

# OPEN INFORMATION AND OPEN DATA POLICY

Office of the Chief Information Officer,  
Knowledge and Information Services Branch  
Ministry of Labour, Citizens' Services and  
Open Government



DataBC  
{BETA}



Open Information

Version 1.0  
July 2011



## Direction to Government from the Premier and Executive Council:

Our government is changing the style and approach of governing to provide citizens with opportunities to influence and improve policies that impact them and their quality of life.

Opening up government data and information are key foundations to enabling engagement with citizens by using new technologies to connect the public to government and to one another. Making government data and information available online invites individuals and organizations to transform data and information into tools and applications that help individuals, institutions and communities; and to promote partnerships with government to create innovative solutions to the opportunities and challenges faced by British Columbians.

The following specific actions will ensure our government continues to build on the open data and open information tools launched today.

### Open Data

1. Ministries must take steps to expand public access to government data by making it available online unless restricted by law, contract or policy;

2. Ministries must re-prioritize and expand data collection efforts towards those that enable citizens and sectors to create value from government data;
3. Ministries must adopt BC's open license for data and ensure data accessibility through DataBC in accordance with BC's Open Data Policy, which includes the requirement that data be published in an open machine-readable format;
4. DataBC must ensure that citizens can give feedback on, and assessment of, the quality of published information and provide input to which data should be prioritized for publication.

### Open Information

1. To the extent practicable and subject to the *Freedom of Information and Protection of Privacy Act* and other valid restrictions, ministries should use modern technology to disseminate useful information in a routine way rather than waiting for specific requests under the FOIPPA Act.

Ministers will be expected to provide quarterly reports to Cabinet on their progress in meeting these open government objectives.

Honourable Christy Clark  
Premier of British Columbia



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## Document Purpose

The Open Information and Open Data Policy increases the transparency and accountability of the Government of British Columbia by establishing a framework for the public release of government information and Data.

This Policy also encourages citizen participation and engagement with the Government of British Columbia by:

- offering increased access to government information; and,
- enabling use, adaptation and distribution of Data by the public.

By increasing access to government information and permitting the use, adaptation and distribution of Data, this Policy assists in the creation of a participatory environment in which citizens are engaged with their government, communities and public policy issues.

Specifically, the Open Information and Open Data Policy provides direction and assigns responsibility for:

- The Proactive Disclosure of responses to access to information requests (FOI Requests) and information designated for Routine Release; and,
- The assessment, approval and posting of Open Data for public use, adaptation and distribution.

## Advice on this Policy

Advice on this Policy can be obtained from:

Knowledge and Information Services Branch  
Office of the Chief Information Officer  
Ministry of Labour, Citizens' Services and Open Government

Telephone: 250-356-0361

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Web: <http://www.cio.gov.bc.ca/cio/kis/index.page>



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# 1.0 Introduction

Citizens are increasingly demanding and expecting more direct dialogue with government about their communities and their future. These demands and expectations are driven in part by the rise of online communications and social media. To help meet these demands, government issued its first transformation and technology strategy for the BC Public Service, entitled "Citizens @ the Centre: B.C. Government 2.0". A key theme or strategic shift included in this strategy is citizen participation. This shift promotes the engagement of British Columbians more directly with their government through improved access to Data and the sharing of government information. In addition, a defining principle of the strategy is to empower citizens to create value from Open Data.

In March 2011, government reaffirmed its commitment to Open Government and the goals of greater transparency and accountability, building public trust, and connecting people with government. Premier Clark has followed up on this commitment by formally directing all ministries to expand the public availability of Government Data, and, to the extent practicable and subject to the *Freedom of Information and Protection of Privacy Act (the FOIPP Act)* and other valid restrictions, use modern technology to disseminate useful information in a routine way rather than waiting for specific requests under the FOIPP Act.

