

Purpose:

- 1 To outline the delegation of roles and responsibilities under the FOIP Act.

Policy Statement:

- 2 The duties, powers, and functions of the FOIP Head of The City, under the Freedom of Information and Protection of Privacy Act, are delegated to the position of FOIP Coordinator (the City Clerk, the Deputy City Clerk, and the Access & Privacy Coordinator) in accordance with the Delegation Table below.
- 3 The delegation under section 2 is subject to the following stipulations:
 - (1) That the person to whom the duties, powers, and functions are delegated are bound by the same jurisdictional, legislative, and administration limitations to which the FOIP Head is subject pursuant to the Act.
 - (2) That the duties, powers, and functions may also be exercised by any person who holds the position in an acting capacity.
 - (3) That notwithstanding this delegation, the FOIP Head retains full authority to exercise any duty, power, or function under the Act at any time.

Summary of Section	Act Section	FOIP Head	FOIP Coordinator	General Manager/ Department Manager
Part A: Access to Information				
Right of Access				
Authority to decide on severing of record	6(2)	✓	✓	
Authority to declare a request abandoned	8(1)	✓	✓	
Authority to grant continuing requests	9(2)	✓	✓	
Duty to assist applicants	10(1)	✓	✓	✓
Duty to create records	10(2)	✓	✓	✓
Duty to respond within 30 days	11	✓	✓	
Authority to decide on content of response/grant or refuse access	12(1)	✓	✓	

**Access to Information &
Protection of Privacy - Delegation**

Summary of Section	Act Section	FOIP Head	FOIP Coordinator	General Manager/ Department Manager
Authority to refuse to confirm or deny existence of a record	12(2)	✓	✓	
Authority to decide how access will be given	13	✓	✓	
Authority to extend time limit	14(1),(3)	✓	✓	
Authority to request Commissioner's permission for extension	14(1),(2)	✓	✓	
Authority to transfer a request for access	15	✓	✓	
Exceptions				
Authority to withhold information harmful to business interests of a third party	16	✓	✓	
Authority to withhold information harmful to personal privacy	17	✓	✓	
Authority to withhold information harmful to individual or public health or safety	18	✓	✓	
Authority to withhold confidential evaluations	19	✓	✓	
Authority to withhold information harmful to law enforcement	20	✓	✓	
Authority to withhold information harmful to intergovernmental relations	21	✓	✓	
Authority to withhold Cabinet confidences	22	✓	✓	
Authority to withhold local public body confidences	23	✓	✓	
Authority to withhold advice from officials	24	✓	✓	

**Access to Information &
Protection of Privacy - Delegation**

Summary of Section	Act Section	FOIP Head	FOIP Coordinator	General Manager/ Department Manager
Authority to withhold information harmful to economic interests of a public body	25	✓	✓	
Authority to withhold testing procedures, tests and audits	26	✓	✓	
Authority to withhold privileged information	27	✓	✓	
Authority to withhold information harmful to conservation of heritage sites or endangered species	28	✓	✓	
Authority to withhold information that is or will be available to public	29	✓	✓	
Third Party Intervention				
Duty to give third party notice	30	✓	✓	
Authority to decide whether to give access to third party information	31(1)	✓	✓	
Duty to give notice of decision	31(2)-(4)	✓	✓	
Public Interest				
Authority to disclose in public interest (including giving notice)	32(1)	✓		
Duty to give notice to a third party, Commissioner	32(3),(4)	✓	✓	
Part B: Protection of Privacy				
Collection, Correction, Protection of Personal Information				
Ensuring authorized purpose of collection	33	✓	✓	✓
Assuring proper collection and notification	34	✓	✓	✓
Authority to set aside collection requirements	34(3)	✓		

