

**DISTRICT OF MISSION**  
**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**  
**BYLAW 5560-2016**

*A Bylaw for the administration of the Freedom of Information  
and Protection of Privacy Act.*

WHEREAS, a local government:

- a) must designate a person or group of persons as the head of the municipality for the purposes of the *Freedom of Information and Protection of Privacy Act*; and
- b) may set any fees the municipality requires to be paid under section 75 of the *Freedom of Information and Protection of Privacy Act*.

NOW THEREFORE the Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

**1.0 CITATION**

This Bylaw may be cited as the "District of Mission Freedom of Information Bylaw 5560-2016".

**2.0 DEFINITIONS**

2.1 The definitions contained in schedule 1 of the *Act* shall apply to this Bylaw.

2.2 In this Bylaw:

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

“**Applicant**” means a person requesting a record under section 5 of the *Act*.

“**Commercial Applicant**” means a person requesting a record under section 5 of the *Act* for the purpose of doing business and whose primary purpose is connected with or engaged in commerce.

“**Coordinator**” means the person designated in section 3.2 of this Bylaw as the Information and Privacy Coordinator.

“**Council**” means the current Mayor and Council Members of the District.

“**District**” means the District of Mission.

“**Request**” means a written request under section 5 of the *Act*.

### **3.0 ADMINISTRATION**

- 3.1 The Council shall designate the Corporate Officer to be the Head for the purposes of the *Act*.
- 3.2 The Council shall designate the Deputy Corporate Officer to be the Information and Privacy Coordinator.

### **4.0 POWERS AND DUTIES OF THE COORDINATOR**

- 4.1 The Coordinator must perform the duties and exercise all the functions of the Head under the *Act* as summarized in section 5 of this Bylaw.
- 4.2 The Coordinator must comply with an order of the Information and Privacy Commissioner whose powers are outlined in section 42 to 44 of the *Act*.
- 4.3 The Coordinator must refuse to disclose information to an Applicant if the disclosure is prohibited or restricted by or under another act.

### **5.0 RESPONDING TO REQUESTS**

#### Duty to Assist Applicants

- 5.1 The Coordinator shall make every reasonable effort to assist Applicants and respond to Requests, without delay, in an open, accurate and complete manner.

#### Contents of Response

- 5.2
  - a) The Coordinator shall provide a response to the Applicant which includes information as to whether or not the Applicant is entitled to access the record, or part of the record, and, if applicable, where, when and how access will be given.
  - b) If the Applicant is not entitled to access the record the Coordinator will provide the reasons for the refusal and the provision of the *Act* upon which the refusal is based. The Coordinator will also provide their name, title, business address and business telephone number and advise the Applicant they may ask for a review of the decision under section 52 of the *Act*.

#### Means of Access to Requested Information

- 5.3 If the *Act* allows the Applicant access to the requested record, or part of the requested record, the Coordinator may provide:
  - a) a photocopy of the record, or part of the record, if requested by the Applicant;
  - b) a copy of the record, or part of the record, saved to CD or DVD, if requested by the Applicant; or
  - c) an opportunity to examine the record, or part of the record, if requested by the Applicant or if the record cannot reasonably be copied.

### Notification

- 5.4 The Coordinator:
- a) must give written notice to the third party and the Applicant if he intends to give access to a record that contains information that may be excepted from disclosure under section 21 or 22 of the *Act*; and
  - b) may give written notice to a third party if he does not intend to give access to a record that contains information excepted from disclosure under section 21 or 22 of the *Act*.

### Public Interest

- 5.5 As per section 25 of the *Act*, the Coordinator must, without delay, disclose to the public, to an affected group of people or to an Applicant, information:
- a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people, or
  - b) the disclosure of which is, for any other reason, clearly in the public interest.

## **6.0 FEES**

- 6.1 An Applicant making a Request for a record shall pay the District the applicable fees as set out in Schedule 1 of the *Freedom of Information and Protection of Privacy Regulation*, B.C. Reg. 155/2012, O.C. 491/2012 for the purposes of:
- a) locating, retrieving and producing the record;
  - b) preparing the record for disclosure;
  - c) shipping and handling the record; and
  - d) providing a copy of the record.
- 6.2 An Applicant making a Request for a record shall not be required to pay a fee for:
- a) their own personal information;
  - b) the first 3 hours spent locating and retrieving a record; or
  - c) the time spent severing information from a record.
- 6.3 If an Applicant is required to pay a fee for services under section 6.1 of this Bylaw, the District:
- a) must give the Applicant a written estimate of the total fee before providing the service; and
  - b) may require the Applicant to pay a deposit in the amount set by the Head.

## **7.0 PROTECTION OF INFORMATION**

The District must protect personal information in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

**8.0 REPEAL**

The "District of Mission Freedom of Information Bylaw 2837-1994" and all amendments are repealed.

READ A FIRST TIME this 20th day of March, 2017

READ A SECOND TIME this 20th day of March, 2017

READ A THIRD TIME this 20th day of March, 2017

ADOPTED THIS 3<sup>rd</sup> day of April, 2017

(original signed by Mayor Hawes)  
RANDY HAWES, MAYOR

(original signed by Mike Younie)  
MIKE YOUNIE, CORPORATE OFFICER