

Hayes, Dana GCPE:EX

From: Elbahir, Cindy CITZ:EX
Sent: March-01-13 5:28 PM
To: Champion, Denise GCPE:EX; Hayes, Dana GCPE:EX
Cc: Asey, Ahmad F CITZ:EX; Bejcek, Ken CITZ:EX; Borg, Neva CITZ:EX; Dunn, Jennifer CITZ:EX; Kindylides, Thespina CITZ:EX; Margetish, Brenda R CITZ:EX; McCowan, Dwayne CITZ:EX; Romanow, Holly CITZ:EX; Sarrazin, Heidi A CITZ:EX; Sime, Mark CITZ:EX
Subject: Process change for FOI consultations now in effect
Attachments: Internal Consultation Email Template.oft; FOI Internal Consultation Process.docx
Importance: High

Hi, Denise and Dana. Further to my t/c with Denise awhile ago, below is information from the Information Access Operations LEAN representatives about the process changes for FOI consultations. In a nutshell, the FOI Analyst who is processing a request for any ministry will also be the analyst working with GCPE on records requiring your views concerning disclosure (a.k.a. the consultation piece). To-date the practice has been that the analyst would send a consultation through our Intake, a GCPE consult file would be opened and the consult assigned to an analyst on my team. Going forward, the consultation file number will be that of the ministry's request #, not a separate GCPE consultation file #. Rest assured the analyst processing the consultation will be in regular contact with Neva Borg on my team to assist the analyst with information regarding the process (eg contacting Dana), questions about information contained in the records and the approval process. This new process went into effect today (Friday, March 1st). Please note the attached Email Template may be revised in the near future however I have included it to give you a general idea of what you will receive from FOI analysts when they consult with GCPE.

"Information Access Operations (IAO) is part of a larger LEAN project. We have been examining the FOI process and have identified many areas for improvement. One such area is the FOI consultation process between BC provincial bodies. Internally, we have been doing a lot of administrative tasks that do not add value to the file. We are piloting a new process that will hopefully alleviate that administrative burden for analysts and hopefully speed up the consultation process. There will be small changes that you will notice. If any of these changes impact you negatively, please let us know immediately so that we can adjust this process to meet both our needs which ultimately meet the needs of the applicant.

We believe that this new process will work for almost every FOI consultation between BC provincial bodies. Where this process doesn't work we will work with you and adjust.

I have attached the instructions we are giving our analysts and the new email template that will accompany all consults. Please read and provide feedback if you so choose.

Here is what you need to know about this email template:

1. There are three sections to be filled out:
 - a. Section 1: IAO will send the records and basic information to the program area for a harms assessment, the program area fills out the harms and sends it back to IAO.
 1. See the attached "How to complete a harms assessment for an FOI consultation" for guidance or talk to IAO.
 - b. Section 2: IAO will apply the harms to the records and address any additional severing needed per FOIPP Act. IAO will send the consultation for approval to the executives.
 - c. Section 3: The executives will approve and/or request edits and send back to IAO. IAO will address any changes, respond to the consulting party and close the file.

2. IAO has added purple text to all parts that require filling out. Please delete the purple text and fill out appropriately or leave it if you have no response for that section.
3. You do not need to add a physical signature to this email, an electronic signature works and so does email approval. If you choose email approval please always reply by forwarding this email so that the form stays "live." If you can avoid printing this out please do so. IAO would like to keep the email "live" so that it can be updated at all stages.

Timelines

IAO allots 12 business days for the completion of a consultation. These are guidelines but if you need more time please talk to IAO:

- Your program area has 5 days to complete their harms assessment and return to IAO.
- IAO has 2 days to review the records and harms assessment and send to your executive for approval.
- Your executives have 5 days to approve and return to IAO.

In December, we started this pilot between the Resource Team and the Business Team. The ministries are:

- Finance
- Community Sport and Cultural Development
- Transportation and Infrastructure
- Jobs Tourism and Skills Development
- Aboriginal Relations and Reconciliation
- Agriculture
- Energy, Mines and Natural Gas (Housing)
- Environment
- Forests Lands and Natural Resource Operations

As of this date no flaws or setbacks have occurred so we are going forward with rolling this out to more teams. The Central Agency Team is next and the public bodies/agencies that will be covered are:

- Office of the Premier
- BC Public Service Agency
- Ministry of Citizens' Service and Open Government – including Government Communications and Public Engagement

Your feedback and participation in this pilot is greatly appreciated."

