Salt Spring Island Fire Protection District

POLICY MANUAL

Section	Governance
Policy Number	AG-5301-02
Policy Title	Freedom of Information and Protection of Privacy

POLICY OBJECTIVE

The purpose of this policy is to establish clear procedures for responding to Freedom of Information (FOI) requests in compliance with British Columbia's Freedom of Information and Protection of Privacy Act (FIPPA). This policy ensures transparency, accountability, and the protection of personal privacy while facilitating access to public records.

DEFINITIONS

"**Access to Information Request**" is a formal request submitted under FIPPA to obtain records held by SSIFPD.

"**Exemptions**" are specific provisions under FIPPA that allow or require SSIFPD to withhold certain information (e.g., personal privacy, law enforcement matters, or third-party business interests).

"**FIPPA**" is British Columbia's Freedom of Information and Protection of Privacy Act

"**FOI Officer**" is the individual designated as responsible for compliance with FOI legislation, typically the Chief Administrative Officer (CAO).

"**Personal Information**" is recorded information about an identifiable individual, including name, address, phone number, financial details, and personal correspondence.

"**Third Party**" is any individual, business, or organization external to SSIFPD whose information may be contained in a requested record.

"**Time Limits**" is the statutory time frame (30 calendar days) within which SSIFPD must respond to a FOI request.

SCOPE OF POLICY

This policy applies to all records in the custody or under the control of the Salt Spring Island Fire Protection District, including electronic and paper records, communications, and other information sources.

1.   **POLICY AND PROCEDURE: FOI REQUEST**

    1.1   **Receiving and Acknowledging Requests**

- Requests must be submitted in writing or by digital submission such as email and directed to the designated FOI Officer.
- The FOI Officer must log the request immediately upon receipt, assigning it a tracking number.
- Acknowledgment of receipt must be sent within five (5) business days, confirming the request, expected timelines, and any applicable fees.

1.2   Clarifying and Narrowing Requests

- If a request is unclear or overly broad, the FOI Officer must contact the applicant within ten (10) business days to aid in refining the request.
- Applicants must be advised of their right to narrow or revise the scope to expedite processing.

1.3   Searching and Locating Records

- Relevant departments must be notified and given a search deadline (e.g., 10-15 business days) to locate responsive records.
- If no records exist, a formal response must be issued stating that no records matching the request were found.

1.4   Reviewing and Redacting Information

- The FOI Officer must review records for potential exemptions under FIPPA (e.g., privacy, legal privilege, third-party business interests).
- A redaction log should be created, documenting the reasons for withholding or redacting information.
- If third-party information is involved, affected parties must be notified within twenty (20) business days and given an opportunity to object before disclosure.

1.5   Response and Disclosure of Records

- Requests must be completed within thirty (30) business days unless an extension of time is required (e.g., large volumes of records, third-party consultations).
- The FOI Officer must provide the applicant with:
    o The records (in full or redacted form).
    o A written explanation of any exemptions applied.
    o Information on the right to request a review by the Office of the Information and Privacy Commissioner (OIPC).

1.6   Fees and Payment Processing

- The first three (3) hours of search time are free; additional time may be charged as per provincial fee schedules.
- A fee estimate must be provided if the request will exceed the free search limit.
- Applicants have thirty (30) days to accept or dispute the fee estimate before processing begins.

1.7 Appeals and Complaints

- If an applicant disputes a decision, they must be informed of their right to request a review by the OIPC.
- The FOI Officer must maintain detailed records of the request, correspondence, and redaction justifications to facilitate the review process.

1.8 Records Management and Retention

- All FOI requests, responses, and related correspondence must be retained for at least two (2) years.
- Secure destruction of sensitive records must be conducted in accordance with BC's records retention policy.

2. POLICY AND PROCEDURE: EXTENDING TIME LIMIT FOR RESPONDING TO REQUESTS

2.1 Purpose

This policy outlines the procedures for extending the time limit to respond to records requests under the Freedom of Information and Protection of Privacy Act (FIPPA).

2.2 General Time Limit

The FOI Officer must respond to a request for records within thirty (30) days of receiving the request unless:
- The time limit is extended under Section 10 of FIPPA.
- The request is transferred to another public body under Section 11;
- The FOI Officer applies for authorization to disregard the request under Section 43.
- A fee estimate has been issued and no payment has been made.
- The applicant or a third party requests a review.

2.3 Grounds for Extension

The FOI Officer may extend the response time by up to thirty (30) additional days if:
- The request lacks sufficient detail to identify the records (s.10(1)(a)).
- A large volume of records must be searched, interfering with operations (s.10(1)(b)).
- Consultation with a third party or another public body is necessary (s.10(1)(c)).
- The applicant has consented to an extension (s.10(1)(d)).