The Open Information and Open Data Policy supports and enables Open Government and the Premier's

direction by providing British Columbians a more modern and democratic approach to accessing government information and data. The Policy also strengthens government's commitment to engage and empower citizens by creating an environment in which citizens can access, use, adapt and create value from Data.

## 1.1 Policy Objectives

The key objectives of the Open Information and Open Data Policy are to:

- make government information and Data more accessible to the public in a way that is responsive to citizens' needs and expectations;
- engender a participatory environment in which citizens are engaged with their government; communities and public policy issues;
- provide an equitable approach for citizen access to government information and Data that is timely, simple and straightforward;
- enhance trust between citizens and Government;
- increase efficiencies and cost savings for government;
- create new opportunities to inform citizens about government and enable participation in government decision making;
- enhance the social and economic benefit of government Data;
- empower citizens to create value from Open Data;
- where possible, adopt publicly developed services and products, benefiting citizens and extending the value of Open Data.



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## 1.2 Scope

The Open Information and Open Data Policy applies to information and Data in the custody or under the control of ministries of the Government of British Columbia.

While the Open Information and Data Policy applies to all government information and Data, legal, policy, and contractual obligations, limit the application of this Policy in some cases. In addition, this Policy sets out specific criteria that must be met before government information is designated for Proactive Disclosure or Routine Release, or before Data can be considered Open Data.

## 1.3 Legal Considerations

The following legal considerations guided the development of the Open Information and Open Data Policy and provide context for its application.

### ***Freedom of Information and Protection of Privacy Act (FOIPP Act)***

The FOIPP Act provides the public with a right of access to information in the custody or under the control of government ministries and other public bodies. It also protects personal privacy by prohibiting the unauthorized collection, use, or disclosure of Personal Information by public bodies.

This Policy does not replace or limit an individual's right of access to information, or a ministry's obligations, under the FOIPP Act. Rather, this Policy seeks to supplement the goals of the FOIPP Act by encouraging the Proactive Disclosure and Routine Release of government information and promoting Open Data, while at the same time ensuring the protection of Personal Information and other confidential information.

To clarify, this Policy does not:

- affect an individual's right of access to information under the FOIPP Act;
- extend an individual's right under the FOIPP Act to request that the Information and Privacy Commissioner review a Proactive Disclosure or Routine Release decision (that right only applies to a request for access made under the FOIPP Act) or,
- replace or limit a ministry's obligation to routinely release policy manuals and other information under sections 70 and 71 of the FOIPP Act.

With respect to Personal Information, this Policy:

- maintains the protection of Personal Information in accordance with the FOIPP Act; and,
- does not affect an individual's right to make a complaint to the Information and Privacy Commissioner if Personal Information is inappropriately disclosed under this Policy.



## Open Government License

The use, adaptation and distribution of government Open Data will be permitted under the Open Government License.

In accordance with the Open Government License, Data is not licensed for use as Open Data if it includes:

- Personal Information;
- information or Records that are not accessible pursuant to the FOIPP Act;
- third-party rights the government is not authorized to license; and,
- information subject to other intellectual property rights, including patents, trade-marks and official marks, and design rights.

### 1.4 Supporting Documents

The following documents provide additional guidance to ministries in assessing the application and implementation of the Open Information and Open Data Policy.

**Open Data Assessment:** This document, attached as Appendix B, supports the Open Data Policy Requirements by enabling ministries to undertake an assessment of their Data to ensure that no potential barriers exist to making the Data publicly available.

**Open Data Physical Dataset Format Standard:** This document supports the Open Data Policy requirements

by describing standard file formats (e.g., CSV, XML) that must be used to ensure that Data is able to become Open Data and be available for use, adaptation and distribution.

### 1.5 Terms and Definitions

The following definitions are provided for key terms and acronyms used in this document:

**“Applicant”** is a person who makes a request for access to Records under the FOIPP Act.

**“Contact Information”** means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual.

**“Copyright”** is the right to reproduce a work or any substantial part of a work.

**“Data”** are facts, figures and statistics objectively measured according to a standard or scale such as frequency or volumes or occurrences.

