



Freedom of Information and Protection of Privacy

Policy & Procedures Manual

June 2010

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Introduction

This policy manual is designed to provide both staff and the public with an overview of the *Freedom of Information and Protection of Privacy Act* and its application to Regional District of Central Okanagan records.

Any questions regarding the *Freedom of Information and Protection of Privacy Act* or Regional District of Central Okanagan policies with respect to the release of information may be directed to the Chief Administrative Officer or the Corporate Services Coordinator (Information and Privacy Coordinator) who has been designated 'Head' by the Regional District of Central Okanagan Freedom of Information Bylaw No. 611 (amended by Bylaw No.1276). The Corporate Services Coordinator has been appointed by that same bylaw as the Information and Privacy Coordinator for the purposes of the Act, and is authorized to perform the duties and functions of the Head.

The Head and Coordinator can be reached as follows:

E-mail:	mdrouin@cord.bc.ca
Phone:	250-469-6224
Fax:	250-763-0606

Chapter 1

The Freedom of Information and Protection of Privacy Act

British Columbia's *Freedom of Information and Protection of Privacy Act* (the 'Act') has applied to local government since its enactment in November 1994. The Act represents the provincial government's legislative commitment to make public bodies more accountable to the public and to protect personal privacy.

The Act gives individuals the right to access information held by local government and protects privacy by placing restrictions on the collection and disclosure of personal information. The Act establishes a legislated set of rules governing what information can and cannot be released. The underlying principle is that ALL recorded information is available to the public, except for information that is subject to the specific and limited exceptions to disclosure set out in the Act.

Information that is currently released by departments should continue to be made available except if the information is personal information. The Act does not replace other procedures for public access, or limit access to information, other than personal information, currently available to the public. Staff is expected to incorporate the concepts and procedures of the Act into their normal service delivery.

Regional District of Central Okanagan Freedom of Information Bylaw No. 611 – A bylaw for the administration of the *Freedom of Information and Protection of Privacy Act* was adopted by the Regional Board on October 20, 1994. The bylaw was amended by Bylaw No. 1276 (June 10, 2010). A copy of the bylaws are available at regionaldistrict.com.

What is Freedom of Information?

The *Freedom of Information and Protection of Privacy Act* establishes a process by which any person may request access to records held by the Regional District of Central Okanagan. Individuals also have the right to review their own personal information held by the District.

The general right of access to information is restricted by certain *specified and limited exceptions*, necessary to protect a variety of needs of confidentiality and the right of individuals to privacy.

The Act also provides a review process whereby decisions relating to the disclosure or non-disclosure of information and other related issues, may be reviewed by the Information and Privacy Commissioner of British Columbia.

Individuals requesting answers to questions (rather than requesting copies of records) will not be treated as a formal request for information. Staff is expected to assist such individuals through routine departmental procedures.

What is Protection of Privacy?

The Act protects the personal privacy of individuals by restricting the collection, use and disclosure of personal information. Disclosure of personal information, even to other public bodies, is strictly limited under Part 3 of the Act.

The Regional District of Central Okanagan may only collect personal information:

- That it has clear authority to collect (i.e. expressly authorized under an Act or information is collected for the purposes of law enforcement), or
- Where collection is directly related to and is necessary for an operating a program or activity of the Regional District.

Personal information can be used only for the reasons it was originally obtained; multiple, and inconsistent uses of information are restricted by the Act.

The individual from whom the information is collected is entitled to know what the information will be used for and under what authority we are collecting it. *If personal information is not needed, do not collect it.*

The security of personal information is one of the most important privacy-related issues that the Regional District has to deal with. In accordance with Section 30 of the Act reasonable security arrangements must be established and maintained to protect personal information against unauthorized access, collection, use, disclosure or disposal.

It is recommended that all staff practice good privacy protection by:

- Using passwords on their computer;
- Locking computers when away from work station or desk;
- Using locks on cabinets;
- Turning monitors away from public view;
- Not leaving completed application forms and other records containing personal information in high traffic and/or public areas; and
- Destroying all personal and/or confidential information by shredding.

What is Personal Information?

Personal information is simply defined as “recorded information about an identifiable individual.” Examples of personal information that cannot be disclosed by the Regional District of Central Okanagan include but are not limited to the following:

- An individual’s name, home address, personal e-mail or telephone number;
- The individual’s race, national or ethnic origin, colour or religious or political beliefs or associations;
- An individual’s age, sex, sexual orientation, marital status or family status;
- An identifying number, symbol or other particular assigned to the individual (i.e. Social Insurance Number, driver’s license number, customer ID, etc.);
- Information about the individual’s health care history, including a physical or mental disability;
- Information about the individual’s education, financial, criminal or employment history;

- Anyone else’s opinion about the individual (but not the identity of the opinion holder); you can know what is said about you, but not who said it.
- The individual’s personal view or opinion, except if it is about someone else, belongs to the individual and is considered personal information; and
- Images of identifiable individuals captured by surveillance systems.

What is a Record?

The definition of a “record” under the *Interpretation Act* applies to the interpretation of the *Freedom of Information and Protection of Privacy Act* as follows:

“includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise.”

Records, then, include memos, letters, reports, e-mails, maps, calendars, post-it notes, annotations, doodles, etc. **Remember, if it is recorded, it is a record which may be subject to release under the Act.**

The information contained in records could be produced by a public body or received from other sources, such as third parties, service providers or other public bodies.

All records created or received by employees during the course of their work duties or during the conduct of Regional District business belong to the corporation, not the individual employee.

All Regional District records must be treated in accordance with the Regional District’s Records & Information Management (RIM) Program.

Corporate Records Management Program and the *Freedom of Information and Protection of Privacy Act*

The records classification system and retention/disposition schedule as defined within the Regional District's Records Management (RIM) Program provides staff with specific information on the classification, retention and disposition of Regional District records.

All departments, branches and sections throughout the Regional District of Central Okanagan are expected to participate in the corporate RIM Program. Adherence to the standardized records management system ensures consistent records classification and enables staff to quickly and easily search for and retrieve records from the department's filing system; both active and archived files. Full participation in the RIM Program dramatically decreases the search and retrieval time required to respond to FOI requests; particularly for the individual in the affected department tasked with the search process.