Please call myself or Neva Borg should you have any questions now or anytime during the pilot. Thanks :0)

Cindy

Cindy Elbahir

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Providing services to:

*Office of the Premier, Ministry of Citizens' Services and Open Government,
BC Public Service Agency, Government Communications and Public Engagement and
Shared Services BC*

Subject: FOI Consultation XXX-XXXX-XXXXX Due:
Attachments: Harms Assessment - consult.docx

On Date, the Ministry of Attorney General received this FOI request from Type:
Quote the wording of the request – can use CRTS or may need to attach redacted copy.

They identified the attached document(s) as responsive records and wish to get your views on disclosure. If you need help determining harms, please see the attached cheat sheet.

Your response is due Date.

If you do not respond by this date, we will proceed with the request and release under FOIPPA.

1. Ministry Program Harms Assessment:

Please indicate which applies:

1. *There are no harms in these records. They can be released in full.*
2. *There are harms in releasing all of these records. They should be withheld in their entirety.*
3. *There are harms in portions of the records. Please give details so that IAO can apply the appropriate sections of FOIPPA. Please feel free to write directly on the attached records and send back to IAO. If you are unsure of why it is harmful please call the IAO to discuss the appropriate severing.*

Program Area Approval Authority:
Name, Title, Program

2. IAO's review of harms assessment and recommendations on release

Comments/Recommendations:

IAO will assess the program area's harms and recommend full release, withhold in its entirety or partial release.

3. Ministry Executive approval for release

Comments/Recommendations:

Please indicate which applies:

1. *Approved for release with no changes.*
2. *Approved for release with the following changes... (insert changes).*
3. *Not approved for release and why.*

Ministry Executive (Delegated Signoff):
Name, Title

Note that all general FOI request records that are released to an applicant should be published on the Open Information website unless the exemption criteria apply. The exemption criteria can be found on page 11 of the [Open Information and Open Data Policy](#).

Exercise of Discretion:

The *Freedom of Information and Protection of Privacy Act* (the Act) contains both mandatory and discretionary exceptions to disclosure. Sections 13 to 20 are the discretionary exceptions. Where Information Access Operations (IAO) has advised the head that a discretionary exception may apply, it is important that the head consider the possibility of releasing the information despite the fact that an exception may apply.

Factors relevant to the exercise of discretion include:

- the general purposes of the legislation: public bodies should make information available to the public; individuals should have access to personal information about themselves;
- the wording of the discretionary exception and the interests which the section attempts to balance;
- whether the individual's request could be satisfied by severing the record and by providing the applicant with as much information as is reasonably practicable;
- the historical practice of the public body with respect to the release of similar types of documents;
- the nature of the record and the extent to which the document is significant and/or sensitive to the public body;
- whether the disclosure of the information will increase public confidence in the operation of the public body;
- the age of the record;
- whether there is a sympathetic or compelling need to release materials;
- whether previous orders of the Commissioner have ruled that similar types of records or information should or should not be subject to disclosure; and
- when the policy advice exception is claimed, whether the decision to which the advice or recommendations relates has already been made.

Thank you,

How to provide a harms assessment for an FOI consultation

You are not required to provide records for a consultation.
You are asked to provide your harms recommendations for the attached records.

Is there any information that should be withheld (and/or) is there any information that Executive and GCPE should be made aware of?

Cabinet / Advice

1. Do the records contain information that was submitted or prepared for submission to Cabinet, or any Cabinet Committee or Treasury Board? If yes, when (or when did it go) is it scheduled to go before Cabinet or TB? Has it been made public? Is it a draft or final submission? Is it public and implemented?
2. Do the records contain information that is policy advice prepared for a public body or minister?

Harmful to government

3. Do the records contain information that could harm the financial or economic interests of the BC government?
4. Do the records contain information that could harm BC's relationship with the Canadian government, another province, a municipality or regional district, an aboriginal government or international state or states? If yes, are any of the records authored by that other party?

