

Logistics and Business Services

FREEDOM OF INFORMATION

Presented July 2013

FREEDOM OF INFORMATION

1. What you need to know about the FOI Act
2. How the FOI process works
3. Trends in FOI
4. Calendars
5. Open Information
6. FOI Contacts

PURPOSES OF THE ACT

Accountability to the Public

- Legislated right to access all government records - specifying limited exceptions (i.e. make what is commonly referred to as an 'FOI request')

Protection of Privacy

- Provides a right of access to individuals own personal information
- Regulates how public bodies collect, use and disclose personal information
- Right to request correction of personal information

Body's decision(s) made under FOIPPA

- The independent reviews extend beyond decisions regarding disclosure

Purposes of the Act

ACCOUNTABILITY

RIGHT OF ACCESS TO
RECORDS



PRIVACY

PREVENT UNAUTHORIZED
COLLECTION, USE OR
DISCLOSURE OF PERSONAL
INFORMATION

INDEPENDENT OVERSIGHT

WHO IS COVERED BY THE ACT

All provincial ministries, and most provincial agencies, boards, commissions, Crown corporations and smaller agencies

Local public bodies

- School Districts
- Colleges and universities
- Regional health boards

Self-governing professions and occupations

- Teachers
- Doctors
- Nurses

➤ Government is only responsible for requests to BC government ministries

WHAT RECORDS ARE COVERED BY THE ACT

All records in the **custody** or under the **control** of a public body

What is a Record?

- Any information recorded or stored by any means whether in hard copy or in electronic format
- Regardless of content and subject matter, the following are subject to an FOI request:
 - briefing notes
 - vouchers
 - telephone records
 - notebooks/daybooks
 - contractor records
 - email
 - records on your smart phone
 - transitory records

CROSS GOVERNMENT REQUEST – TIMELINES

30 DAYS!



Unless.....

The request necessitates a 30 Day Extension under the Act

WHAT HAPPENS WHEN AN FOI REQUEST IS RECEIVED?

- Standard Call for Records Forms and Guidelines for record submissions are provided to all ministry program areas
- Ministry responsibilities include provision of the following information to IAO:
 - where search for records was conducted (i.e. TRIM files, databases, off-site records)
 - duration of search time by ministry program area
 - who conducted the record search
 - potential HARMS that could result from disclosure of records gathered
 - ISSUES associated with disclosure of records gathered
 - regional locations where records pertaining to this request may reside

How FOI Works

Mandatory Exceptions	
Section 12	Cabinet confidence
Section 21	Third party business information
Section 22	Personal information
Discretionary Exceptions	
Section 13	Policy advice/recommendations
Section 14	Legal advice
Section 15	Law enforcement
Section 16	Intergovernmental relations
Section 17	Financial or economic interests
Section 18	Heritage sites
Section 19	Personal health or safety
Section 20	Information soon to be published

FOI APPROVAL PROCESS

- FOI requests are sent to program areas (ministries) for review and sign-off
- The DM or delegated head of the public body is responsible for final sign-off on all requests
- The DM or delegated head of the public body exercises discretion with respect to disclosure recommendations

FOI FAST FACTS

Government has maintained an on-time rate of **87%** despite a 57% increase in volume since 2008/09

In fiscal 2012/13, media requests were up by **68%** and political party requests were up by **48%**

For the first time, government is receiving almost as many **general** requests as **personal** requests

Government received over **10,000** FOI requests in 2012/13, a 22% increase over last fiscal

One media applicant made over **700 FOI requests** in 2012/13, and over 1,000 in the past 2 years