**“DataBC Website”** is the Government of British Columbia’s Internet site, [www.data.gov.bc.ca](http://www.data.gov.bc.ca), where the Open Data Catalogue, associated applications and other related information reside.

**“FOI Request”** means an access request made under Part 2 of the FOIPP Act for Records held by government.



**“FOIPP Act”** means the Freedom of Information and Protection of Privacy Act (B.C.)

**“General FOI Request”** means an FOI Request that is not a Personal FOI Request.

**“Government Data”** means Data owned by the Government of British Columbia.

**“Machine Processable”** means Data is structured so that it can be manipulated and allow automated intake and processing through computer application.

**“Open Data”** is Data that has undergone an Open Data Assessment, meets the requirements included in this Policy, and is listed in the Open Data Catalogue. Such Open Data is then made available to the public for copying, publishing, distribution, transmission and adaptation under the terms of the Open Government License.

**“Open Data Assessment”** means the assessment process described in Appendix B of this Policy.

**“Open Data Catalogue”** means a listing of Data references, available through the DataBC Website, in a standard format.

**“Open Government License”** means the Open Government License for government of BC Information or such other license approved by the Intellectual Property Program, Ministry of Labour, Citizens’ Services and Open Government.

**“Open Information Website”** is the Government of British Columbia’s Internet site, [www.openinfo.gov.bc.ca](http://www.openinfo.gov.bc.ca), where information Proactively Disclosed or Routinely Released resides.

**“Personal FOI Request”** means an FOI Request, made by individuals (or their representative) seeking their own Personal Information.

**“Personal Information”** means recorded information about an identifiable individual other than Contact Information.

**“Proactive Disclosure”** means the public release of government’s responses to General FOI Requests.

**“Record”** 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.

**“Routine Release”** means the public release of government information that is not in response to FOI Request.



## 2.0 Open Information Policy Requirements

The Open Information Policy Requirements, set out below, provide direction for the public release of:

- a) responses to General FOI Requests; and,
- b) information designated for Routine Release.

### 2.1 Proactive Disclosure of Responses to General FOI Requests

The following policy requirements apply to the Proactive Disclosure of responses to General FOI Requests:

- 2.1.1 Responses to General FOI Requests must be posted to the Open Information Website, unless an exemption is approved. Responses to General FOI Requests include the response letter and the responsive Records.
- 2.1.2 In limited circumstances, an exemption to posting a response to a General FOI Request may be approved where specific exemption criteria apply. Exemption criteria are set out in Appendix A.
- 2.1.3 Responses to Personal FOI Requests must not be posted to the Open Information Website.
- 2.1.4 Personal Information must be removed from the General FOI Request response in accordance with the FOIPP Act before posting to the Open Information Website.

- 2.1.5 Responses to General FOI Requests, and other documentation as required, must be prepared, provided and posted in accordance with procedures issued by the deputy minister of Citizens' Services and Open Government.

- 2.1.6 A response to a General FOI Request must be posted to the Open Information Website a minimum of:
  - a) 72 hours after its release, if the response is sent electronically to the Applicant; or,
  - b) Five business days after its release, if a hard copy is mailed to the Applicant.

### 2.2 Routine Release – General Requirements

The following policy requirements specify a ministry's general responsibilities in promoting the Routine Release of government information:

- 2.2.1 Ministries should consider making information that they determine to be of interest or useful to the public, available to the public on a routine basis (i.e., without a request for access under the FOIPP Act) unless its release is limited by law, contract, or policy.
- 2.2.2 Where a ministry decides to make information available to the public on a routine basis, it should do so in a manner that makes the information available to a wide range of users with no requirement for registration, and in a non-proprietary, non-exclusive format.