Disposition of records in accordance with the RIM Program retention/disposition schedule ensures that the Regional District retains records only for the time required to meet legal and operational needs, thus minimizing records storage costs. The annual destruction of records, in accordance with the retention/disposition schedule, ensures that the Regional District can effectively manage records throughout their lifecycle. The RIM Program is designed to both facilitate access to records as required under the *Freedom of Information and Protection of Privacy Act* and to provide verification that a record has been dealt with appropriately at final disposition.

When the Regional District receives a request for records, those records become subject to a 'legal hold', meaning that the disposition of those records is suspended until such time that the matter has been completely dealt with. If the Regional District receives a request for records that have been prepared for destruction, but have not yet been destroyed, the records are subject to and must be included in the response subject to the exceptions under the *Act*.

Chapter 2

Handling Requests for Information

Making a Request

The Act is not meant to replace existing means of obtaining information. Before you make a request using the Act, be sure you have tried other, more informal means to obtain the information.

Before a formal written request for a record is made it should be established that the record being searched for is not “routinely available”.

Routine requests – Requests for information that is easily accessible and not subject to the *Freedom of Information and Protection of Privacy Act*. A fee may be charged for this information, as set out in the *RDCO Freedom of Information Bylaw No. 611, Schedule A – Schedule of Maximum Fees* or other applicable Regional District policies. The request can be verbal and does not require the involvement of the FOI Coordinator.

Information requests – Requests for information that is generally routinely available but requires an information review of the records, usually by a departmental supervisor or the FOI Coordinator. This can also be a request for records that are not readily to hand, such as records stored in semi-active or archived files. As with routine requests, applicable fees may be charged, as set out in *Bylaw 611*. These requests should be responded to within a time frame that is reasonable for the size of the request or the location of the records.

Formal requests – Request for records that are neither routinely available nor available through more informal procedures. Formal requests under the *Act* must be made in writing. A form for this purpose is available, but a letter, fax or e-mail is also acceptable. Formal requests are to be directed to the FOI Coordinator as soon as received, as the *Act* stipulates a deadline for response.

Staff may direct an applicant to the FOI Coordinator for assistance with making a request. Wherever possible, staff should assist an applicant in preparing a written request. Assistance may include helping an applicant to define the request as specifically as possible. A form entitled ‘Request for Access to Records’ under the *Act* and information about the process is available on the Regional District of Central Okanagan website for reference.

Just because an applicant provides a request in writing, or makes a request for records “pursuant to the *Freedom of Information and Protection of Privacy Act*,” does not make it a formal request. If the information is routinely available staff should provide it to the applicant routinely.

Points to Remember...

- Any staff member, of any department, can accept a written request for information.
- Requests can be submitted in the form of a letter, e-mail, fax or by using the form on the last page of this Manual (and available at regionaldistrict.com) but must be made in writing.
- It is not necessary for applicants to quote the *Act* to obtain access to records.
- It is not necessary for applicants to provide their contact information when making an FOI request. However, it enables the FOI Coordinator to better assist the applicant with their request.
- The Act does not apply to requests for answers to questions, only to requests for copies of, or access to, records.
- Requestors should be encouraged to be as specific as possible in wording their request to enable the Regional District to effectively respond to the request.
- Written requests for records that are not normally routinely available must be forwarded immediately to the FOI Coordinator for response. The FOI Coordinator will be in contact with staff to receive copies of responsive records once an acknowledgement letter has been sent to the requestor.
- Section 6 of the *Act*, Duty to assist applicants states:
 - “(1) The head of a public body must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
 - (2) Moreover, the head of a public body must create a record for an applicant if
 - the record can be created from a machine readable record in the custody or under the control of the public body using its normal computer hardware and software and technical expertise, and
 - creating the record would not unreasonably interfere with the operations of the public body.”
- If the records require severing prior to disclosure, the request must be processed as a formal request for information.

Requests for Personal Information

The *Act* guarantees an individual the right to see his/her own personal information held by the Regional District of Central Okanagan. However, the *Act* restricts persons from getting access to personal information about another individual without the individual's consent.

Please note that a property file, for example, may contain personal information, but the file itself is not the homeowner's personal information.

Requests for Correction of Personal Information

Incorrect personal information can have serious consequences for an individual. For example, incorrect personal information could result in the denial of benefits associated with a disability claim or the refusal of employment opportunities.

Public bodies must make every reasonable effort to ensure that personal information in their custody is accurate and complete. If someone's personal information changes, that person may make a request to the public body to correct the information in their files. A public body must provide the corrected information to any individual or company to whom recorded information was disclosed within the preceding year. This means that a careful record must be kept of individuals to whom recorded personal information is disclosed. Consequently, it is important to establish a protocol that only required personal information, information relating directly to and necessary for an operating program or activity of the Regional District, is collected.

Applicants may request the correction of their personal information, either verbally or in writing.