DEMAND FOR FOI REQUESTS CONTINUES TO INCREASE

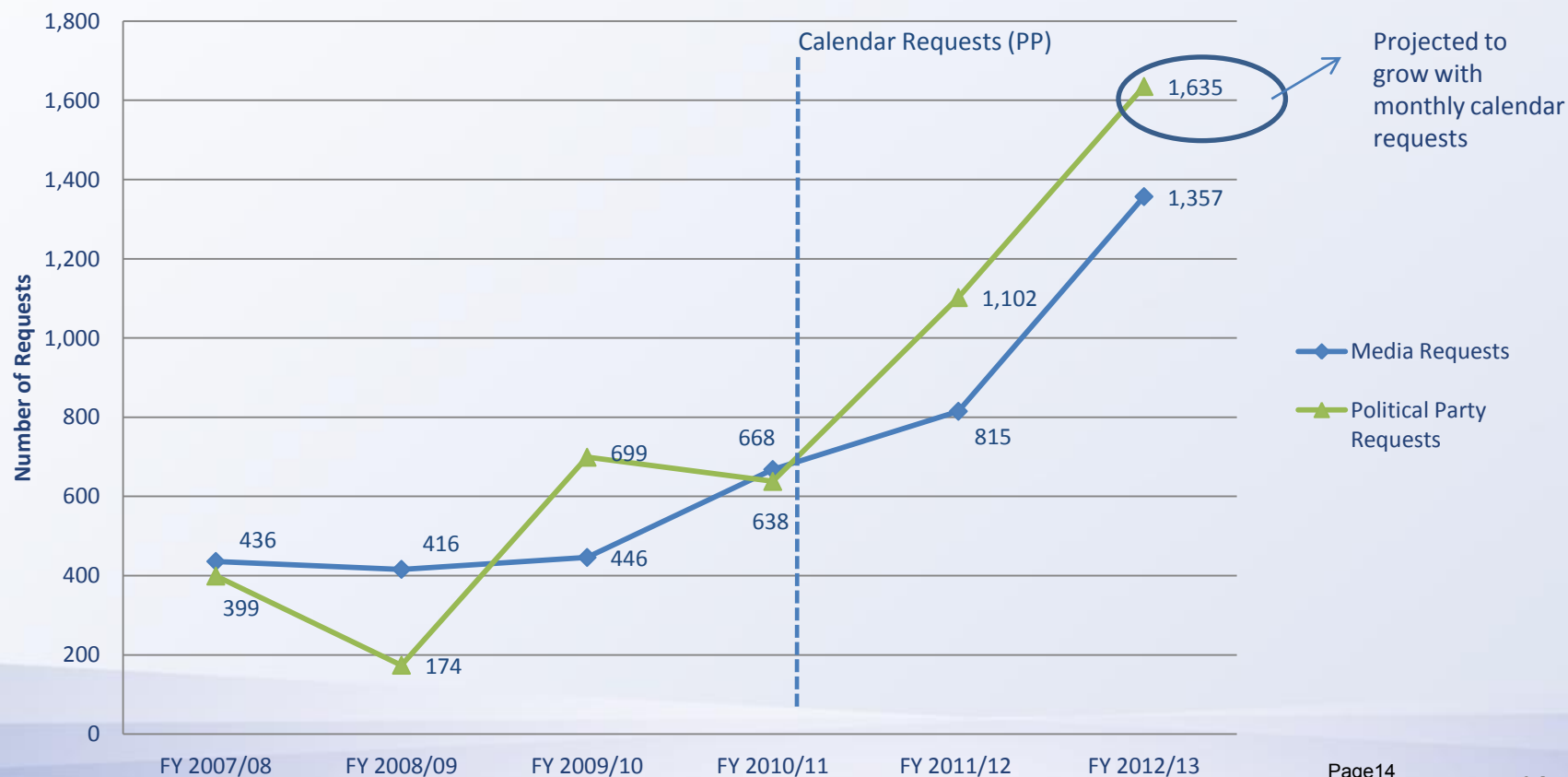
Fiscal Year	General Requests	Personal Requests	Total Requests Received	% On-Time
2007/08	1,805	3,589	5,394	71
2008/09	1,693	4,877	6,570	74
2009/10	2,532	5,122	7,654	90
2010/11	2,756	5,073	7,829	93
2011/12	3,329	5,094	8,423	90
2012/13	4,815	5,484	10,299	87
2013/14 (projected)	4,000	5,500	9,500	75

RESPONSES WITH RECORDS AND NO RECORDS

Fiscal Year	Number of Closed Requests	On-Time Requests	Percentage of No Records Responses
2009/10	7,750	6,984	21%
2010/11	7,939	7,145	24%
2011/12	8,212	7,392	21%
2012/13	9,524	8,325	25%

CHANGING NATURE OF FOI APPLICANTS

Requests from Political Parties and Media



CALENDAR MANAGEMENT

- Government generally receives monthly or bi-monthly requests for DM and ADM calendars. Last month, the requestor included ED calendars

OUTLOOK CALENDARS

- Be wary of embedded documents, as the calendar and the attachments have different life spans
- Ensure calendar consistency and clarity
 - be clear about the subject of the meeting and who is expected to attend
 - keep the meeting subject concise
- Keep calendars current
 - update the calendar as changes occur
 - delete meetings that did not occur or were not attended
 - update the calendar to record the names and titles of individual(s) who actually attended the meeting as the calendar owner's representative
- Personal appointments
 - mark as "private" – details will not show up in a printed copy or to anyone other than the calendar owner or a delegate
 - caution – ensure that only personal appointments are labeled as "private". Calendar records must be accurate and are subject to a formal access request under FOIPPA
 - consider deleting "private" or personal appointments immediately after they occur

