



Policy:	7.6.1
Approved By:	Trust Council
Approval Date:	September 9, 1994
Amendment Date(s):	December 9, 1995; December 5, 2003, September 23, 2021
Policy Holder:	Legislative Services Manager

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Purpose

For the purposes of administering the principles of the *Freedom of Information and Protection of Privacy Act* (the Act), the Islands Trust adopts the Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedure Manual, to be used in conjunction with the Islands Trust's Freedom of Information and Protection of Privacy bylaws, resolutions and procedures adopted by Trust Council, Executive Committee, and all Local Trust Committees and the most recent edition of the Local Government Management Association Freedom of Information and Protection of Privacy Act Toolkit for Local Government Organizations.

The Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedure Manual is intended to assist staff in meeting their responsibilities under the Act. It provides policies that interpret and offer guidance on the intent of the legislation to assist in implementing and administering the Act.

A. Definitions

"**Trust body**" in the context of this policy means the trust council, the executive committee and a local trust committee.

B. Policy

1. Confidentiality of Applicants Making a Request for Information

- 1.1 All Freedom of Information (FOI) requests must be in writing and received by the Head or Deputy Secretary either in person, by mail, by electronic mail or by facsimile. In a case where another staff person or trustee receives a written FOI request, that request must be immediately forwarded to the designated Deputy Secretary.
- 1.2 The personal information of a requester must not be disclosed, unless disclosure is necessary to:
 - 1.2.1 further the search for records to satisfy the request;
 - 1.2.2 obtain necessary information to compile a summary during the mediation procedure; or

1.2.3 obtain necessary information to compile documentation supporting the Head's decision in a formal inquiry or judicial review.

1.3 The personal information of a requester must not be disclosed to the Ombudsperson Office, unless disclosure is requested under the *Ombudsperson Act*.

2. Agenda Packages and Protection of Privacy

Information in the agenda package of a regular trust body meeting becomes public information once it is brought into the public forum.

2.1 Any correspondence addressed to a Trustee, a trust body, or Trust staff, that is not marked confidential, may be included in an agenda package.

2.2 Any personal information in correspondence marked "confidential", and that is addressed to any of the above, should not be included in the agenda package.

2.3 Any personal information (i.e. something identifying an individual including name, address and phone number) in correspondence from the general public not addressed to a Trustee, a trust body, or Trust staff, should not be included in an agenda package. Note that personal information about an employee's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff may be disclosed.

2.4 Personal information on any application form that does not relate to the property affected by the application should not be included in agenda packages. This includes an individual's phone number and address, if the address is different from the address of the property affected (i.e., Sever the applicant's "c/o address" or "alternative address" besides that of the property).

2.5 Any personal information in correspondence which has been compiled as part of an investigation into a possible violation of law (i.e., bylaw infraction), except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.

3. Retention and Collection of Personal Information

3.1 The Islands Trust may not collect personal information unless:

3.1.1 the collection is authorized under an act;

3.1.2 the information is collected for the purposes of law enforcement; or

3.1.3 the information relates directly to, and is necessary for, an operating program or activity of the Islands Trust (e.g. collecting personal information from a rezoning applicant).

- 3.2 All recorded information collected by the Islands Trust and containing personal information must be retained by the Islands Trust for one year if the information collected is used to make a decision about a person that directly affects that person.
- 3.3 The methods of collecting and retaining personal information include audio, visual, and written.

4. Requests for Documents vs. Requests for Research and Opinions

- 4.1 Requests under the *Freedom of Information and Protection of Privacy Act* are limited to requests for records (i.e., any form of recorded information) in the custody or under the control of the Islands Trust. Requests under the Act are responded to per Freedom of Information and Protection of Privacy procedures. Staff will make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
- 4.2 Requests for research and opinions, and requests for answers to enquiries, do not fall under the provisions of the *Freedom of Information and Protection of Privacy Act*. When staff receives a request of this nature, they will assist the applicant by:
 - 4.2.1 reviewing the correspondence;
 - 4.2.2 responding when it is possible to do so; and
 - 4.2.3 providing the applicant with available existing information.

C. Legislated References

- 1. [Freedom of Information and Protection of Privacy Act](#)
- 2. Trust Council and Local Trust Committee Freedom of Information and Protection of Privacy Bylaws
- 3. Islands Trust Conservancy Board and Executive Committee Freedom of Information and Protection of Privacy resolutions
- 4. Freedom of Information and Protection of Privacy procedures
- 5. [Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedures Manual](#)

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a