



PEACE RIVER REGIONAL DISTRICT

## **Freedom of Information Bylaw No. 958, 1994**

Effective Date – October 27, 1994

### **CONSOLIDATED FOR CONVENIENCE ONLY**

This is a consolidated bylaw. The amending bylaws have been combined with the original bylaw for convenience only and is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

**Original Bylaw**

Bylaw No. 958, 1994

**Date of Adoption**

October 27, 1994

**Amending Bylaw**

Bylaw No. 969, 1994

December 9, 1994

**diverse. vast. abundant.**

**PEACE RIVER REGIONAL DISTRICT**  
**BY-LAW NO. 958, 1994**

A by-law for the administration of the  
Freedom of Information and Protection of  
Privacy Act

WHEREAS, pursuant to the *Freedom of Information and Protection of Privacy Act*, a local government:

- (a) must designate a person or group of persons as the head of the Regional District for the purposes of the *Freedom of Information and Protection of Privacy Act*; and
- (b) may authorize any person to perform any duty or exercise any function under the *Freedom of Information and Protection of Privacy Act* of the person or group of persons designated as the head of the Regional District; and
- (c) may set any fees the Regional District requires to be paid.

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This by-law may be cited for all purposes as "Freedom of Information By-law No. 958, 1994".
2. **Definitions and Interpretation**
  - 2.1 The definitions contained in Schedule 1 of the Act apply to this by-law. Schedule 1 of the Act is attached for information purposes only.
  - 2.2 In this by-law:
    - "Act"**  
means the Freedom of Information and Protection of Privacy Act, S.B.C. 1992, c.61 and its amendments;
    - "Board"**  
means the Board of the Peace River Regional District;
    - "Commercial Applicant"** [BL#969, 1994]  
means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
    - "Regional District"**  
means the Peace River Regional District.
3. The Regional District adopts the provisions of the Act to regulate the operation of the Regional District with regards to Freedom of Information and Privacy requests.

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4. **Administration**

- 4.1 The Committee, named in Schedule 'A' attached hereto and forming part of this by-law, is designated as the Head for the purposes of the Act.
- 4.2 Schedule 'A' identifies the method of operation of the Head.
- 4.3 The Board hereby designates the Senior Accountant to be the Information and Privacy Co-ordinator and the Director of Administration to be the Acting Information and Privacy Co-ordinator.

5. **Fees**

- 5.1 An applicant making a request shall pay to the Regional District the fees set out in Schedule 'B', attached hereto and forming part of this by-law, for the purpose of:
- a) locating, retrieving and producing the record;
  - b) preparing the record for disclosure;
  - c) shipping and handling the record; and
  - d) providing a copy of the record.

6. This by-law shall come into force and effect upon proclamation of S.B.C. 1993 c.46.

READ A FIRST TIME this 27<sup>th</sup> day of October, 1994.

READ A SECOND TIME this 27<sup>th</sup> day of October, 1994.

READ A THIRD TIME this 27<sup>th</sup> day of October, 1994.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 27<sup>th</sup> day of October, 1994.

CERTIFIED a true and correct copy of  
"Freedom of Information By-law  
No. 958, 1994".

Moray Stewart  
Moray Stewart, Administrator

{BL-958.FOI}

THE CORPORATE SEAL of the Peace  
River Regional District was hereto  
affixed in the presence of:

Joe Judge  
Joe Judge, Chairman

Moray Stewart  
Moray Stewart, Administrator

**SCHEDULE 'A'**

**Head Committee Members and Procedures**

1. The Head Committee shall be a Committee formed by:  
  
Administrator - Chairman  
Deputy Administrator - Member  
Director of Finance - Member  
Director of Administration - Member  
Senior Accountant - Member
2. A quorum of the Head Committee is 3 (three) members.
3. Decisions are made by simple majority of the members present.
4. Meetings shall be called by the Co-ordinator or Acting Co-ordinator to deal with Freedom of Information Requests and Personal Information requests as they occur.