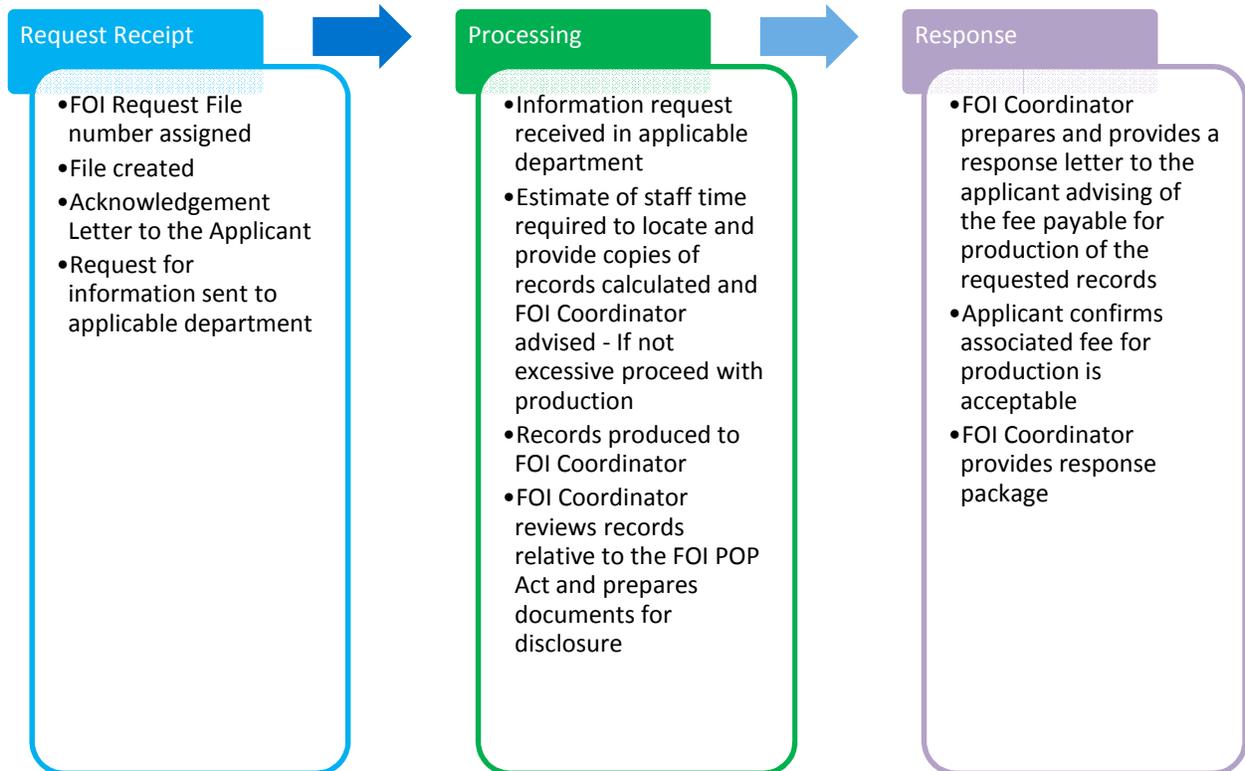
Timelines

The *Freedom of Information and Protection of Privacy Act* generally requires that a response be provided to the applicant within 30 business days of receipt of the request. The term "day" is defined in the Act as "not including a holiday or a Saturday." In the *Interpretation Act*, the definition of "holiday" includes Sundays, and statutory holidays. The combined effect of these definitions is that weekends and holidays are not included in the calculation of time limits under the *Freedom of Information and Protection of Privacy Act*.

Occasionally it might be necessary to extend the timeline by an additional 30 business days. Should this situation arise, the FOI Coordinator will advise the applicant of the time extension in advance.

Standard Request Process:

This is the standard process for a simple *Freedom of Information and Protection of Privacy Act* request where no 'Third Party Notice' is required and the number to records requested is not large. Where 'Third Party Notice' is required or the number of records requested is very large, the process and timeline to accomplishing the process will be extended as appropriate.



Chapter 3

Routinely Available Records

The following list identifies some of the most common record types that are routinely available to the public at the Regional District of Central Okanagan. The list should be used to help determine whether or not a particular record can be released routinely or whether a more formal review is required. It is by no means an exhaustive listing; is meant only as a guide.

Copies of routinely available records may be provided at a cost in accordance with the *RDCO Freedom of Information Bylaw No. 611*, or any other applicable policy.

Examples of routinely available records include:

- Annual Reports
- Brochures
- Budgets (Operating or Capital)
- Building Permits (except personal information supplied in support of the application)
- Building Plans (exterior views and site plans only)
- Bylaws
- Regional Board agendas and minutes, after minutes are adopted (except from meetings closed to the public)
- Regional Board Committee agendas and minutes, after minutes are adopted (except from meetings closed to the public)
- Licenses (except personal information supplied in support of the application)
- Maps
- Policies/Manuals
- Official Community Plans
- Permits (except personal information supplied in support of the application)
- Public Hearing agendas and minutes (after minutes are received by the Board)
- Records published to the Regional District's website
- Staff reports supporting items on Board or Board Committee agendas, once finalized and posted on the District's website (except from meetings closed to the public)
- Statistical Information

Reviews and FOI requests are handled by the Corporate Services Office of the Regional District. Any requests for records not available routinely should be made in writing and directed to the FOI Coordinator.

Fees may apply to the provision of records requested under the *Act* as per Regional District of Central Okanagan *Freedom of Information Bylaw No. 611*. See Chapter 5 for more information about fees.

Chapter 4

Corporate Policies and Procedures

Standardized policies and procedures apply to records requested under the *Freedom of Information and Protection of Privacy Act* as outlined in this chapter by record type. These policies reflect provisions of the Act as well as the corporate/administrative policies of the Regional District of Central Okanagan. Please direct any questions regarding this information to the Corporate Services Department.

Agreements

See 'Contracts and Agreements'

Appraisals

Land appraisals commissioned or received by the Regional District are not routinely available to the public. Requests for appraisals are to be forwarded to the FOI Coordinator for response.

Assessment and Tax Rolls

The Assessment Roll is not available at Regional District for public viewing, as it is not a Regional District record. The Assessment Roll can be viewed at the BC Assessment Office at 202 – 1500 Hardy Street in Kelowna.

Individuals wishing to obtain property owner information should visit the BC Assessment Office, use the BC OnLine service or contact the Land Title Office in Kamloops for assistance.

Board Records

It is the policy of the Corporate Services department of the Regional District that all “non-confidential” Board records, such as agendas for regular Board meetings, are available to the public only **after** they have been approved and posted on the Regional District’s website.

Board Meeting Agendas (Open Meeting): Open meeting agendas and accompanying reports are posted to the Regional District website by 12:00 p.m. the Friday prior to the regularly scheduled meeting date.

Board Meeting Minutes (Open Meeting/Public Hearing): Open meeting minutes are posted to the Regional District’s website following the adoption of the minutes; adoption occurs at a regularly scheduled meetings.

Public Hearing Agendas: Public Hearing meeting agendas and reports are posted on the Regional District’s website by 12:00 p.m. the Friday prior to the scheduled meeting date.

Development Variance Permit Items: Development Variance Permit items are posted on the Regional District's website the Friday prior to the scheduled Monday meeting date.

See "Closed Meetings" for more information.

Building Permits and Plans

Issued building permits are routinely available to any interested party. The application and supporting materials for the building permit are not routinely available and should ordinarily be subject to a formal FOI request. However, it is not uncommon for neighbours to be interested in developments within their neighbourhood and, within the limits of common sense every effort should be made to provide them with information other than personal information.

