UNDERSTANDING FREEDOM OF INFORMATION REQUESTS
OUTLINE

• What is a freedom of information request?
• Who can make a freedom of information request?
• How do you make a freedom of information request?
• What are the rights, duties and obligations under the laws?
OUTCOMES

- Know how to make a freedom of information request
- Understand how to exercise your freedom of information rights
A LITTLE BACKGROUND

• Access to Information Act (Canada) – 1983
• Freedom of Information and Protection of Privacy Act (BC) – 1993
• Personal Information Protection and Electronic Document Act (Canada) – 2000
• Personal Information Protection Act – 2004
WHAT IS AN FOI REQUEST?

- Routine and Non-Routine Requests
- General Information
- Personal Information
WHO CAN MAKE AN FOI REQUEST?

Canada
• Citizens
• Permanent residents
• Persons and corporations present in Canada

British Columbia
• Anyone
HOW TO MAKE AN FOI REQUEST

- Pre-research helps avoid surprises
- Receiving entity must be covered by the law (Schedules 2 and 3) and be the likely custodian
- Request in writing, making reference to FOI, or using a supplied request form
- Provide sufficient detail to enable an experienced employee, with reasonable effort, to find the records
- For records only
- May request copies of or to examine the records
- Some classes of records are not covered
Dear Information and Privacy Office,

Under FOIPPA, I am requesting records related to the urban design department's review of my single family house application. This includes internal communication (e.g., emails, etc, between City of Vancouver staff, including with other departments such as Engineering) and notes to file created by the urban design department. I would like these records produced in electronic format and sent via email.

Here are additional parameters to assist in your search:

• Permit Number – DB123456
• Address – 1234 ABCD Ave
• Restrict timeframe of search to records created or received between December 22, 2015 and August 1, 2016.
• Assigned city employee/likely custodian – John Doe

I am the permit applicant and the owner of this property. Let me know if you require proof of identity to confirm I am not a third-party with regards to my personal information contained in the records.

Please do not hesitate to contact me if you require further information.
BC GOVERNMENT ONLINE REQUEST FORM

https://extranet.gov.bc.ca/forms/iao/foiform/index.html
RIGHTS, DUTIES AND OBLIGATIONS

Applicant
• Identify the correct custodian
• Check if information is already publicly or routinely available
• May request a review of most decisions made by the public body
• Negotiate

Public bodies
• Duty to assist
• Must respond within 30 days, but may extend
• Starting point: everything accessible
• Must indicate reasons for withholding information
• Public interest disclosure (environmental/health/safety)

Good Faith and Respectful
EXCEPTIONS TO DISCLOSURE

- 12 - Cabinet Confidences
- 13 - Policy Advice
- 14 - Legal Advice
- 15 - Law Enforcement
- 16 - Intergovernmental Relations
- 17 - Financial Interests
- 18 - Conservation/Heritage
- 19 - Public Safety
- 20 - 60 Day Disclosure
- 21 - 3rd Party Financial
- 22 - 3rd Party Privacy
RESOURCES

• Office of the Information and Privacy Commissioner
  https://www.oipc.bc.ca/

• BC Freedom of Information and Privacy Association
  https://fipa.bc.ca/

QUESTIONS