by the District and the following information for each:

1. **Title** and **location**;
2. A **description** of the kind of personal information and the categories of individuals whose personal information is included;
3. The **authority** for collecting the personal information;
4. The **purposes** for which the personal information was obtained or compiled and the purposes for which it is used or disclosed;
5. The categories of persons who **use** the personal information or to whom it is disclosed; and
6. Other Information as required by the Provincial Minister responsible for the Act under specific circumstances.

The Act defines a “personal information bank” as follows:

**“Personal information bank** means a collection of personal information that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual.”

Personal information banks are created and maintained on an ongoing basis. This publication is updated periodically as new information becomes available in an effort meet the legislated requirements.



## Personal Information Banks:

The District of Barriere holds the following Information Banks that may contain personal information. The required information regarding each bank is provided as outlined above.

### Muniware

1. **Title & Location:** MUNIWARE is an integrated information system that offers a complete solution for finance, project accounting, logistics, human resources, cemetery, accounts receivable, accounts payable, and payroll that resides on the District of Barriere computer network located at District Hall. The installation of MUNIWARE and its modules were implemented in 2008.
2. **Description:** The database contains information such as home owner names, business names, individual names, addresses, phone number(s), email addresses of a company, corporation, partnership, or individual who enters into business with the District of Barriere.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body).
4. **Purposes:** The personal information is compiled and used for corporate administration of financial activities throughout the District of Barriere operations.
5. **Use:** All District of Barriere staff.

### DISTRICT OF BARRIERE SERVER

1. **Title & Location:** The District of Barriere server houses databases that facilitate the District of Barriere computer network located at District Hall. The system provides storage for all District software and data.
2. **Description:** The databases contain information about corporate files created and maintained. File titles or notes may contain individual's names.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body).
4. **Purposes:** The personal information is compiled and used for locating corporate records/files throughout the District of Barriere operations.
5. **Use:** All District of Barriere staff and Council.

## Human Resources Employee Files

1. **Title & Location:** Human Resources employee files are secured in the CAO's Office and on the server in a folder accessible only by the CAO and Finance Officer.
2. **Description:** These files contain employment information of current and former employees of the District of Barriere.
3. **Authority:** Section 26(a) of the *Freedom of Information and Protection of Privacy Act (Income Tax Act)*; Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (employment program).
4. **Purposes:** The personal information is compiled and used for employment-related purposes.
5. **Use:** Corporate Sustainability, Human Resources Department staff; supervisors and employees. Security measures are in place to ensure access is on a "need to know" basis only.

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# Chapter 8

## Additional Resources

Official Website of the Information and Privacy Commissioner of British Columbia

<http://www.oipc.bc.ca/>

Freedom of Information and Protection of Privacy Act and Regulations

[http://www.cio.gov.bc.ca/cio/priv\\_leg/index.page](http://www.cio.gov.bc.ca/cio/priv_leg/index.page)

Ministry of Citizens' Services and Open Government

Legislation, Privacy and Policy Services Branch

<http://www.cio.gov.bc.ca/cio/about/branches/kis.page>

Ministry of Citizens' Services and Open Government

Freedom of Information and Protection of Privacy: Policy and Procedures Manual

[http://www.cio.gov.bc.ca/cio/priv\\_leg/manual/sec01\\_09/sec1.page](http://www.cio.gov.bc.ca/cio/priv_leg/manual/sec01_09/sec1.page)

Ministry of Community Services

Freedom of Information and Protection of Privacy: Questions and Answers – Local Government Bodies (Updated September 2005)

[http://www.cio.gov.bc.ca/local/cio/priv\\_leg/documents/foippa/local\\_govt\\_qa.pdf](http://www.cio.gov.bc.ca/local/cio/priv_leg/documents/foippa/local_govt_qa.pdf)

District of Barriere Public Information

[www.barriere.ca](http://www.barriere.ca) > Town Info > Public Documents > Freedom of Information and Protection of Privacy

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# Appendix 1

## Access to Records Request Form

See separate document posted on the webpage.

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# Appendix 26

## Records Release Reference Table

See separate document posted on the webpage.