**SCHEDULE 'B'****Schedule of Maximum Fees**

1.	For applicants other than Commercial applicants:	
(a)	for locating and retrieving a record	After the first 3 hours - \$7.50 per ¼ hour
(b)	for producing a record manually	\$7.50 per ¼ hour
(c)	for producing a record from a machine readable record	\$16.50 per minute for cost of use of central mainframe processor and all locally attached devices plus \$7.50 per ¼ hour for developing a computer program to produce the record
(d)	for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
(e)	for shipping copies	actual costs of shipping method chosen by applicant
(f)	for copying records	
(i)	photocopies and computer printouts	\$.25 per page (8.5" x 11", 8.5" x 14") \$.30 per page (11" x 17")
(ii)	floppy disks	\$10.00 per disk
(iii)	computer tapes	\$40.00 per tape, up to 2400 feet, or actual cost, whichever is less
(iv)	microfiche	\$10.00 per fiche or actual cost plus \$10.00 for set, whichever is less
(v)	16 mm microfilm duplication	\$25.00 per roll or actual cost plus \$10.00 for set, whichever is less
(vi)	35 mm microfilm duplication	\$40.00 per roll or actual cost plus \$10.00 for set, whichever is less
(vii)	microfilm to paper duplication	\$.50 per page
(viii)	photographs (colour or black and white)	\$5.00 to produce negative \$12.00 each for 16" x 20" \$9.00 each for 11" x 14" \$4.00 each for 8" x 10" \$3.00 each for 5" x 7" or actual cost plus \$10.00 for set, whichever is less
(ix)	photographic print of textual, graph or cartographic record (8" x 10") black and white	\$12.50 each or actual cost plus \$10.00 per set, whichever is less

**SCHEDULE 'B'****Schedule of Maximum Fees****- continued -**

(x)	hard copy laser print, B/W, 300 dots/inch	\$.25 each
(xi)	hard copy laser print, B/W, 1200 dots/inch	\$.40 each
(xii)	hard copy laser print, colour	\$1.65 each
(xiii)	photomechanical reproduction of 105 mm cartographic record/plan	\$3.00 each or actual cost plus \$10.00 for set, whichever is less
(xiv)	Slide duplication	\$.95 or actual cost plus \$10.00 for set
(xv)	Plans	\$1.00 per square metre or actual cost plus \$10.00 for set, whichever is less
(xvi)	audio cassette duplication	\$10.00 plus \$7.00 per ¼ hour of recording or actual cost, whichever is less
(xvii)	video cassette (1/4" or 8 mm) duplication	\$11.00 per 60 minute cassette plus \$7.00 per ¼ hour recording; \$20.00 per 120 minute cassette plus \$7.00 per ¼ hour or recording; or actual cost plus \$10.00, whichever is less
(xviii)	video cassette (1/2") duplication	\$15.00 per cassette plus \$11.00 per ¼ hour of recording, or actual cost plus \$10.00, whichever is less
(xix)	video cassette (3/4") duplication	\$40.00 per cassette plus \$11.00 per ¼ hour of recording, or actual cost plus \$10.00, whichever is less
2.	For Commercial applicants for each service listed in Item 1.	the actual cost of providing that service

## SCHEDULE 1

### {For Information Purposes only}

#### DEFINITIONS

In this Act

*"aboriginal government"* means an aboriginal organization exercising governmental functions;

*"adjudicator"* means a person designated under Section 60;

*"commissioner"* means the commissioner appointed under section 37(1) or 39(1);

*"educational body"* means

- a) a university as defined in the *University Act*,
- b) the University of British Columbia,
- c) an institution as defined in the *College and Institute Act*,
- d) the British Columbia Institute of Technology continued under the *Institute of Technology Act*,
- e) the Open Learning Agency established under the *Open Learning Agency Act*, or
- f) a board as defined in the *School Act*;

*"employee"*, in relation to a public body, includes a person retained under a contract to perform services for the public body;

*"exercise of prosecutorial discretion"* means the exercise by Crown Counsel, or by a special prosecutor, of a duty or power under the *Crown Counsel Act*, including the duty or power

- a) to approve or not approve a prosecution,
- b) to stay a proceeding,
- c) to prepare for a hearing or trial,
- d) to conduct a hearing or trial,
- e) to take a position on sentence, and
- f) to initiate an appeal;

## **SCHEDULE 1**

### **{For Information Purposes only}**

#### **DEFINITIONS**

- continued -

**"head", in relation to a public body, means**

- a) if the public body is a ministry or office of the government of British Columbia, the member of the Executive Council who presides over it,
- b) if the public body is designated in, or added by regulation to, Schedule 2, the person designated as the head of that public body in that Schedule or by regulation,
- c) in any other case, the person or group of persons designated under section 76.1 as the head of the public body;

**"health care body" means**

- a) a hospital as defined in section 1 of the *Hospital Act*,
- b) a Provincial auxiliary hospital established under the *Hospital (Auxiliary) Act*,
- c) a regional hospital district and a regional hospital district board under the *Hospital District Act*,
- d) a local board of health as defined in the *Health Act*,
- e) a metropolitan board of health established under the *Health Act*, or
- f) a Provincial mental health facility as defined in the *Mental Health Act*;

**"judicial administration record" means a record containing information relating to a judge, master or justice of the peace, including**

- a) scheduling of judges and trials,
- b) content of judicial training programs,
- c) statistics of judicial activity prepared by or for a judge, and
- d) a record of the judicial council of the Provincial Court.



