

**Freedom of Information Policy**

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Adopted date: May 11, 2022	Amended date:	Next Review: 2027
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**OBJECTIVE**

Van Anda Improvement District (VAID) records shall be made available for public review except those barred from release by the Freedom of Information and Protection of Privacy Act (FIPPA) and those documents deemed to be confidential by the Board of Trustees as allowed by the FIPPA.

This policy is intended to provide the policies and procedures necessary for the release of information by the District to the public. This policy is designed to:

- a) define routinely available records;
- b) provide guidelines regarding the release of non-routinely available records;
- c) protect the privacy of individuals; and iv. ensure compliance with the Freedom of Information and Protection of Privacy Act (the "Act").

**DEFINITIONS**

"District" Van Anda Improvement District

"FIPPA" the Freedom of Information and Protection of Privacy Act.

"FIPPA Coordinator" the employee appointed by the Board of Trustees as the Freedom of Information and Protection of Privacy Act Officer for the District

"Formal request" are requests for records that are neither routinely available nor available through more informal procedures. Formal requests under FIPPA must be made in writing and directed to the FIPPA Coordinator. Applicable fees will apply. (Freedom of Information and Protection of Privacy Regulation, Schedule I)

"Information request" is information that is generally routinely available but requires a review of records, usually by the Administrator. This can be a request for records that are not readily at hand such as those stored in semi-active or archived files. Applicable fees will apply. (Freedom of Information and Protection of Privacy Regulation, Schedule I)

"Record" defined in the Freedom of Information and Protection of Privacy Act, includes books, documents, maps, drawings, photographs, letters, vouchers, papers, and other things on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

"Routine request" is information that is commonly available and often posted on the District's website and would include auditor's reports, annual reports, agendas, and minutes of District meetings. A fee

# POLICY

may be charged for this information. These requests can be verbal and do not require the involvement of the FIPPA Coordinator.

## SCOPE

District employees, Trustees, Contractors, First Responders

## POLICY

It is the District's policy to encourage those seeking information to make an informal request. Routine requests or information requests inquiries may be made by mail, courier, and e-mail. If answers cannot be provided immediately by employees, details will be recorded and forwarded to appropriate authority (the Fire Chief for Fire Department inquiries and the Board of Trustees for all others). Formal requests must be made in writing and on the form provided.

Acknowledgement of an inquiry will be provided within forty-eight hours of receipt of a request. The initial reply may be to inform the inquirer that their request is being dealt with and by whom.

If denied, the FIPPA Coordinator will advise the inquirer in writing of the decision and the reason(s) for the refusal to disclose the requested information or record.

## ROUTINELY AVAILABLE RECORDS

- a) Routinely available records are available without a formal request.
- b) Schedule 'A' attached provides a list of documents that are routinely available upon request.
- c) Routinely available records must be made available for viewing at the VAID offices and may be made available on the VAID website.
- d) Fees for copies of routinely available records shall be applied as set out in the current VAID "Miscellaneous Fees and Charges Bylaw".

## NON-ROUTINELY AVAILABLE RECORDS

- a) Non-routinely available records are covered by FIPPA.
- b) FIPPA requires disclosure of existing records containing information, not the production of new records to comply with an information request.
- c) Some records may be (or must be) restricted from access by the general public, including records containing:
  - I. personal information;
  - II. information being considered in confidence;
  - III. information subject to solicitor-client privilege;
  - IV. information harmful to law enforcement or the interests of the general public if disclosed; and
  - V. information harmful to third-party business interests if disclosed.
- d) Requests for non-routinely available records should be submitted using the "Freedom of Information and Protection of Privacy Request for Access to Records" form (copy attached to this policy)

# POLICY

## RESPONDING TO REQUESTS

- a) The Board of Trustees is designated as the Head for the purposes of FIPPA.
- b) The Board hereby designates the Administrator to be the FIPPA Coordinator
- c) The Board hereby authorizes the FIPPA Coordinator to perform the following duties or exercise the following functions of the Head under FIPPA:
  - I. The duty to create a record from a machine readable record in the custody or under the control of the District using its normal computer hardware and software and technical expertise if creating the record would not unreasonably interfere with the operations of the District
  - II. The power to respond to a request except where the Head has the discretion under FIPPA to determine whether a record shall be released or withheld from disclosure
  - III. The power to respond to a request after the Head has made a decision regarding the disclosure or non-disclosure of a record.
  - IV. The power to refuse in a response to confirm or deny the existence of:
    - i. a record containing information described in Section 15 of FIPPA (information harmful to law enforcement), or
    - ii. a record containing personal information of a third party if disclosure of the existence of the information would be an unreasonable invasion of that party's personal privacy.
  - V. The duty to:
    - i. provide an applicant with a copy of a record or part of a record with a response where the record can reasonably be reproduced, or
    - ii. to give reasons for the delay in providing the record.
- d) An applicant making a request shall pay to the District the fees set out in the current VAID "Miscellaneous Fees and Charges Bylaw". As per FIPPA, an applicant must not be required to pay a fee for the first 3 hours spent locating and retrieving a record, or time spent severing information from a record.

## RELATED DOCUMENTS

- VAID Miscellaneous Fees and Charges Bylaw
- VAID Confidential Information Policy
- Freedom of Information and Protection of Privacy Act

## FORMS

- Freedom of Information and Protection of Privacy Request for Access to Records

# POLICY

## SCHEDULE 'A'

### Routinely Available Records\*

- Annual Reports
- Minutes of Annual and Special General Meetings (once approved)
- Audited Financial Statements Minutes of Committee meetings (once approved) (1)
- Budgets Minutes of District Board meetings (once approved) (1)
- Bylaws
- Newsletters
- Correspondence Sent and Received by the Board (1) (2)
- Policies
- District Board and Committee agendas (1)
- Public Notices
- District Board Trustee list
- Referendum and other Voting results
- Election results
- Resolutions (1)
- Letters Patent

\*All personal information will be severed from routinely available records

(1) Except where considered in an in-camera (closed) meeting

(2) Except correspondence to and from individual ratepayers