- 2.2.3 Where appropriate, a deputy minister may propose a category of information to be designated under section 2.3, by the Minister of Labour, Citizens' Services and Open Government, for cross-government Routine Release.

## 2.3 Routine Release of Designated Information

The following policy requirements apply to information designated for cross-government Routine Release:

- 2.3.1 The Minister of Labour, Citizens' Services and Open Government may designate categories of information that must be routinely released by ministries.
- 2.3.2 Before information is designated for Routine Release, it must be assessed by the Office of the Chief Information Officer for privacy, security, and Copyright implications and other risk factors.
- 2.3.3 Categories of information designated for Routine Release, and applicable schedules for release, must be listed on the Open Information Website.
- 2.3.4 Information designated for Routine Release must be prepared, provided and posted in accordance with procedures issued by the deputy minister of Citizens' Services and Open Government.

- 2.3.5 Information designated for Routine Release may be redacted before it is posted to remove information that may be withheld in accordance with the FOIPP Act.

- 2.3.6 In accordance with the FOIPP Act, Personal Information must be removed from information designated for Routine Release before posting.

## 2.4 Additional Requirements

The following policy requirements set out additional requirements that apply to the Proactive Disclosure and Routine Release of information:

- 2.4.1 The deputy minister of Citizens' Services and Open Government may issue procedures, guidelines and best practices to support the Open Information and Open Data Policy.

## 3.0 Open Data Policy Requirements

The Open Data Policy Requirements provide direction for the assessment, approval and posting of Open Data for public use, adaptation, and distribution.

### 3.1 General Requirements

The following policy requirements apply generally to Government Data and Open Data:



- 3.1.1 Ministries must establish plans for expanding public access to Government Data and report their progress in accordance with instructions issued by the Deputy Minister of Citizens' Services and Open Government.
- 3.1.2 Ministry plans must prioritize and expand Data publication efforts on Data that enables citizens and sectors to create value from Government Data.
- 3.1.3 Only Data that meets the Open Data Criteria and Assessment Requirements, set out in section 3.2, may be posted as Open Data.
- 3.1.4 Open Data must be listed in the Open Data Catalogue and subject to the Open Government License in accordance with the requirements, set out in section 3.3.
- 3.1.5 Individuals must not be required to register or identify themselves in order to access, use, adapt or distribute Open Data.
- 3.1.6 Ministries must not make Data publicly available as part of an Open Data initiative except as in accordance with this Policy.

## 3.2 Open Data Criteria and Assessment Requirements

The following policy requirements apply to the assessment of Government Data for inclusion in the Open Data Catalogue:



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- 3.2.1 Data may be proposed as Open Data if:
  - a) access, use, adaptation and distribution of the Data can be permitted for no fee to the public;
  - b) the Data is Machine Processable;
  - c) the Data includes necessary information to ensure its completeness and, therefore, its usability; and,
  - d) the Data is posted in formats that comply with the Open Data Physical Dataset Format Standard.
- 3.2.2 In making a determination if Data is free from legal, contract or policy restrictions, and can be made available as Open Data, ministries must complete the Open Data Assessment in Appendix B of this Policy.
- 3.2.3 Deputy ministers or designates must approve the completed Open Data Assessment prior to listing the Open Data in the Open Data Catalogue.

## 3.3 Open Government License Requirements

The following policy requirements apply to the application of the Open Government License to Open Data:

- 3.3.1 The Open Government License must:

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a) apply to Open Data made available by the Government of British Columbia; and,

b) include the ability for Open Data to be publicly used, adapted and distributed.

3.3.2 Ministries must clearly and expressly state on each ministry webpage that contains Open Data:

a) what Records are Open Data; and,

b) that Open Data is subject to the terms of the Open Government License.

### 3.4 Additional Requirements

The following policy requirements set out additional requirements that apply to the promotion of Open Data:

3.4.1 Ministries must designate a single point of contact to respond to public inquiries related to Open Data.

3.4.2 Open Data should be maintained or reviewed on a regular or periodic basis in a manner directed by the deputy minister of Citizens' Services and Open Government.