SEVERING GUIDELINES - CALENDAR ENTRIES

Entry or Description of Entry	Severed or Not Severed
Blackberry/cell phone numbers for government employees	Severed under section 17 (unless public)
“Cabinet” or “Cabinet Retreat”	Not Severed
“Treasury Board”	Not Severed
Accommodation details	Severed under section 15
Meeting location details	Severed under section 15
Constituency related – any entries in the Minister’s calendar that relate to his/her duties as a Member of the Legislative Assembly	Out of Scope - under section 3 - As the office of a Member of the Legislative Assembly is not a public body, any entries in a Minister’s calendar that relate to his/her duties as an MLA will be severed as outside the scope of FOIPPA
360’s (executive performance review), mentoring, EPDP	Severed under section 22

OPEN INFORMATION

- Introduced July 2011 with policy guidelines
- 2,300 General FOI requests posted (no Personals)
- Over 1,000 Minister and Deputy Minister travel expense summaries posted
- Over 52,000 visits to and 38,000 downloads from the Open Information website
- Proactively released 53 per cent of eligible general requests
- Requests are exempt from publication due to security concerns (72 per cent), personal information (14 per cent), and business information (12 per cent)

Contact Information

Kathleen Ward, Executive Director, IAO

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Brad Williams, Director, FOI

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FOI Managers:

Sector

Manager

Justice/Social

[Vicki Hudson](#)

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Central Agencies

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Business/Infrastructure

[Russ Fuller](#)

250 387-4503

Health/Education

[Maxine Vanzetta](#)

250 356-7349

Personals

[Vivian McDonald](#)

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Intake

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250 387-7356

Open Information

[Chad Hoskins](#)

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Good Practice Tips for Managing and Maintaining Calendars

This Good Practice Tips sheet is intended to provide tips to employees who are responsible for managing and maintaining calendars.

General Tips and Good Practices:

- ☐ Do not sever non personal information out of a calendar, let IAO help you.
- ☐ Avoid the use of any personal or editorializing comments in making calendar entries.
- ☐ Anything to do with the business of government must be shown in the calendar – Monday to Sunday – 24 hours a day.
- ☐ Do not include appointments of other people. (i.e. Minister or Deputy Minister).

Recording Entries:

- ☐ Ensure that calendar entries are **clear** and **consistent** at time of entry.
- ☐ Be **clear** about the subject of the meeting and who is expected to attend. Keep the meeting subject concise. More information may lead to unnecessary redaction.

Examples:

◆ **Concise entry** – “Meeting with John Smith, EFO, on Citizen Engagement”

This entry can likely be released in full.

◆ **Unnecessary degree of detail** – “Meeting with John Smith, EFO, re: cabinet submission on Citizen engagement”

Based on this entry, IAO would be required to make a determination as to whether to redact the entry and it would be necessary to contact the calendar owner’s office, and possibly the Office of the Premier, for further information.

- ☐ Be **consistent** at the time of entry – all those attending the meeting should have the same or similar calendar entry. When arranging meetings with other staff, provide a standard title for the meeting and ask that the other office use this title in recording the meeting - this promotes consistency across calendars in how the meeting is recorded and relayed to citizens.
- ◆ **Tip:** Consider using the Outlook “meeting request function” to schedule meetings; this will automatically assign the same title and description to the same meeting.

Personal Appointments:

- ☐ Consider recording personal appointments (doctor or dentist appointments, children’s events, etc.) as “**Private**” in the Outlook calendar which means that the printed record will simply show “private”, but the details of the entry will appear to the calendar owner (and anyone else with full access to the calendar).

- ◆ Caution: Ensure that only personal appointments are labeled as **private**. Calendar records must be accurate and are subject to a formal access request under the *FOIPPA Act*.
- ❑ Delete **Private** or personal appointments after they occur.
- ◆ Note: **Private** or personal appointments need to be redacted from a Calendar record. Deleting **private** or personal appointments after the appointment has occurred eliminates the need for IAO to redact the record.

Keeping Calendars Current:

- ❑ A calendar is a planning document to record scheduled meetings and events and who is expected to attend. To promote accuracy and completeness, the calendar record should always be current by updating the calendar as changes occur.