2.4 Requesting Further Extensions

If more than sixty (60) days are needed, the FOI Officer must request permission from the Office of the Information and Privacy Commissioner (OIPC).
- The OIPC may grant extensions if the circumstances warrant or if it is deemed fair and reasonable (s.10(2)(b)).
- Requests for extensions must be submitted before the expiry of the initial or extended time limit.

2.5 Notification Requirements

If an extension is granted, the FOI Officer must notify the applicant in writing, including:
- The reason for the extension.
- The expected response date.
- A copy of the OIPC's approval letter (if applicable).
- A plan for staged disclosure of records, where feasible.

2.6 Complaints and Investigations

Under Part 4 of FIPPA, the OIPC may investigate complaints related to:
- Failure to comply with FIPPA requirements.
- Improper time extensions.
- Inappropriate fees or denial of fee waivers.
- Unjustified refusal to correct personal information.
- Unauthorized collection, use, or disclosure of personal information.

2.7 Complaint Process

- Complaints must be submitted in writing to the OIPC (or orally if necessary).
- The complainant must provide their name, contact information, details of the complaint, and any correspondence with the FOI Officer.
- The OIPC may refer the complainant back to the FOI Officer if they have not attempted resolution first.

2.8 Investigation and Reconsideration

- Complaints may be assigned to a Case Review Officer for early resolution or an Investigator for full review.
- Investigations ensure all parties have an opportunity to be heard.
- An investigation may be discontinued if criteria outlined by the OIPC are met.
- Either party may request reconsideration under limited grounds, such as clerical errors, breaches of fairness, or new evidence.

2.9 Appeals

- If the OIPC declines to investigate or discontinues an investigation, the complainant may request reconsideration within fifteen (15) days.
- Reconsideration is not an appeal but a review of process fairness.
- This policy ensures compliance with FIPPA while allowing for flexibility in responding to complex information requests.

3. POLICY AND PROCEDURE: REQUESTS FOR REVIEW

3.1 Purpose

This policy outlines the process for requesting a review under the Freedom of Information and Protection of Privacy Act (FIPPA).

3.2 Requesting a Review

- Requests for review must be submitted in writing to the Office of the Information and Privacy Commissioner (OIPC), either by email or mail.
- If an applicant has difficulty writing due to a disability, an oral request may be made, which the OIPC will document for acknowledgment by the applicant.
- A request must include a) The applicant's name, address, and contact information. b) A copy of the original access request. c) A brief explanation of the review request. d) A copy of the FOI Officer's decision.
- The request must be submitted within thirty (30) days of receiving the FOI Officer's decision unless an extension is granted due to extenuating circumstances.
- The OIPC may require the applicant to attempt resolution with the FOI Officer before proceeding with an inquiry.

3.3 Declining a Review

- The OIPC may decline to review a request under specific circumstances, detailed at oipc.bc.ca/CIP.
- If a review is declined, the applicant may appeal within fifteen (15) business days by submitting a "request for reconsideration" with supporting reasons.

3.4 Notification of Review

The OIPC will notify the head of the FOI Officer and any other relevant parties of the review request.

3.5 Application of New Exceptions

If the FOI Officer applies a new exception to disclosure during mediation, it must inform the applicant and OIPC in writing as soon as practicable.

3.6 Mediation Process

- The OIPC may refer a review request to mediation to facilitate resolution before an inquiry.
- Mediation is intended to ensure fair access to records as per FIPPA.
- The OIPC may extend mediation if deemed necessary.
- If mediation fails, the matter may proceed to an inquiry.

3.7 Discontinuing a Review

- An Investigator may discontinue a review under certain conditions, detailed at oipc.bc.ca/CIP.
- Applicants can appeal a discontinuation decision within fifteen (15) business days by requesting reconsideration.

3.8 Inquiry Process Under Section 56 of FIPPA

- If a review is not resolved, the OIPC may decide whether it will proceed to an inquiry.
- Factors considered include:
  - Whether the review has no reasonable prospect of success.

- o If the request is frivolous, vexatious, or an abuse of process.
- o Whether a meaningful remedy is available.
- o If the issue is better addressed in another process.
- Before a final decision, parties will be given an opportunity to be heard.

4. INQUIRIES

4.1 General

An inquiry is a formal process where the Commissioner or an Adjudicator reviews disputed issues, makes a decision, and issues an order. Inquiries are typically conducted in writing.

4.2 Investigator's Fact Report

Before an inquiry, the Investigator prepares a fact report that:
- Provides a chronology of the request, review, and inquiry processes.
- Outlines facts and identifies any disputed information.
- Describes records and issues in dispute, as well as any resolved matters.
- Specifies the relevant provisions of FIPPA.

The fact report excludes details of mediation efforts but notes settled issues. Parties receive the fact report before the Notice of Inquiry and may raise objections within a specified timeframe.