3.4.3 In creating or modifying Data, ministries should consider the objectives of this Policy.

3.4.4 In developing information systems, ministries must consider the objectives of this Policy and enable,

to the extent possible, the creation, use and release of Open Data.

3.4.5 The deputy minister of Citizens' Services and Open Government may issue guidelines on categories of Open Data that should be made publicly available and listed in the Open Data Catalogue.

3.4.6 Services or products created using Open Data may be included on, or linked from, the DataBC Website.

## 4.0 Roles and Responsibilities

The roles and responsibilities section assigns responsibility for the policy requirements set out in section 2 (Open Information Policy Requirements) and section 3 (Open Data Policy Requirements).

**The Minister of Labour, Citizens' Services and Open Government** has the responsibility to:

- designate categories of information for cross-government Routine Release.

**Deputy ministers** have the responsibility to:

- lead their ministry in enhancing government transparency and accountability through the increased release of government information and Data;



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- promote the benefits of Open Information and Open Data initiatives, encouraging citizen participation and engagement with government;
- ensure responses to General FOI Requests and information designated for Routine Release are prepared and provided in accordance with established processes and timelines;
- approve exemptions to the Proactive Disclosure of General FOI Requests in limited circumstances where established criteria is met;
- consider the objectives of this Policy in making their ministry's information available to the public on a routine basis;
- consider making their ministry's Data available and readily accessible as Open Data unless restricted by law, contract or policy;
- ensure that ministry Data proposed as Open Data is assessed in accordance with this Policy and is maintained or reviewed on a regular or periodic basis;
- designate a single point of contact to respond to public inquiries related to their ministry's Open Data;
- consider the objectives of this Policy when creating or modifying Data or developing information systems;

- ensure that no ministry Data is made publicly available as part of an Open Data initiative except as in accordance with this Policy; and,
- ensure that each ministry webpage that contains Open Data; clearly and expressly states what Records are Open Data, and that any Open Data is subject to the terms of the Open Government License.

**The deputy minister of Citizens' Services and Open Government** has the additional responsibility to:

- issue guidelines on categories of Open Data that should be made publicly available and listed in the Open Data Catalogue; and,
- issue procedures, guidelines and best practices to support the Open Information and Open Data Policy.

**Information Access Operations, Ministry of Labour, Citizens' Services and Open Government** has the responsibility to:

- prepare responses to General FOI Requests for posting on the Open Information Website;
- recommend exemptions to the Proactive Disclosure of General FOI Requests, in limited circumstances, where established criteria is met;
- ensure responses to Personal FOI Requests are not published;



- ensure Personal Information is removed from General FOI Request responses before they are proactively disclosed; and,
- ensure information designated for Routine Release is redacted to remove information, such as Personal Information, that must be withheld.

**The Office of the Chief Information Officer, Ministry of Labour, Citizens' Services and Open Government** has the responsibility to:

- assess categories of information designated for Routine Release for privacy, security, and Copyright implications and other risk factors;
- provide advice to ministries regarding privacy and security matters and the application of IM/IT Standards;
- provide information to ministries regarding Copyright matters; and,
- maintain and update the Open Information and Open Data Policy.

**Business and Workforce Transformation, Ministry of Labour, Citizens' Services and Open Government** has the responsibility to:

- provide advice to ministries on information designated for Routine Release;

- ensure the DataBC Website and the Open Data Catalogue are managed in accordance with the requirements set out in this Policy;
- recommend types of Data that may be made available as Open Data through the Open Data Catalogue;
- ensure the DataBC Website displays the Open Government License;
- approve for publication to the DataBC Website services or products created using Open Data; and,
- recommend changes to the Open Government License.

**Legal Services Branch, Ministry of Attorney General** has the responsibility to:

- provide legal advice to ministries regarding Copyright matters;
- provide advice to ministries regarding legal or contractual matters; and,
- maintain and make any necessary revisions to the Open Government License.