Where a request is made to view building plans, access should be provided to plans showing site layout and any exteriors elevations. These plans may be viewed, but not copied as they are protected by copyright law. Copies of such plans will only be provided upon receipt of a written release from the owner and the professional that created the plans or as part of an FOI request. The Federal *Copyright Act* provides for the copying of copyright materials as part of an access request. However, copyright restrictions still apply to the use of the copied plan by the applicant or by any other person. Any released plan must be stamped with the appropriate "Copyright Act Information" stamp.

For security reasons, the Regional District will not make available those plans showing interiors of a building, unless the plans have been considered as part of a development application at an open meeting of the Regional Board or written permission from the owner has been obtained.

Business Licenses

A business is not considered an individual and therefore does not have privacy rights under the *Act*. **Most** issued business license information is routinely available to the public. Copies of current business licenses can be printed and released to the public. However, the Regional District of Central Okanagan does not maintain a hardcopy of business licenses from previous years.

The following business license information contained within the Business License System (database containing all business license related information) may be released in the form of a Business License Summary Report – FOI to the public upon request:

- Business License number
- Business License type code
- Location
- Business Name
- Mailing Address
- Business Phone number
- Description of Business

Additional information regarding license details ('Details' tab), fee payment ('Fees' tab) and license restrictions ('Restrictions' tab) can also be routinely disclosed.

The release of business license information must NOT disclose any additional personal information supplied in support of the license application. Therefore, information on the 'Name and Contacts,' 'Additional Mailing Address' and 'Remarks' can only be released to the license holder. Such personal information may include phone numbers and/or the applicant's home address (if different from business address) and must be severed from any information disclosed in accordance with Section 22(1) of the *Freedom of Information and Protection of Privacy Act*. For home-based businesses, the applicant's home address is considered public information because it is the location of the business.

Issued business license information that is routinely available may be provided in electronic or printout form for a fee.

For information relating to other types of licenses, see *Licenses* below.

List of Businesses Licensed

The list of licensed businesses within the Regional District of Central Okanagan is considered public information and is available for purchase from the Inspection Department located on the second floor of Regional District. The list may contain the following:

- name and location of the company
- names of principals or officers of the company
- type of business and product(s) produced

Note: Businesses do not have privacy rights under the Act; only individuals do.

Closed Meetings

The meetings of Regional Board and Board Committees may be, in specific circumstances, held "in camera" or "closed" according to the *Local Government Act* or *Community Charter*. Typically, matters relating to land, legal issues and human resources are held in closed meetings. Records relating to a closed meeting will not be released unless the matter has been discussed at length in an open meeting, or if the report or minutes have been in existence for more than 15 years. No other exemptions under the *Freedom of Information and Protection of Privacy Act* apply.

Comments on Planning Proposals

Notices for a planning or development proposal must be made available to the public prior to the application appearing before the Regional Board through such means as public hearings. Members of the public that object to proposals may submit their objection to the Development Services department before the applicable deadline.

If the planning process in question is governed by a section of the *Local Government Act* that authorizes public disclosure in relation to planning matters and liquor licensing, staff may disclose personal information as required by the *Local Government Act*. Section 33.1 of the *Freedom of Information & Protection of Privacy Act* permits a public body to disclose personal information for the purpose of complying with an enactment of BC.

Complaints

The Regional District receives several different types of complaints from members of the public. Many of the Regional District's bylaw enforcement issues are a direct result of complaints lodged by individuals. Complainants are advised that their names and addresses will be kept confidential unless the release is required for legal action. This confidentiality is protected by Sections 15, 19 and 22 of the *Freedom of Information and Protection of Privacy Act*.

The person the complaint is about has the right to know the substance of the complaint, but not the identity of the individual who made the complaint. The requestor should be made aware that the complainant's identity will not be revealed. In the event of bylaw complaints, the substance of a complaint may not be released until the investigation has been concluded. Requests for copies of complaints must be directed to the FOI Coordinator.

Contracts and Agreements

Generally speaking, most contracts or agreements signed by the Chair and Chief Administrative Officer (Director of Corporate Services) or staff with any other party are available to the public.

Care must be taken to examine the wording and clauses of a contract to ensure that it does not reveal trade secrets, proprietary information or information which could possibly harm the business interests of a third party. Therefore, before releasing any contractual information staff must consult with the FOI Coordinator.

Wherever possible, contracts awarded by the Regional District must include a confidentiality clause stating the contract or agreement is subject to FOI and will be released upon request. In addition, contracts and agreements must address whether the Regional District or the consultant/contractor has ownership of the records created while under contract.

Dog Licenses

Dog licenses are issued by the Regional District and any requests for dog bylaw enforcement records should be made to:

Regional District of Central Okanagan
Dog Control
1450 KLO Road
Kelowna BC V1W 3Z4
Phone: (250) 763-4918 **Fax:** (250) 763-0606
E-mail: info@cord.bc.ca **Web site:** www.regionaldistrict.com

E-Mail

E-mail is subject to the *Freedom of Information and Protection of Privacy Act*.

Current Regional District of Central Okanagan policy is:

If the information contained in an e-mail message is of value to the organization and is to be retained, it is to be filed on the appropriate physical (paper) file within the records management (RIM) system.

The same retention principles that apply to regular mail should apply to the disposal of e-mail. “Junk” mail, for example, is disposed of on a regular basis. Some e-mail is more relevant to your professional activities and may be stored in an e-mail folder.

Some e-mail contains significant statements about strategies or decisions and must be printed and retained in the relevant file.

Please note that when you are requested by the FOI Coordinator to produce records in response to a request, it is expected that you will also include any and all relevant e-mail records in your possession.

Employee Files

Employees are entitled to view their employee file. A request in advance must be made to the Human Resources to arrange a time to review the file. Direct supervisors may access employee files in order to review work history, education/training, discipline, etc.

Please note that as an employee, you are entitled to see any comments made about you – that is your personal information – however, the identity of the person making the comments may be withheld.

Information regarding a person’s employment history is considered personal information and will not be disclosed to third parties, unless express permission of the employee is obtained first. This includes information regarding benefits paid to the employee. If a request for salary information is received, the requestor will be told of the salary range for that particular position without identifying any individual’s specific salary unless express permission from the employee has been obtained first.

