



REPORT

To: Chair and Directors

Report Number: ADM-BRD-208

From: Tyra Henderson, Corporate Officer

Date: June 24, 2021

Subject: Update of the PRRD Freedom of Information Bylaw

RECOMMENDATION #1: [Corporate Unweighted]

That the Regional Board give Freedom of Information and Protection of Privacy Administration Bylaw No. 2452, 2021, which repeals the out of date Freedom of Information (FOI) Bylaw dating back to 1994, identifies the Corporate Officer as the FOI head, and authorizes fees applicable to processing information requests, first three readings.

RECOMMENDATION #2: [Corporate Unweighted – 2/3 Majority]

That the Regional Board adopt Freedom of Information and Protection of Privacy Administration Bylaw No. 2452, 2021.

BACKGROUND/RATIONALE:

The Freedom of Information Bylaw has not been updated since 1994.

The current bylaw relies on the authority and instruction given in *Freedom of Information and Privacy Act, S.B.C 1992 c.61*, and its amendments. That legislation has been replaced by *Freedom of Information and Protection of Privacy Act [RSBC 1996] c.165*. The current bylaw also specifies a head committee consisting of several positions which have since been renamed; the Administrator (CAO), Deputy Administrator (DCAO), Director of Finance (Chief Financial Officer), Director of Administration (Corporate Officer), and Senior Accountant (Financial Services Manager), and identifies the Senior Accountant as the Information and Privacy Coordinator, and the Director of Administration (Corporate Officer) as the Acting Information and Privacy Coordinator.

FOI requests and responses have been directed to the Director of Administration (Corporate Officer) for at least 4.5 years; the current 'Senior Accountant' (Financial Services Manager) has no involvement in receipt and processing Freedom of Information requests. The proposed bylaw captures current practice in the organization; rather than an FOI Head committee charged with making decisions regarding release of records, the Corporate Officer alone will carry this responsibility. The Deputy Corporate Officer, would be able to act as the Head in the absence of the Corporate Officer. The Corporate Services Coordinator is identified as the Information and Privacy Coordinator, a role that aligns very well with the position duties of records and file management.

These three positions in the Corporate Administration Department will receive any training made available regarding Freedom of Information and Protection of Privacy updates or amendments, to keep current as legislation and best practices evolve.

The proposed bylaw conforms to the 'model bylaw' included in the Freedom of Information and Privacy Toolkit produced by the Local Government Management Association.

ALTERNATIVE OPTIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

None at this time.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Draft Freedom of Information and Protection of Privacy Administration Bylaw No. 2452, 2021
2. PRRD Freedom of Information Bylaw No. 958, 1994 (consolidated)