# Appendix A – Proactive Disclosure Exemption Criteria

Responses to General FOI Requests will be considered for exemption from Proactive Disclosure and posting on the Open Information Website if they contain:

- Personal Information or information that could lead to the identification of the Applicant or other persons;
- information that may harm relations with a First Nation;
- information that may harm relations with another government;
- information that may harm a third party's business interests; or,
- information that is not suitable for Proactive Disclosure based on a formal risk assessment that disclosure to the public may threaten the safety of a person or harm the security of any property or system.

Information Access Operations, Ministry of Labour, Citizens' Services and Open Government may recommend an exemption from Proactive Disclosure in limited circumstances where one or more of the above criteria are met.

The deputy minister, head or designate, of the responsible ministry must approve any recommended exemption.



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## Appendix B – Open Data Assessment

The attached Open Data Assessment must be completed by ministries to ensure that there are no legal, policy, or contract restrictions to making the Data publicly available as Open Data. The attached form and checklist must be completed and approved by the deputy minister or delegate before listing Open Data in the Open Data Catalogue.

A copy of the approved Open Data Assessment form and checklist must accompany the Open Data request submitted to Business and Workforce Transformation, Ministry of Labour, Citizens' Services and Open Government.



## Appendix C – Websites

FOIPP Act:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/96165\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00)

Citizens' @ the Centre: BC Government 2.0:

[http://www.gov.bc.ca/citz/citizens\\_engagement/gov20.pdf](http://www.gov.bc.ca/citz/citizens_engagement/gov20.pdf)

Office of the CIO:

<http://www.cio.gov.bc.ca/>

Ministry Information Security Officer (MISO) Contact List:

<http://www.cio.gov.bc.ca/cio/informationsecurity/MISO/MISO.page?>

Information Security Classification Framework:

[http://www.cio.gov.bc.ca/cio/informationsecurity/classification/information\\_security\\_classification\\_framework.page?](http://www.cio.gov.bc.ca/cio/informationsecurity/classification/information_security_classification_framework.page?)

Knowledge and Information Services Contact Page:

<http://www.cio.gov.bc.ca/cio/kis/index.page?>

Intellectual Property Program Contact Page:

[http://www.cio.gov.bc.ca/cio/intellectualproperty/contact\\_us.page?](http://www.cio.gov.bc.ca/cio/intellectualproperty/contact_us.page?)

Information Access Operations website:

<http://www.gov.bc.ca/citz/iao/>

DataBC website:

<http://www.data.gov.bc.ca>

Open Government License:

<http://www.data.gov.bc.ca/dbc/admin/terms.page?>

Open Information website:

<http://www.openinfo.gov.bc.ca>



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# Open Data Assessment

Ministries must fill in the form below and complete the attached checklist to determine if the Data meets the requirements of the Open Information and Open Data Policy.

The completed form and checklist must be approved by the deputy minister or delegate before listing Open Data in the Open Data Catalogue. A copy of the approved Open Data Assessment form and checklist must accompany the Open Data request submitted to Business and Workforce Transformation, Ministry of Labour, Citizens' Services and Open Government.

## Contact Information

Ministry, Division, Branch:	
Contact Name:	
Contact Information:	

## Description of the Data

Name: (file name)	
URL (if required):	
Description:	
Format:	

## Open Data Assessment

Is the checklist complete?	Yes / No
Are there any impediments to posting the Data to the Open Data Catalogue?	Yes / No

## Approval

Has the Deputy Minister (or delegate) approved the inclusion of the Data in the Open Data Catalogue?	Yes / No
------------------------------------------------------------------------------------------------------	----------

Deputy minister (or delegate)

Date:

## For Use by Business and Workforce Transformation (DataBC) staff

Eligible for the Open Data Catalogue:	
Comments (if required): e.g., why something would not be posted.	
Data Received:	
Date Posted:	



