

## BYLAW NO. 369

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### A BYLAW TO PROVIDE FOR THE ADMINISTRATION OF THE FREEDOM OF INFORMATION AND THE PROTECTION OF PRIVACY ACT

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**WHEREAS** a local public body must, by bylaw, designate a person or group of persons as the head of the local public body for the purpose of administering the *Freedom of Information and Protection of Privacy Act*;

**AND WHEREAS** the Regional District is designated as a local public body under the *Freedom of Information and Protection of Privacy Act*;

**AND WHEREAS** the Regional District may establish policies and procedures for providing access to records not inconsistent with the aforesaid *Act*;

**AND WHEREAS** the Regional District must take all reasonable measures to protect the privacy of individuals including the withholding of a record or the redaction of information contained in a record prior to release;

**NOW THEREFORE** the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

#### **PART 1 - INTERPRETATION**

##### **Definitions**

1. In this bylaw, unless the context otherwise requires:

**“Act”** means the *Freedom of Information and Protection of Privacy Act*.

**“applicant”** means a person or other entity who has made a written request for records pursuant to the *Act*.

**“commercial applicant”** has the meaning set out in the *Act*.

**Commissioner** means the Information and Privacy Commissioner appointed pursuant to Part 4 of the *Act*.

**“Coordinator”** means the Information and Privacy Coordinator appointed by this bylaw.

**“Head”** means the Information and Privacy Head designated by this bylaw.

**“other record request”** means a record request that is not a request for an applicant’s own personal information.

**“personal information”** has the meaning set out in the *Act*.

**“release of record”** includes the viewing of the original record by an applicant or the provision of a copy of the record to an applicant.

**“routinely available record”** means a record that is available to the public without a formal access request.

**PART 2 – INFORMATION AND PRIVACY HEAD**

**Designation of Head**

2. The Board of Directors of the Regional District is hereby designated as the Information and Privacy Head pursuant to the *Act*.

**Powers and Duties of the Head**

3. The powers and duties of the Head include the ultimate responsibility for compliance with the requirements of the *Act* and, in particular:
  - (a) periodically reviewing the activities of the Regional District insofar as they relate to the administration of the *Act*;
  - (b) delegating such duties, powers and functions as may be appropriate in accordance with the *Act*;
  - (c) hearing appeals by applicants against decisions made by those with delegated authority or responsibility;
  - (d) setting such fees as may be required for accessing records and hearing such requests for exception as may be provided in writing by applicants; and
  - (e) dealing with such orders as may be issued by the Commissioner or the Supreme Court of British Columbia, as applicable.

**PART 3 – INFORMATION AND PRIVACY COORDINATOR**

**Appointment of Coordinator**

4. The corporate officer is appointed as the Information and Privacy Coordinator for the Regional District with the powers, duties and responsibilities set out in this bylaw.

**Powers and Duties of the Coordinator**

5. The powers and duties of the Information and Privacy Coordinator include the following:
  - (a) monitoring the effectiveness of the Regional District’s administration of the *Act* and, where appropriate, recommending changes to the Head;
  - (b) establishing categories of records that are in the custody or under the control of the Regional District including routinely available records;
  - (c) reviewing the purposes for which personal information is being collected or used by the Regional District and establishing or recommending measures to protect the privacy of individuals;
  - (d) establishing procedures for receiving, evaluating and responding to requests for access to records;

- (e) reviewing records and redacting content as necessary prior to release to ensure compliance with the *Act*; and
- (f) proactively releasing records or recommending the release of records to comply with statutory requirements or an order of the Commissioner.

**Reporting Requirements**

- 6. (1) The Coordinator shall, at least annually, submit a report to the Head that provides information related to administration of the *Act* including aggregated statistics on the number, type and disposition of access requests.
- (2) In addition to the requirements of subsection (1) the Coordinator shall publish or caused to be published on the Regional District website all records provided in response to requests for access under the *Act*.
- (3) As an exception to the provisions of subsection (2) the following information shall not be published:
  - (a) the name of an applicant or the amount of fees charged or collected with respect to an access request;
  - (b) information that has been redacted from a response; and
  - (c) an applicant's own personal information.

**PART 4 – FEES AND CHARGES**

**Non-Commercial Applicants**

- 7. The fees to be charged to applicants, other than commercial applicants, are the maximum allowable fees set out in Schedule 1 to B.C. Reg. 155/2012, being the *Freedom of Information and Protection of Privacy Regulation*.

**Commercial Applicants**

- 8. The fees to be charged to commercial applicants for locating, retrieving, producing, preparing and shipping records are the actual costs incurred by the Regional District in providing those services.

**When Payments Required**

- 9. Applicants are required to make payment to the Regional District in accordance with Appendix 'A', attached to and forming part of this bylaw.

**PART 5 – TRANSITION AND IMPLEMENTATION**

**Effective Date**

- 10. This bylaw is effective the day after its adoption.

**Existing Record Requests**

- 11. Record requests submitted before the effective date of this bylaw will be governed by the fee structure in effect at the time of submission.

**Repeal**

- 12. Bylaw No. 1704, being Regional District of Comox-Strathcona Freedom of Information Bylaw 1994, is repealed in its entirety.

**Citation**


- 13. This bylaw may be cited for all purposes as Bylaw No. 369, being Information Access and Privacy Protection Bylaw 2019.

**READ A FIRST TIME ON THE 9<sup>TH</sup> DAY OF OCTOBER, 2019**

**READ A SECOND TIME ON THE 9<sup>TH</sup> DAY OF OCTOBER, 2019**

**READ A THIRD TIME ON THE 9<sup>TH</sup> DAY OF OCTOBER, 2019**

**RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 9<sup>TH</sup> DAY OF OCTOBER, 2019**

  
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Chair

  
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Corporate Officer

APPENDIX 'A'

PAYMENT REQUIREMENTS FOR RECORD ACCESS REQUESTS

Applicant Type	Application Type	Amount of Payment	When Payment Required	Disposition of Payment
Non-commercial	Applicant's personal information	No fees	No fees	No fees
	Other record request	\$25.00 deposit	At the time of application filing	Credited against final costs
		50% of anticipated cost	When fee estimate has been calculated	Credited against final costs
		Remainder of anticipated cost	Prior to release of records	Credited against final costs
Commercial	Other record request	\$25.00	At the time of application filing	Credited against final costs
		50% of anticipated cost	When fee estimate has been calculated	Credited against final costs
		Remainder of anticipated cost	Prior to release of records	Credited against final costs