Verbal requests from outside agencies wanting to confirm whether a particular individual is currently employed at the Regional District of Central Okanagan should not be confirmed without the employee’s consent.

Fire Incident Reports

The Fire Departments are required by the *Fire Services Act* to conduct a general investigation into each fire in the electoral areas of the Regional District of Central Okanagan that destroys or damages property or causes a death. Requests for these reports and related records must be forwarded to the FOI Coordinator. Fire Incident Report records may not be released until the investigation has been completed.

Requests for Fire Department reports that are prepared for and submitted to the provincial Fire Commissioner must be directed to the Office of the Fire Commissioner.

Invoices from Lawyers

Requests for details of legal invoices must be forwarded to the FOI Coordinator. The details may divulge the strategy or grounds on which a legal case is being based or disclose personal information, therefore must be treated as a formal FOI request. Individual or case specific invoices are considered privileged communication between the solicitor and Regional District and are usually withheld.

Licenses and Permits

Copies of issued building, electrical, mechanical, plumbing and any other permits (Environmental and/or Form & Character Development Permits) or licenses providing a discretionary benefit are routinely available to the public, including the following information:

- Name of the person or company to whom the license or permit was issued
- Name and address of businesses connected with the license or permit, such as the name of a contractor or subcontractor
- Location that the work is being performed at
- Value of construction
- Size of building and use of property
- The permits should not disclose any additional personal information supplied in support of the permit application, such as:
 - the home or cellular phone number of the applicant
 - the permit applicant's home address if it is different from the property to which the permit applies
 - how long the owner has owned the property
- Lists of permits issued (weekly or monthly) may be made routinely available to the public, but must not contain personal information that is supplied in support of the permit application.
- Requests for copies of permits or licenses that contain personal information that was supplied in support of the application must be forwarded to the FOI Coordinator.

Motor Vehicle Accidents

The Regional District of Central Okanagan Fire Departments responds to many motor vehicle accidents and often performs rescue and provides medical assistance. Requests for information about motor vehicle accidents must be forwarded to the FOI Coordinator.

RCMP records pertaining to motor vehicle accidents are not Regional District's records and cannot be requested under the *Freedom of Information and Protection of Privacy Act*. A separate request must be made to the RCMP under the federal *Access to Information Act*.

Permits

See "Licenses and Permits."

Petitions

Citizens may provide input or feedback in the form of petitions and form letters listing their names, addresses and signatures to express support or opposition to an issue and to establish their legitimate interest in the matter. Since the intent of such petitions is to demonstrate the degree of public support or opposition to the subject matter of the petition, individuals who complete them normally expect that they will be used for discussion purposes and that it will be part of the Regional Districts public record.

If the petition is discussed in an open meeting, then staff can provide copies of requested petitions under Section 33.1(1) (c) and (c.1) of the *Freedom of Information and Protection of Privacy Act*, which permits disclosure for a consistent purpose. Otherwise, the request must be in writing and forwarded to the FOI Coordinator for response.

There may be instances where petitions are not discussed in an open meeting because disclosing the names of the petitioners would create a threat to the health and safety of the individuals involved. Each such petition would have to be judged on a case-by-case basis to determine if it can be withheld under section 19 of the Act.

Note: Alternative Appeal Process (AAP) petitions are not normally available for public inspection.

Police Investigations

Section 33.2(i) of the *Freedom of Information and Protection of Privacy Act* allows public bodies such as the Regional District to disclose information to law enforcement bodies to assist in a specific investigation of a law enforcement matter. Staff can provide the requested information directly to the RCMP, provided that sufficient identification is supplied by the officer. The Regional District currently engages in exchanges of information with the RCMP on bylaw enforcement matters.

The Regional District does not have jurisdiction over RCMP records and cannot transfer a request for RCMP records made under the BC *Freedom of Information and Protection of Privacy Act*. Requests for RCMP records must be directed to the RCMP, as they are a federal body subject to the federal *Access of Information Act* and the federal *Privacy Act*.

Property Information

Routine access to property files is granted upon request **only** to the registered owner(s) or individuals who have obtained written permission from the registered owner(s) to access property files. All other requests to access property files must be treated as a formal FOI request.

For more information see “Building Permits and Plans”.

RFP's – Requests for Proposals

Request for proposals are available to the public on the Regional District of Central Okanagan website at regionaldistrict.com or by request to the Corporate Services Department.

All 'Requests for Proposals' should contain a statement advising that "All proposals received may be made publicly available, except information relating to unit pricing, confidential third party business information, and employment history of employees."

Surveys – of the Public

Results of surveys conducted by the Regional District of Central Okanagan or our agents are considered public information and should be routinely disclosed. Please note that the survey forms themselves will likely contain personal information that should not be disclosed. Therefore, it is Regional District of Central Okanagan policy not to release the completed forms. An FOI request must be made if an applicant wishes to see the actual completed forms.

A survey form must include a statement informing the public why the information is being collected, under what authority and for what purposes the personal information will be used. This allows the individual discretion whether or not to participate and informs them what will happen with the information collected.

When conducting internet-based surveys, the personal information collected must reside on a server within Canada in accordance with section 30.1 of the Act. Contact the Office of the Regional District Information Services Director for assistance.

Surveys – Site Survey Certificates

Site surveys are submitted to the Regional District of Central Okanagan as part of various application processes. Site survey Certificates are protected by copyright, but may be copied as part of an FOI request. Like building plans, copyright applies to the use of the released survey by the applicant or by any other third party. Any released copy of a survey must be stamped with the appropriate "Copyright Act Information" stamp.

Tenders

Tenders submitted to the Regional District in response to a call for bids or request for proposals are available to the public, [except for](#) information regarding unit pricing, employment histories and other confidential third party business information. Section 21 of the *Act* recognizes that the release of such information could potentially harm the company's business interests and provide access to personal information of their employees. Unit pricing information is considered proprietary information belonging to the third party. This information is therefore "blacked out" or severed prior to disclosure by the FOI Coordinator.

Requests for copies of tenders submitted to the Regional District should be directed to the FOI Coordinator.

