

CENTRAL COAST REGIONAL DISTRICT POLICIES

A-39 – Freedom of Information Request Policy

Preamble: This policy is intended to accompany the Central Coast Regional District’s Bylaw No. 431 on the administration of the *Freedom of Information and Protection of Privacy Act* and the Province’s *Freedom of Information and Protection of Privacy Act*. This policy outlines the process of requesting information, the difference between routine documents and Freedom of Information (FOI) requests and clarifies staff protocol for requests for information.

Policy: The Central Coast Regional District (CCRD) is legislated under the *Freedom of Information and Protection of Privacy Act* to give the public a right to access records.

Types of Information Requests:

There are two ways to request information from the Central Coast Regional District:

1. **Informal Request (Routine Records):** Routine records are defined as records that do not contain personal information or confidential information that is not legally releasable under provincial legislation and do not require a formal FOI request. These can include agendas and minutes of open meetings, bylaws, publications, and policies and procedures.
2. **Formal Freedom of Information (FOI) Request:** If information is not available through routine channels (e.g., draft reports, accident reports, personal information), this information must be requested in writing and will be subject to Part 2 Division one of the *FOIPP Act*. Formal requests include all records in the custody or control of the Regional District. These documents are considered “non-routine”.

CCRD Bylaw No. 431 Appendix I provides a list of what constitutes a ‘routine document’ and an FOI request. The list is intended to act as a guide and is not an exhaustive list.

Requesting Information (Routine or Non-Routine).

All requests for information (“routine” or “non-routine”) must be submitted in writing to the CCRD. This can be done through the online form on the “FOI Requests” page on the CCRD website, filling out a paper copy of the Request for Information form at the downtown CCRD office, or calling the CCRD office to have a staff member fill out a form on resident’s behalf (if the resident is not online or unable to fill out the paper copy).

Once a ‘Request for Information’ is received by the Administration, staff will assess whether the request is “routine” or “non-routine”. A fee structure (outlined below) may be charged to the applicant depending on the type of request (“routine” or “non-routine”) or if the request exceeds three (3) hours of staff time to complete.

Communication to Applicant:

An initial email (or phone call if the applicant is not online) will be sent to the applicant confirming the request has been received. Staff will evaluate whether the request is “routine” or “non-routine”. The applicant will be emailed (or phoned) a second time with an update to inform the applicant:

- (1) what type of request it is (“routine” or “non-routine”)
- (2) whether the \$10 application fee is required
- (3) a fee estimate if the request is anticipated to exceed three (3) hours of staff time (administrative costs).

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Communication to Applicant: (continued)

Should the \$10 application fee be required (for “non-routine requests”), the applicant will have 30 days to pay the application fee. Staff will inform the applicant of the deadline for the application fee payment in the second contact (email or phone) with the applicant. The information request will not be processed until the fee is paid. If the application fee is not paid within 30 days, Administration will close the file on the request for information.

Fees:

Non-Routine Requests: All “non-routine” requests will be subject to a \$10 application fee (as per *FOIPP Act* Section 75). This application fee does not apply to personal requests for personal information.

Fee estimate: Local governments may charge a prescribed fee for: (i) locating and retrieving the record, (ii) producing the record; (iii) preparing the record for disclosure, except for time spent severing information from the record; (iv) shipping and handling the record; (v) providing a copy of the record (Section 75, *FOIPP Act*). These fees are outlined in Schedule 1 of the *FOIPP Act* (Appendix 1). The Applicant will be informed of the estimate and be required to place a deposit of 25% of the estimated costs on requests estimated less than \$100. On all requests estimated at more than \$100, a 50% deposit will be required. No work will be done to advance the application until such time as the application fee and deposit are paid in full.

If the work required is less than the estimate and the deposit paid, a refund cheque (of the estimate) will be issued and mailed to the applicant within 30 business days.

If staff hours exceed the estimated time and cost provided to the applicant, the applicant will be notified, and a new estimate will be provided with an updated cost and time estimate. A new deposit may be required to continue to fulfill the information request. Work on request will resume once paid if deposit is required.