Examples:

- ◆ Delete meetings that did not occur, or where the calendar owner (or their representative) did not attend;
 - ◆ Where someone else attended on behalf of the calendar owner, update the calendar to record the names and titles of the individual(s) who actually attended the meeting as the calendar owner's representative.
- ❑ Calendars should be maintained when the calendar owner is on leave or otherwise absent. Where the absent calendar owner is invited to a meeting or event and someone else attends on the calendar owner's behalf, this meeting or event should be recorded in the calendar indicating who attended.

Point of Contact for IAO:

- ❑ Ministers', Deputy Ministers' and ADM's offices are asked to designate a primary and secondary contact for the IAO to respond to questions as necessary.

Severing Guidelines - Calendar Entries

ENTRY OR DESCRIPTION OF ENTRY	SEVERED OR NOT SEVERED
Blackberry/cellphone numbers for government employees	Severed under section 17 – Blackberry/cellphone numbers that constitute “business contact numbers” (i.e. they are part of a signature block) will be disclosed but “confidential, unlisted” Blackberry/cellphone numbers will be withheld under section 17. The financial harm to the public body is the high cost of constantly changing these phone numbers after every FOI request.
“Cabinet” or “Cabinet Retreat”	Not Severed – there is not enough information in this entry to reveal the substance of deliberations of the Executive Council or its committees.
“Chambers”	Not Severed
Constituency related – any entries in the Minister’s calendar that relate to his/her duties as a Member of the Legislative Assembly	Severed under section 3 - As the office of a Member of the Legislative Assembly is not a public body, any entries in a Minister’s calendar that relate to his/her duties as an MLA will be severed as outside the scope of FOIPA.
Confirmation numbers, Reservation numbers, frequent flyer numbers, etc.	Severed under sections 17, 22 – Most external to government organizations will readily provide additional information regarding a reservation/booking/account provided that you are able to provide these numbers. There is a financial harm to the public body if its credit information is divulged and there is an unreasonable invasion of privacy given that there is a personal credit verification required in order to obtain a corporate travel card.
Accommodation details	Severed under section 15
Meeting location details	Severed under section 15
“Caucus”	Severed under section 3
“Duty House Leader” / “House Duty”	Severed under section 3
“House”	Severed under section 3
Meetings with Officers of the Legislature (see schedule 1 definition), that relate to their duties/functions under an Act	Severed under section 3
Unpublished direct telephone numbers for Minister, DM, ADM, etc.	Severed under section 17 - see comments for severing Blackberry/cellphone numbers
“Issue Prep with Staff”	Not Severed
“QP, “QP Prep”, “QP Briefing”	Not Severed

Severing Guidelines - Calendar Entries

ENTRY OR DESCRIPTION OF ENTRY	SEVERED OR NOT SEVERED
Teleconference information: - Dial-in Number - Conference Reference - Participant Conference Access Code - PIN or moderator's code	Severed under sections 15, 17 Severed under sections 15, 17 Severed under sections 15, 17 Severed under sections 15, 17
Telephone numbers (including cell numbers)/email addresses for people representing an organization (union, association, etc.) *Personal cell numbers for people representing an organization, where they are clearly identified as such	Not Severed – business contact information is not personal information. Severed under section 22
"Throne Speech"	Not Severed –the Throne Speech is considered an event that a Minister attends in both capacities (MLA and Minister).
"Treasury Board"	Not Severed – there is not enough information in this entry to reveal the substance of deliberations of the Executive Council or its committees.
"John Smith – vacation, Jane Doe Acting"	Severed under section 22 - "vacation" Not Severed - "Jane Doe Acting."
File paths printed on bottom of attachments	Not Severed - If a harms assessment determines that the security of a system would be harmed by releasing information included in a file path, the information will be withheld under section 15. This would not generally be the case, as a file path alone doesn't reveal certain specifics that would be required to identify the server which a mapped drive resides on.
360's (executive performance review), mentoring, EPDP	Severed under section 22
Staff/Christmas parties during business hours	Not Severed – the assumption here is that these parties are paid for using public funds and attended by staff within their paid hours of work.
Staff/Christmas parties outside of business hours	Severed under section 22 – the assumption here is that these parties are paid for using personal funds and attended by staff outside of their paid hours of work.

Severing Guidelines - Calendar Entries

Request Dependent Section

In some circumstances, the approach for severing calendar entries will be dependent on the wording of the applicant's request. If a Minister's calendar is requested and there are entries that relate to that individual's duties/functions as a Member of the Legislative Assembly, they would not be responsive to the request. If an applicant agrees to exclude phone numbers and email addresses from their request for a calendar, they would not be responsive to the request. The above are only intended to be examples of circumstances where it would be appropriate to use "not responsive" to remove information in response to an FOI request for calendars (i.e. they do not constitute an exhaustive list).