Video Surveillance

The Regional District of Central Okanagan may utilize video surveillance to protect Regional District assets, staff and the public. The images captured by surveillance cameras, which may be stored on various media including but not limited to CD-ROM and/or hard drives, contain personal information and therefore shall not be subject to public viewing. Only authorized staff may view the recorded images.

In accordance with Section 33(2)(i) of the Act, the Regional District of Central Okanagan will disclose video surveillance records to the RCMP in response to a written request in relation to an active police investigation.

WorkSafeBC (Workers' Compensation Board) Investigations

WorkSafeBC administers the *Workers Compensation Act*, which provides WorkSafeBC investigators with the authority to request and obtain the records necessary to complete an investigation without the involvement of the FOI Coordinator. Staff can directly release information to the WorkSafeBC (WCB) investigator upon presentation of sufficient identification from the investigator.

Chapter 5

Charging Fees

Section 75 of the *Freedom of Information and Protection of Privacy Act* permits public bodies to charge applicants fees for costs associated with processing requests to access records under the Act. The maximum fees are set out in the *Freedom of Information and Protection of Privacy Regulation* (B.C. Reg. 323/93) to the Act.

For the purposes of calculating fees payable the Act and Regulation distinguish between 'commercial' and 'applicants other than commercial'. A 'commercial' applicant is defined as, "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" (i.e. lawyer). It follows that an 'applicant other than commercial' or a non-commercial applicant is any applicant that is not a commercial applicant (i.e. private citizen).

The Act prohibits public bodies from charging applicants for access to their own personal information. Please note that a property file, for example, may contain personal information, but the file itself is not the homeowner's personal information.

Freedom of Information and Protection of Privacy Act Section 75(1) stipulates that an applicant may be required to pay a public body for the following services:

- locating, retrieving and producing the record
- preparing the record for disclosure
- shipping and handling the record
- providing a copy of the record

Section 75(2) further states that an applicant must not be required under subsection (1) to pay a fee for the following:

- the first three hours spent locating and retrieving a record, or
- time spent severing information from a record

If an applicant is required to pay fees for services under subsection (1), subsection (4) requires that the public body give the applicant an estimate of the total fee before providing the service.

Records provided routinely to applicants by departments may charge the applicant for copies in accordance with departmental bylaws for collecting fees.

Fee Estimates

In order to prepare and provide fee estimates to applicants in a timely fashion, departments may be asked to provide the FOI Coordinator with an estimate of the number of records that respond to the request, as well as the amount of staff time that would be involved with the following:

- Locating records that respond to the request (includes time spent searching for both physical and electronic records in the Records and Information Management systems (CFI and RIM) and on the computer network, e-mail archives, etc.)
- Preparing the records for photocopying (removing staples, etc.)
- Photocopying the records
- Time spent reassembling the original files

Section 75(5) provides that the head of a public body may excuse (upon written request) “an applicant from paying all or part of a fee if, in the head’s opinion,

- the applicant cannot afford the payment, or for any other reason it is fair to excuse payment, or
- the record relates to a matter of public interest, including the environment or public health or safety.”

Note: “Public interest” is a specifically defined term and should not be confused with records that may be of interest to some members of the public or that the public may find interesting.

The Regional District of Central Okanagan Freedom of Information Bylaw adopts the Schedule of Maximum Fees provided by British Columbia Regulation 323/93, as amended from time to time, to be the maximum fees charged by the Regional District as permitted under the Act. The schedule is reproduced on the following page for convenient reference.

Schedule of Maximum Fees

1.	For Non-commercial Applicants:	
a)	for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
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 the central mainframe processor on 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 (i.e. assembling, collating & stapling)	\$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	\$0.25 per page (8.5"x11" or 8.5"x14") and \$0.30 per page (11"x17")
	ii) floppy disks	\$10.00 per disk
	iii) computer tapes	\$40.00 per tape up to 2400 feet
	iv) microfiche	\$10.00 per fiche
	v) 16 mm microfilm duplication	\$25.00 per roll
	vi) 35 mm microfilm duplication	\$40.00 per roll
	vii) microfilm to paper duplication	\$0.50 per page
	viii) Viii) photographs (colour or black and white)	\$5.00 to produce a negative \$12.00 each for 16"x20" \$9.00 each for 11"x14" \$4.00 each for 8"x10" \$3.00 each for 5"x7"
	ix) photographic print of textual, graphic or cartographic record (8"x10" black and white)	\$12.50 each
	x) hard copy laser print, B/W 300 dots/inch	\$0.25 each
	xi) hard copy laser print, B/W 1200 dots/inch	\$0.40 each
	xii) hard copy laser print, colour	\$1.65 each
	xiii) photomechanical reproduction of 105 mm cartographic record/plan	\$3.00 each
	xiv) slide duplication	\$0.95 each
	xv) plans	\$1.00 per square metre
	xvi) audio cassette duplication	\$10.00 plus \$7.00 per ¼ hour of recording
	xvii) video cassette (1/4" or 8mm) duplication	\$11.00 per 60 minute cassette plus \$7.00 per ¼ of recording; \$20.00 per 120 minute cassette plus \$7.00 per ¼ hour of recording
	xviii) video cassette (1/2") duplication	\$15.00 per cassette plus \$11.00 per ¼ hour of recording
	xix) video cassette (3/4") duplication	\$40.00 per cassette plus \$11.00 per ¼ hour of recording
2.	For Commercial Applicants:	
	The actual costs of providing each service listed above.	

Chapter 6

Managing Personal Information and Forms

The *Freedom of Information and Protection of Privacy Act* governs how public bodies are to collect, use and retain personal information. The Regional District of Central Okanagan has a duty to ensure that information is legitimately collected, stored securely, kept current and used only for the purposes for which it is collected.

Section 27(2) of the Act requires that individuals from whom information is being collected be advised on the purpose for collecting it (i.e. what will it be used for); the legal authority for collecting it and the contact information for a staff member who can answer questions regarding the information collection. Wherever possible, staff should only collect personal information directly from the person who the information is about.

Collection of Personal Information

The Act imposes limitations on the collection of personal information. Section 26 of the Act stipulates that public bodies may only collect personal information under the following circumstances:

- Where the collection is expressly authorized by law (e.g. Elections purposes as per the *Local Government Act*)
- Law enforcement purposes (includes bylaw enforcement)
- Where the information relates directly to, and is necessary for, an operating program or activity of the public body.