**Access to Information &
Protection of Privacy - Delegation**

Summary of Section	Act Section	FOIP Head	FOIP Coordinator	General Manager/ Department Manager
Assuring accuracy of personal information	35(a)	✓	✓	✓
Applying retention standards	35(b)	✓	✓	✓
Authority to decide on requests for correction of personal information	36(1)	✓	✓	✓
Duty to correct, annotate or link personal information, duty to notify previous recipients	36(3),(4)	✓	✓	
Duty to give notice to individual requesting correction	36(7)	✓	✓	✓
Authority to transfer a request for correction	37	✓	✓	
Duty to ensure protection of personal information	38	✓	✓	✓
Use and Disclosure of Personal Information				
Assuring appropriate use	39	✓	✓	✓
Authority to disclose to relative or adult interdependent partner of deceased individual	40(1)(cc)	✓	✓	✓
Authority to disclose to avert imminent danger to health or safety	40(1)(ee)	✓	✓	✓
Authority to approve conditions for disclosure for research and statistical purposes and administration of research agreements	42(c)	✓	✓	
Authority to disclose to guardian of a minor	84(1)(e)	✓	✓	

Summary of Section	Act Section	FOIP Head	FOIP Coordinator	General Manager/ Department Manager
Part C: Relationship with Information and Privacy Commissioner				
Reviews and Complaints				
Authority to ask the Commissioner for advice	54(1)	✓	✓	
Authority to request Commissioner to disregard requests	55	✓	✓	
Produce a record required for Commissioner's investigation or inquiry	56(3)	✓	✓	
Authority to require Commissioner to examine original record on site	56(4)	✓	✓	
Right to make representations to the Commissioner	69(3),(5),(6)	✓	✓	
Duty to discharge burden of proof	71	✓	✓	
Duty to comply with Commissioner's order	74	✓	✓	✓
Part D: Other Responsibilities				
General Provisions				
Duty to publish a directory of the body's personal information banks and keep it current	87.1(1),(4)	✓	✓	✓
Duty to record uses or disclosures of personal information not included in directory	87.1(3)	✓	✓	
Authority to specify categories of records, in compliance with the FOIP Act and other relevant legislation, that are available without formal request and require a fee	88	✓	✓	✓
Duty to make manuals available	89	✓	✓	✓
Fees				

Summary of Section	Act Section	FOIP Head	FOIP Coordinator	General Manager/ Department Manager
Authority to assess and collect fees	93	✓	✓	
Authority to prepare fee estimate	93(3)	✓	✓	
Authority to waive fees	93(4)	✓	✓	
Duty to give notice of decision to grant or refuse fee waiver request	93(4.1)	✓	✓	

Definitions:

- 4 Act: Means the Freedom of Information and Protection of Privacy Act.
- 5 Delegation: Means the formal process whereby the head of a public body authorizes an employee or officer within the public body to perform certain duties or to exercise certain powers or functions of the FOIP Head under the Act.
- 6 FOIP Coordinator: Means the Legislative Services Manager, the Deputy City Clerk, and the Access & Privacy Coordinator and are responsible for the overall management of its access to information and protection of privacy functions and responsibilities. The responsibilities of the FOIP Coordinator may include: managing the FOIP request process for the public body; setting up practices and procedures to ensure that privacy protection measures are implemented within the public body; coordinating any negotiations, mediations, inquiries, investigations, and audits with the Office of the Information and Privacy Commissioner (OIPC); reporting as required to the Minister responsible for the FOIP Act on the operation of the Act; and providing training and advisory services for The City.
- 7 FOIP Head: Means the City Manager, who is the person responsible for the administration of the FOIP Act within The City.

References/Links:

- 1 FOIP Act
- 2 FOIP Bylaw No. 3243/99
- 3 7016.01-CP Access to Information & Protection of Privacy
- 4 7016.02-CP Privacy Breach Protocol

Scope/Application:

- I This policy applies to all City departments.

Authority/Responsibility to Implement:

- I Legislative Services Manager

Inquiries/Contact Person:

- I Access & Privacy Coordinator

Policy Monitoring & Evaluation

- I This policy will be reviewed every three years or earlier, if necessary.

Document History:

Date	Approved/Reviewed By:	Title:
Approved: July 6, 2001		
Revised: March 4, 2008	“Craig Curtis”	City Manager
Revised: March 31, 2016	“Craig Curtis”	City Manager
Revised: March 6, 2018	“Craig Curtis”	City Manager
Revised: July 13, 2020	“Allan Seabrooke”	City Manager