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Open Data Assessment Checklist	Yes	No
<b>Privacy</b>		
Ministries may contact Knowledge and Information Services to assist in this assessment.		
Is the Data free of Personal Information that may directly identify an individual (e.g., name, phone number, photo, address, driver's license number or any similar identification number)?		
Is the Data free of information that may <b>indirectly identify an individual</b> (e.g., through the use of Data based on small numbers, limited geographic distribution or that could reasonably be combined with other Data to identify individuals)? <b>Note:</b> The publication of some Data may be authorized by legislation or as part of a public Record (e.g., publication of small numbers by the BC Vital Statistics Agency – deaths, births, marriages). If this applies to your Data, answer 'Yes'.		
<b>Copyright</b>		
Ministries <b>must</b> contact the Intellectual Property Program to assist in this assessment. Any legal review or legal advice is provided by Legal Services Branch.		
Is the material created solely by B.C. government employees?		
Do the materials include only content owned by the B.C. Government (i.e., have you ensured that there is no third party content included in the materials)?		
Have you ensured that there is no exclusive license for another party to use or access the materials?		
<b>Note: If there is a contract related to the content in the materials, the Intellectual Property Program must be contacted.</b>		
<b>Legal, Contractual or Policy Constraints</b>		
Is the public release and use of the Data permitted under law, contract or policy (e.g., have you ensured that there are no relevant legal, contractual or policy restrictions or limitations)?		
If there are legal, contractual or policy restrictions or limitations to the public release or use of the Data, have they been addressed?		
<b>Open Data Assessment Checklist</b>		
<b>Security Controls</b>		
Have you contacted your ministry information security officer to ensure that all necessary security controls have been implemented?		
Has the material been labelled as 'Public' using the Information Security Classification Framework?		
<b>Pricing Frameworks</b>		
Is the Data available to the public without collecting a fee?		
If a fee is required, does the program area have the authority to waive any fees associated with the release of the Data?		
<b>Data Source</b>		
Does your ministry have primary responsibility for the Data?		
Is the Data complete (i.e., a subset of the Data has not been excluded)?		
Can the Data be provided in a machine-processable format (e.g., CSV) See the Open Data Physical Format Standard		

If the answers to these questions are "Yes", the Data can be included in the Open Data Catalogue located on the DataBC Website. Any "No" responses indicate that the Data is either not eligible for inclusion in the Open Data Catalogue or potential barriers must be addressed before the Data can be included.

Generally speaking, the majority of non-personal Data can be considered for listing in the Open Data Catalogue. However, there may be some instances when it is unclear whether certain Data should be publicly available (e.g. questions about publication rights or the inclusion of third party information). If you have questions, or need assistance in addressing potential barriers please contact:

Area	For Questions Related To	Contact	Contact Information
Open Data Catalogue	General information about the catalogue including Data formats, access and methods of availability	David Wrate, Director	Email: David.Wrate@gov.bc.ca Tel: 250-588-9231
Architecture & Standards	Compliance with IM/IT standards and architectures	Lloyd Loisel, Director	Email: Lloyd.Loisel@gov.bc.ca Tel: 250 387-1534
Copyright Information	Copyright, publication rights and third-party property rights	Pamela Ness, A/Director	Email: Pamela.Ness@gov.bc.ca or ipp@mail.qp.gov.bc.ca Tel: 250 356-0827
Information Security	Security of government's infrastructure or operations	Rob Todd, Director	Email: Rob.Todd@gov.bc.ca Tel: 250 387-8823
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## FOIPP Act Policy and Procedures Manual

### Section 70 - Policy Manuals Available Without Request

Last updated: July 27, 2007

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#### OVERVIEW

Section 70 requires the head of a public body to make available to the public, without a formal request under the Act, records of the following nature:

- manuals, instructions, or guidelines issued to the officers or employees of the public body
- rules, or policy statements used by the public body for interpreting an enactment or administering a program which affects the general public or a specific group

#### SECTION REFERENCE

- Section 70 of the *Freedom of Information and Protection of Privacy Act*

70 (1) The head of a public body must make available to the public, without a request for access under this Act,

(a) manuals, instructions or guidelines issued to the officers or employees of the public body,

(b) substantive rules or policy statements adopted by the public body,

for the purpose of interpreting an enactment or of administering a program or activity that affects the public or a specific group of the public.