Public bodies need to collect personal information when it is essential for program delivery or operational requirements. Methods of collection include forms, questionnaires, personal interviews, surveys, etc. Even unsolicited resumes from job applicants are considered to be “collected” by the public body.

Forms and Surveys Design

Prior to designing forms or surveys, it is important to examine their purpose, use and format. Whether on-line or in traditional paper format, forms and surveys that collect personal information must be designed to provide the public with the information required under Section 27 of the Act.

The name, position and telephone number of a senior staff member responsible for the program or service for which the information is being collected and used must be provided on the survey form.

For example, a Business License Application form may contain the following notification: “The personal information on this form is collected under the authority of Business License and Regulation Extended Service Establishment Bylaw No. 655 and the Inter-Community Business License Bylaw No. 1261 and will be used only for the purposes related to this bylaw. For questions regarding the collection and use of personal information for business license applications contact the Regional District’s Inspection Services at 469-6211.”

A further clause should be added to application forms to indicate that as result of the application, issued permits and/or licenses will be routinely available to the public.

Use and Disclosure of Personal Information

The Act embodies the principle that individuals own their personal information and have the right to exercise control over its use and disclosure.

Public bodies are only permitted to use personal information for the following purposes:

- The purpose for which it was collected or a use consistent with that purpose;
- A purpose for which the person concerned has consented in writing; or
- A purpose for which the information may be disclosed to the public body under Section 33 to 36.

Public bodies are only permitted to disclose personal information in certain circumstances; the most common of which are as follows:

- If the individual the information is about has consented in writing
- For the purpose of complying with a law of British Columbia or Canada
- For the purpose of complying with a subpoena, warrant or court order
- To a public body or a law enforcement agency in Canada to assist in a law enforcement matter
- To an officer or employee of the public body if the information is necessary for the performance of his or her duties or safety (“need-to-know” principle)
- For research, statistical, archival or historical purposes

Should you have questions regarding the use or disclosure of personal information, contact the FOI Coordinator.

Security and Retention of Personal Information

The security of personal information is one of the most important privacy-related issues that public bodies such as the Regional District of Central Okanagan have to deal with. Reasonable security arrangements must be established and maintained to protect personal information against unauthorized access, collection, use, disclosure or disposal.

All staff should practice good privacy protection by:

- Using passwords on their desktop computer
- Locking computers when away from work station or desk
- Using locks on cabinets
- Turning monitors away from public view
- Not leaving completed application forms and other records containing personal information in high traffic and/or public areas
- Shredding confidential/personal information rather than simply ‘recycling’

The Regional District is required to retain personal information for one year if that information was used as a basis for a decision directly affecting the individual to allow the affected individual a reasonable opportunity to obtain access to that personal information. After one year, the information must be disposed of in accordance with the records retention/disposition schedule defined by the corporate Records & Information Management Program.

Keeping Information Current

The right of an applicant who believes there is an error or omission in his or her personal information held by a public body, to request that information be corrected or amended to include new information is established by Section 29 of the *Act*.

If an individual requests a change to their personal information, it is up to the public body to ensure that the change or annotation is made to the records within its custody and control **and** to provide the change to any other body the information has been provided to within the preceding one year period. For example, for purposes of taxation the Regional District might collect personal information in terms of name, addresses and telephone numbers and as an adjunct to taxation the information is relayed to the BC Assessment Authority. If the individual relays an update to that information to the Regional District, it is up to the Regional District to ensure the update is also sent to the BC Assessment Authority.

It is important to review information you are collecting as well as the forms on which you are collecting the information by asking the following questions:

- Do you need the information?
- Do you have authority to collect the information?
- What will the information be used for?
- Who else will you provide that information to?
- Is the applicant advised of what the information will be used for and under what authority?

As a rule of thumb: If you don't need the personal information, don't collect it!

Chapter 7

Personal Information Directory

The Regional District of Central Okanagan is required under Section 69(6) of the *Freedom of Information and Protection of Privacy Act* to make available for inspection and copying by the public a Personal Information Directory. The Directory must list each personal information bank held by the Regional District and the following information for each:

1. **Title** and **location**;
2. A **description** of the kind of personal information and the categories of individuals whose personal information is included;
3. The **authority** for collecting the personal information;
4. The **purposes** for which the personal information was obtained or compiled and the purposes for which it is used or disclosed;
5. The categories of persons who **use** the personal information or to whom it is disclosed; and
6. Other Information as required by the Provincial Minister responsible for the Act under specific circumstances.

The Act defines a “personal information bank” as follows:

“**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.”

Personal Information Banks:

The Regional District of Central Okanagan holds the following Information Banks that may contain personal information. The required information regarding each bank is provided as outlined above.

Vadim Software

1. **Title & Location:** Vadim Software is an integrated business information system that offers a complete solution for finance, project accounting, human resources and payroll that resides on the Regional District of Central Okanagan computer network located at Regional District.
2. **Description:** The database contains financial information, human resources and payroll information or notes that may contain individual's names which include information obtained from BC Assessment Authority.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body) for information that is the property of the Regional District. Information from BC Assessment Authority cannot be released by the Regional District.
4. **Purposes:** The personal information is compiled and used for corporate administration of financial activities throughout the Regional District of Central Okanagan operations.
5. **Use:** All Regional District of Central Okanagan staff for inquiries, to produce financial statements, and track financial data.

Central File Index

1. **Title & Location:** The Central File Index is an electronic database that resides on the Regional District of Central Okanagan computer network located at Regional District.
2. **Description:** The database contains information about corporate files created and maintained according to the corporate Records & Information Management Program. File titles or notes may contain individual's names.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body).
4. **Purposes:** The personal information is compiled and used for locating corporate records/files throughout the Regional District of Central Okanagan operations.
5. **Use:** All Regional District of Central Okanagan staff.

Regional District – Employee Phone List

1. **Title & Location:** Local Phone directory is an electronic database that resides on the Regional District of Central Okanagan computer network located at Regional District.
2. **Description:** The database contains employee image, position/title, department/division, and local telephone information.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (employment program).
4. **Purposes:** The personal information is compiled and used for locating telephone, cellular, and fax numbers, and e-mail address for Regional District of Central Okanagan staff.
5. **Use:** All Regional District of Central Okanagan staff. This is a directory for internal use.

