



## The Freedom of Information and Protection of Privacy Act

As the name suggests, the *Freedom of Information and Protection of Privacy Act* (the "Act" has two main purposes

### 1. *Freedom of Information*

To make public bodies more open and accountable by providing the public with a legislated right of access to government records, and

### 2. *Protection of Privacy*

To protect an individual's right to personal privacy by prohibiting the unauthorized collection, use or disclosure of that personal information by public bodies. 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*.

## Guidelines for Accessing Records

The *Freedom of Information and Protection of Privacy Act* sets out several fundamental rights for accessing information, including:

- the right of the general public to access records in the custody of public bodies;
- the right of an individual to access personal information about themselves, and to request correction of such personal information; and
- the right to expect that public bodies will not engage in the unauthorized collection, use or disclosure of personal information.

The Regional District and by extension, its committees and commissions, is considered a public body under the *Act*.

## What is covered by the *Act*?

All records on which information is recorded are covered by the *Act*. This includes correspondence, email, reports, forms, handwritten notes, drawings, contracts, etc. Please feel free to contact your FIPPA Head (Christy Malden, Manager of Legislative Services (250) 490-4146 if you are uncertain about specific materials)

Some records may (or must) be restricted from access by the general public, including, but not limited to:

- policy advice or recommendations;
- legal advice;
- disclosure harmful to law enforcement;
- disclosure harmful to the financial or economic interests of a public body;
- disclosure harmful to individual or public safety;
- information that will be published or released within 60 days;
- disclosure harmful to business interests of a third party;
- disclosure harmful to personal privacy;
- information being considered in confidence.

❖ ***The FIPPA Head will determine which records may or must be restricted.***

## Collection of Personal Information

The Regional District of Okanagan Similkameen may only collect personal information:

- that it has clear authority to collect (i.e. expressly authorized under an *Act* or information that 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 Regional 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 following statement is to be included on all documents (ie surveys) requesting personal information:
  - *Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the Freedom of Information and Protection of Privacy Act (British Columbia) ("FIPPA"). Any personal information you provide to us is collected, used and disclosed in accordance with FIPPA*
  - *Should you have any questions about the collection, use or disclosure of this personal information please contact:  
Manager of Legislative Services  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC  
Phone: 250-492-0237*

❖ *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 Regional District has to deal with. In accordance with the *Act*, reasonable security arrangements must be established and maintained to protect personal information against unauthorized access, collection, use, disclosure or disposal.

### **The Public Body**

The public body receiving a request for access to records has what is called a "duty to assist" under the *Act*. This means the public body must make every reasonable effort to assist the applicant and to respond without delay — openly, accurately and completely.

### **What does this mean to me, as a committee or commission member?**

As a member of a Board committee or commission you are subject to the requirements of the *Act*, and may be required to produce records relating to RDOS business which may be in your possession, or confirm that no records exist in your possession.

As a member of a Board committee you may receive email or correspondence from members of the community which include their email, phone numbers, addresses and signatures. These are all forms of personal information which you would not forward on or publish.

If the committee were to conduct a survey or poll of residents, all documents which a member of the community is required to complete would require the statement above, outlining the reasons for collection of personal information.

As committee members you may view Requests for Proposals, Quotations or formal consultant's submissions from time to time. Often those documents contain proprietary information, which must not be released.

***If you receive a request for access to any records, or if you have questions about FIPPA, please contact us at the RDOS Office:***

***Christy Malden (250) 490-4146 or Gillian Cramm (250) 490-4145***