4.3 Notice of Inquiry

If the matter proceeds to inquiry, the OIPC issues a Notice of Inquiry along with the finalized fact report to all parties. Parties may submit written submissions according to a provided schedule. Additional information on the inquiry process is available on the OIPC website.

5. DEEMED REFUSAL REVIEWS

Under section 53(3) of FIPPA, if the FOI Officer fails to respond to a records request within the required timeframe, it is considered a "deemed refusal." The OIPC follows an expedited process to review such cases.

5.1 OIPC Review of Deemed Refusal Cases

Upon receipt of a deemed refusal review, the OIPC assesses whether:
- The applicant provided a copy of the original access request.
- The applicant included a copy of the FOI Officer's acknowledgment letter (if available).
- The issue qualifies as a deemed refusal under the OIPC's process.
- Additional information is needed to confirm the review relates solely to a deemed refusal.

The OIPC then calculates response times, considering any extensions or fee-related delays.

5.2 Public Body Assessment

If deemed refusal applies, the OIPC contacts the FOI Officer to:
- Confirm receipt of the access request and file status.
- Verify timelines, extensions, and outstanding fee issues.

- Determine reasons for delay and any required consultations.
- Obtain an estimated response time.
- Discuss the possibility of a consent order.

5.3 Mediation and Consent Orders

The OIPC seeks to mediate a response date, which may include a consent order if both parties agree. The consent order must be signed by both parties and approved by the Deputy Commissioner.

5.4 Expedited Inquiry Process

If mediation is unsuccessful or a consent order is not pursued, the OIPC initiates an expedited inquiry. A Notice of Inquiry is issued, and both parties may submit written statements. The Adjudicator then reviews submissions and issues a decision.

5.5 Partial or Phased Release

If the FOI Officer agrees to release records in phases, the OIPC continues monitoring the case until the full response is completed, unless the applicant agrees to close the review.

6. PROCEDURE FOR AUTHORIZATIONS TO DISREGARD ACCESS REQUESTS

6.1 Purpose

To establish a process for requesting authorization to disregard access requests or correction requests that meet the criteria under Section 43 of FIPPA.

6.2 Request Submission

The FOI Officer must submit a written request to the OIPC and notify the access applicant. The request must include:
- A copy of the request(s) at issue.
- An explanation of how responding to the request(s) would unreasonably interfere with operations due to their repetitious or systematic nature and/or how the request is frivolous or vexatious.
- The proposed remedy sought by the public body.

6.3 OIPC Review Process

- The OIPC will review the request and attempt to resolve the matter.
- If the matter is not resolved, the OIPC will issue a notice of inquiry.

6.4 Inquiry and Decision

- Parties will be allowed to submit written statements.
- The Commissioner or an Adjudicator will review the submissions, decide, and issue an order.

ATTACHMENTS

Salt Spring Island Fire Protection District Freedom of Information (FOI) Request Form

APPROVALS

Approval date:	May 26, 2025	Approved by:	Board of Trustees
1. Amendment date:		Approved by:	
2. Amendment date:		Approved by:	
3. Amendment date:		Approved by:	

Salt Spring Island Fire Protection District
Freedom of Information (FOI) Request Form
Pursuant to the *Freedom of Information and Protection of Privacy Act (FIPPA)*

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1. Applicant Information

Please complete all required fields (*).

Full Name*:	_____
Organization (if applicable):	_____
Mailing Address*:	_____
City*:	_____
Province*:	_____
Postal Code*:	_____
Phone Number*:	_____
Email Address:	_____

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2. Type of Request

Please check one:

☐ Request for Access to General Records
☐ Request for Access to Personal Information

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3. Description of Records Requested

Please describe the records you are requesting as clearly and specifically as possible. Include relevant dates, file numbers, subject matter, departments involved, or any other information to assist with the search. (Attach additional pages if necessary.)

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_____

_____

AG-5301-02 Freedom of Information and Protection of Privacy Policy APPROVED

Preferred Method of Access

Please check one:

☐Receive electronic copies via email (where possible)
☐Pick up paper copies
☐View records in person (by appointment)

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5. Signature and Declaration

I understand that fees may apply to cover the cost of locating, retrieving, producing, and/or copying records, as permitted under Section 75 of the *Freedom of Information and Protection of Privacy Act*. I agree to be contacted if additional clarification is required.

Signature*: _____
Date*:   _____

Submit Your Request To:

Chief Administrative Officer
Salt Spring Island Fire Protection District
105 Lower Ganges Road, Salt Spring Island, BC V8K 2T1
📧 **Email**: corpadmin@saltspringfire.com
📞 **Phone**: 250-537-2531
🌐 **Website**: www.saltspringfire.com

Office Use Only

- Date Received: _____
- Request #: _____
- Response Due: _____
- Fee Estimate Issued: ☐ Yes ☐ No