Request for Fee Waiver:

Should the requester of information be unable to pay the \$10 application fee and/or the administrative costs, the requester may submit a written request to the FOI Head in accordance with *FOIPP Act* Section 75(5) asking to waive all or part of the fees. The FOI Head (CAO) may waive the fees if he/she determines that:

- i) the applicant cannot afford the fee(s) or if there is another reason that it is fair to excuse the fees, or
- ii) the record relates to a matter of public interest, including the environment or public health or safety.

Fees can be paid by cheque, cash, or card at the downtown CCRD Office.

Timeline:

As per the *FOIPP Act*, the CCRD has 30 business days to provide the requested information to the applicant. Administration may request to extend the time limit for responding according to Section 10 of the *FOIPP Act*.

Reasons that an extension may be required include one or more of the following:

- (a) the applicant does not give enough detail to enable the public body to identify a requested record,
- (b) a large number of records are requested or must be searched, and meeting the time limit would unreasonably interfere with the operations of the public body,

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Timeline: (continued)

(c) more time is needed to consult with a third party or other public body before the head can decide whether or not to give the applicant access to a requested record, and (d) the applicant has consented, in the prescribed manner, to the extension.

Should the Administration require additional time, staff will contact the Provincial FOI Commissioner to receive permission to extend the deadline. If the Commissioner approves this request, Administration will notify the requester immediately explaining the reason needed for the extension and when a response can be expected.

Exceptions to Requested Information

The CCRD will not create a new document or record for requests (e.g., timelines, summaries, etc.) as per Section 6(2)b. of the *FOIPP Act*.

The CCRD will not release information if the information requested is described in Division 2 “Exceptions” of the *FOIPP Act*. These exceptions include:

- Cabinet and local public body confidences (Section 12).
- Policy advice or recommendations (Section 13).
- Legal Advice (Section 14).
- Disclosure harmful to law enforcement (Section 15).
- Disclosure harmful to intergovernmental relations or negotiations (Section 16).
- Disclosure harmful to the financial or economic interests of a public body (17).
- Disclosure harmful to the conservation of heritage sites, etc. (Section 18).
- Disclosure harmful to the interests of an Indigenous people (Section 18.1).
- Disclosure harmful to individual or public safety (Section 19).
- Information that will be published or released within 60 days (Section 20).
- Disclosure harmful to business interests of a third party (Section 21).
- Disclosure harmful to personal privacy (Section 22).
- Disclosure of information relating to abortion services (Section 22.1).

For further information on the exceptions to requests for information, please see Division 2 of the *FOIPP Act*.

The CCRD is committed to providing transparency into CCRD administration and services and supports residents’ right to request information.

Date: September 14, 2023

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Appendix 1:

Schedule 1 of Freedom of Information and Protection of Privacy Act

Schedule of Maximum Fees

Item	COLUMN 1	COLUMN 2
	Description of Services	Management Fees
1	For applicants other than commercial applicants:	
	(a) for locating and retrieving a record	\$7.50 per 1/4 hour after the first 3 hours
	(b) for producing a record manually	\$7.50 per 1/4 hour
	(c) for producing a record from a machine readable record from a server or computer	\$7.50 per 1/4 hour for developing a computer program to produce the record
	(d) for preparing a record for disclosure and handling a record	\$7.50 per 1/4 hour
	(e) for shipping copies	actual costs of shipping method chosen by applicant
	(f) for copying records	
	(i) floppy disks	\$2 per disk
	(ii) CDs and DVDs, recordable or rewritable	\$4 per disk
	(iii) computer tapes	\$40 per tape, up to 2 400 feet
	(iv) microfiche	\$3 per fiche
	(v) microfilm duplication	\$25 per roll for 16 mm microfilm, \$40 per roll for 35 mm microfilm
	(vi) microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
	(vii) photographs, colour or black and white	\$5 to produce a negative
		\$12 each for 16" x 20" photograph
		\$9 each for 11" x 14" photograph
		\$4 each for 8" x 10" photograph
		\$3 each for 5" x 7" photograph
	(viii) photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
	(ix) dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")

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	(x) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(xi) scanned electronic copy of a paper record	\$0.10 per page
	(xii) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
	(xiii) slide duplication	\$0.95 each
	(xiv) audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per 1/4 hour of recording
	(xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per 1/4 hour of recording
2	For commercial applicants for each service listed in Item 1	the actual cost to the public body of providing that service