## **SCHEDULE 1**

### **{For Information Purposes only}**

#### **DEFINITIONS**

- continued -

*"law enforcement" means*

- a) policing, including criminal intelligence operations,
- b) investigations that lead or could lead to a penalty or sanction being imposed, or
- c) proceedings that lead or could lead to a penalty or sanction being imposed;

*"local government body" means*

- a) a municipality as defined in the *Municipal Act* or the *Resort Municipality of Whistler*,
- b) the City of Vancouver,
- c) a regional district as defined in section 766 of the *Municipal Act*,
- d) an improvement district as defined in the *Municipal Act*,
- e) a local area as defined in the *Local Services Act*,
- f) a greater board as defined in section 943 of the *Municipal Act* or any incorporated board that provides similar services and is incorporated by letters patent,
- g) a board of variance established under section 961 of the *Municipal Act* or section 572 of the *Vancouver Charter*,
- h) the trust council, the executive committee, a local trust committee and the trust fund board, as these are defined in the *Islands Trust Act*,
- i) the Okanagan Basin Water Board,
- j) a water users' community as defined in the *Water Act*,
- k) the Okanagan-Kootenay Sterile Insect Release Board,
- l) a municipal police board established under section 23 of the *Police Act*,
- m) a library board as defined in the *Library Act*,

## **SCHEDULE 1**

### **{For Information Purposes only}**

#### **DEFINITIONS**

- continued -

- n) any board, committee, commission, panel, agency or corporation that is created or owned by a body referred to in paragraphs (a) to (m) and all members or officers of which are appointed or chosen by or under the authority of that body, or
- o) a board of cemetery trustees established under section 18 of the *Cemetery and Funeral Services Act*;

*"local public body" means*

- a) a local government body,
- b) a health care body,
- c) an educational body, or
- d) a governing body of a profession or occupation, if the governing body is designated in, or added by regulation to, Schedule 3;

*"minister responsible for this Act" means the member of the Executive Council charged by order of the Lieutenant Governor in Council with the administration of this Act;*

*"officer of the legislation" means the Auditor General, the Commissioner appointed under the *Members' Conflict of Interest Act*, the Information and Privacy Commissioner or the Ombudsman;*

*"personal information" means the recorded information about an identifiable individual, including*

- a) the individual's name, address or telephone number,
- b) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,
- c) the individual's age, sex, sexual orientation, marital status or family status,
- d) an identifying number, symbol or other particular assigned to the individual,
- e) the individual's fingerprints, blood type or inheritable characteristics,

**SCHEDULE 1**

**{For Information Purposes only}**

**DEFINITIONS**

- continued -

- f) information about the individual's health care history, including a physical or mental disability,
- g) information about the individual's educational, financial, criminal or employment history,
- h) anyone else's opinion about the individual, and
- g) the individual's personal views or opinions, except if they are about someone else.

*"personal information bank"* means a collection of personal information that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual;

*"prosecution"* means the prosecution of an offence under an enactment of British Columbia or Canada;

*"public body"* means

- a) a ministry of the government of British Columbia,
- b) an agency, board, commission, corporation, office or other body designated in, or added by regulation to, Schedule 2,
- c) a local public body,

but does not include

- d) the office of a person who is a member or officer of the Legislative Assembly, or
- e) the Court of Appeal, Supreme Court or Provincial Court;

*"record"* includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing 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;

## **SCHEDULE 1**

### **{For Information Purposes only}**

#### **DEFINITIONS**

- continued -

*"third party"*, in relation to a request for access to a record or for correction of personal information, means any person, group of persons or organization other than

- a) the person who made the request, or
- b) a public body;

*"trade secret"* means information, including a formula, pattern, compilation, program, device, product, method, technique or process, that

- a) is used, or may be used, in business or for any commercial advantage,
- b) derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use,
- c) is the subject of reasonable efforts to prevent it from becoming generally known, and
- d) the disclosure of which would result in harm or improper benefit.