Officer of Legislature

5. Are any of the records created by or for, or in the custody or control of, an officer of the Legislature *and* that relate to the exercise of that officer's functions under an Act?

Safety Issues

6. Do the records contain information that could harm a law enforcement matter or the security of a system/property/individual?
7. Do the records contain information that could threaten anyone else's safety or mental or physical health, or interfere with public safety?
8. Do the records contain information that could harm heritage sites, endangered or vulnerable species or other resources?

Available Online / Published or Routinely Releasable

9. Are the records going to be published or released to the public in the next 60 days? If yes, what is the date of publication?
10. Are any of the records available for purchase? If yes, where are these records available? Describe or give link.
11. Are any of the records manuals, instructions or guidelines issued to the officers or employees of the public body, or substantive rules or policy statements adopted by the public body? If yes, where are these records available? Describe or give link.

Business Interests and Personal Privacy of a Third Party

12. Do the records contain information that could harm the business interests of a third party? If yes, do you recommend consultation with that third party?
13. Do the records contain information that if released would be an unreasonable invasion of a third party's personal privacy?

Legal Action

14. Do any of the records relate to a prosecution that has not been completed?
15. Do the records contain information that is subject to solicitor client privilege and/or used in litigation? If yes, do you recommend a consultation with the Ministry of Justice on the records?

Are there any other harms/concerns that IAO should be aware of?

FOI Internal Consultation Process

What this doesn't cover

- Section 12 consultations
- External consultations with public bodies outside of the provincial ministries

Major changes

- FOI Analysts do not send consultation to Intake to open a file
- Use a consultation approval slip
- FOI Analysts process their own consultations inside another team

Benefits from a LEAN perspective

- **Fewer controls** as it keeps control of the file in the analyst's hands
 - This gives more authority and control to the analyst processing the file
- **Less storage** of records and actions as there will be less CRTS and TRIM work
 - This means less key strokes and files to manage for analysts
- **Less delay and transfer** by not sending to Intake and by not cutting out pieces of a file and giving to another analyst to process
 - This means an analyst has more time to work on their own files not someone else's

Step by step process

1. First determine if the records are of enough importance/significance to consult on. Look at the age of the records. Look at who authored them. Go talk to the Team Lead of the other team to see if you need to consult. If you need to consult, proceed to #2.
 - a. The Team Lead will also give you the contact information for the person you will need to send the consultation to inside of that ministry.
 - b. This means you are responsible for your own consultation in that other team. Another analyst is not going to process it for you. You need to set your own reminders and track your file.
 - c. The Team Lead will also help determine responsiveness and if the records even warrant a consultation. Use them as a resource.
2. Extract the consult records from your redline package and combine into one PDF. Attach consult records to the Internal Consultation Email Template and fill out the email template.
 - a. We will not send to Intake to open a request.
 - b. We can suggest severing on the records. Examine the records before sending them over. You can put mandatory severing on the records and ask if there are any discretionary harms.

- c. We give 12 business days. But we can be flexible: under 100 pages should take less time than 500 pages or more. Adjust accordingly.
- 3. If you do not have a single point of contact and have program areas that need to see the records first and then they are sent to the Executives, please note that the PA should take about 5 days, we will have it for about 2 days, the executives will have it for about 5 days for sign off —these are guidelines please be flexible if necessary but monitor your dates.
 - a. Some ministries may role the PA harms and sign off into one action—this is great as it cuts down on processing time.
 - b. Talk to you ministry, consultations should not be a big deal. Let them know if they can give harms and sign off in one move then we can accommodate that.
 - c. Send the email template and records to the contact in the other ministry.
 - i. CC the Team Lead so they can assist their ministry in any way.
- 4. Take your public body extension (letter, update CRTS, send to applicant) – analyst can sign this letter.
- 5. TRIM all under “Consult” with the appropriate secondary title.
- 6. CRTS entry on the mother file:
 - a. Add Consultation Activity with appropriate details, you can add notes to say who you are consulting with and the due date for that consult, OR
 - b. Use the Executive comments to track and list all your consults
 - i. Consulting with XXX due Date, XXX due Date, XXX due Date
- 7. Once their response is back TRIM accordingly, update CRTS and adjust your Redline to accommodate their views.