Development Application Inquiry System

1. **Title & Location:** The Development Application Inquiry Database is an electronic database that resides on the Regional District of Central Okanagan computer network located at Regional District.
2. **Description:** The database contains the name, address and phone number of individuals applying for various planning and development applications, such as rezoning, subdivision, development permit and development variance permit applications. The database includes contact information of the registered property owner and where applicable, their agent.
3. **Authority:** Section 26(b) of the *Freedom of Information and Protection of Privacy Act* (regulatory bylaw enforcement) and Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (community planning and land use regulation program).
4. **Purposes:** The personal information is compiled and used to process planning and development applications.
5. **Use:** Development Services; Environmental Services departments.

Human Resources Information System – Vadim Software

1. **Title & Location:** The Human Resources module of the Vadium Software – an electronic database that resides on the Regional District of Central Okanagan computer network located at Regional District.
2. **Description:** The database lists employee employment and payroll information of current and former employees of the Regional District of Central Okanagan.
3. **Authority:** Section 26(a) of the *Freedom of Information and Protection of Privacy Act (Income Tax Act)*; Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (employment program).
4. **Purposes:** The personal information is compiled and used for employment-related purposes.
5. **Use:** Human Resources staff and payroll staff. Security measures are in place to ensure access is on a “need to know” basis only.

Human Resources Employee Files

1. **Title & Location:** Human Resources employee files are located in the Human Resources department and the on-site and off-site corporate records storage site.
2. **Description:** These files contain employment information of current and former employees of the Regional District of Central Okanagan.
3. **Authority:** Section 26(a) of the *Freedom of Information and Protection of Privacy Act (Income Tax Act)*; Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (employment program).
4. **Purposes:** The personal information is compiled and used for employment-related purposes.
5. **Use:** Human Resources staff; supervisors and employees. Security measures are in place to ensure access is on a “need to know” basis only.

Property Inquiry System – Vadim and GIS Software

1. **Title & Location:** The Property Inquiry Database module of the Vadim Software as well as the in-house developed GIS Software is an electronic database that resides on the Regional District of Central Okanagan computer network located at Regional District.
2. **Description:** This database contains personal information pertaining to property owners within the Regional District of Central Okanagan obtained from BC Assessment Authority. The database includes the name, address and phone number of individuals applying for various building permits, final occupancy, etc.
3. **Authority:** Section 26(b) of the *Freedom of Information and Protection of Privacy Act* (regulatory bylaw enforcement); Section 26(c) of the *Freedom of Information and Protection of Privacy Act* for information which is the property of the Regional District. The BC Assessment Authority (BCAA) information is NOT property of the Regional District and therefore the Regional District are not authorized to release the information obtained from BCAA.
4. **Purposes:** The personal information is compiled and used to process building permit applications, license applications and inspections.
6. **Use:** Development Services, Engineering Services, Financial and Administrative Services and Corporate Services.

Chapter 8

Additional Resources

Official Website of the Information and Privacy Commissioner of British Columbia

www.oipcbc.org

Freedom of Information and Protection of Privacy Act and Regulations

<http://www.oipcbc.org/legislation.htm>

Ministry of Citizens' Services

Knowledge and Information Services Branch

<http://www.cio.gov.bc.ca/cio/about/branches/kis.page>

Ministry of Citizens' Services

Freedom of Information and Protection of Privacy: Policy and Procedures Manual

http://www.cio.gov.bc.ca/cio/priv_leg/manual/sec01_09/sec1.page

Ministry of Community Services

Freedom of Information and Protection of Privacy: Questions and Answers – Local Government Bodies (Updated September 2005)

<http://www.mser.gov.bc.ca/privacyaccess/main/LocalGovtQA.pdf>

Regional District of Central Okanagan Public Information

http://www.regionaldistrict.com/departments/hr/hr_freedom.aspx

Appendix 1

Access to Records Request Form

See next page



**FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY
REQUEST FOR ACCESS TO RECORDS**

Please return to FOI- Fax no: (250) 763-0606

NAME OF PUBLIC BODY TO WHICH YOU ARE DIRECTING YOUR REQUEST			
Regional District of Central Okanagan			
YOUR NAME – PLEASE PRINT			
LAST NAME	FIRST NAME	MIDDLE NAME	<input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/> Mr. <input type="checkbox"/> Other:
YOUR ADDRESS			
STREET, APARTMENT No, PO BOX, RR NO.	CITY/TOWN	PROVINCE/COUNTRY	POSTAL CODE
YOUR TELEPHONE / FAX NUMBER / EMAIL			
DAY PHONE NO.	EMAIL:	DAY FAX NO.	
DETAILS OF REQUESTED INFORMATION			
<p>The Freedom of Information and Protection of Privacy Act can only be used to request copies of recorded information, not to pose questions to be responded to. Information requested (please describe the records you are requesting – be as specific as possible as this will assist the request process. Attach a separate sheet if the space below is not sufficient). Please specify any reference or file number(s), if known.</p>			
Are you requesting access to another person's personal information? (if so, please attach as appropriate)		<input type="checkbox"/> YES	<input type="checkbox"/> NO
a) That persons signed consent for disclosure, or b) Proof of authority to act on that persons behalf			
PREFERRED METHOD OF ACCESS TO RECORDS	YOUR SIGNATURE	DATE SIGNED	
<input type="checkbox"/> EXAMINE ORIGINAL AT THE REGIONAL DISTRICT'S OFFICE <input type="checkbox"/> RECEIVE COPY – PICK UP AT THE OFFICE – CORPORATE SERVICES <input type="checkbox"/> RECEIVE COPY VIA MAIL		YR MO DAY	
FOR OFFICE USE ONLY			
REQUEST NO.	REQUEST CATEGORY:	<input type="checkbox"/> ACCESS TO GENERAL INFORMATION	<input type="checkbox"/> ACCESS TO PERSONAL INFORMATION
REQUEST CODE	DEPARTMENT RECEIVING REQUEST		
DATE RECEIVED	YEAR	MONTH	DAY
Personal information contained on this form is collected under the Freedom of Information Protection of Privacy Act and will be used only for the purpose of responding to your request			