(2) The head of a public body may delete from a record made available under this section any information he or she would be entitled to refuse to disclose to an applicant.

(3) If information is deleted, the record must include a statement of

(a) the fact that information has been deleted,

(b) the nature of the information, and,

(c) the reason for the deletion.

(4) If a person asks for a copy of a record under this section, section 71 (2) applies.

## POLICY

Public bodies must make available to the public **without a request** for access under the Act, manuals, instructions, or guidelines issued to the officers or employees of public bodies and substantive rules or, policy statements adopted by the public body that are used to interpret enactments or administer programs or activities that affect the public or a specific group of the public.

Within this group of records, and before making these records available, the public body may delete any information that it would be entitled to refuse to disclose to an applicant. If information is deleted, the record must include a statement that information has been deleted, the nature of the deleted information and the reason for deletion.

## PROCEDURE

Public bodies should establish procedures governing the determination of material to be included in manual, instructions or guidelines and those procedures should include a methodology for determining what records would not be releasable under this section.

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## INTERPRETATION

A fee may be required of the applicant, as provided under section 71(2).

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For a summary of Commissioner's orders and policy interpretation of key points, [Click here](#).

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## FOIPP Act Policy and Procedures Manual

### Section 71 - Records Available Without Request

Last updated: July 27, 2007

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#### OVERVIEW

This section permits the head of a public body to designate categories of records appropriate for routine release to the public.

#### SECTION REFERENCE

- Section 71 of the *Freedom of Information and Protection of Privacy Act*

71 (1) The head of a public body may prescribe categories of records that are in the custody or under the control of the public body and are available to the public, on demand, without a request for access under this Act.

(2) The head of a public body may require a person who asks for a copy of an available record to pay a fee to the public body.

(3) Subsection (1) does not limit the discretion of the government of British Columbia or a public body to release records that do not contain personal information.

#### SUMMARY

The Act does not replace existing procedures for access to information. Sections 2, 3 and 71 of the Act recognize and preserve access rights that exist outside the scope of the Act.

Provincial government ministries and agencies may designate records that are available without a formal request under the Act. This does not limit the discretion of the government of British Columbia or of the head of a public body to release or withhold general (non-personal) information. The head of a public body may charge a fee for providing copies of records that are routinely releasable.

**POLICY**

1. Ministries shall promote the routine release of information, where release is authorized by the Freedom of Information and Protection of Privacy Act.
2. Ministries shall designate records that are available without a formal request, in accordance with the privacy and access provisions of the Act, other relevant legislation, and operational requirements.
3. Ministries may charge fees for information made available routinely.
4. Ministries shall establish a reasonable period of time within which records that are routinely available must be produced to an applicant. This period will normally be within two or three days, not including mailing and delivery time. Most records designated as routinely releasable should be available "on demand" unless they are not located in the office where the request is made.
5. When responding to requests for records that are routinely releasable, ministries shall inform applicants that if they are not satisfied with their response, they may make a formal request for the records.



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**PROCEDURE**

1. Provincial government ministries will identify records which can be routinely released without the necessity of a formal request under the Act, according to the Core Policy Manual 12.3.3 (Freedom of Information and Protection of Privacy) and the Implementation Guidelines for Routine Release of Records.

**INTERPRETATION**

The head of a public body may refuse to disclose to an applicant information that is available for purchase by the public (see manual section 20(1)(a)). Public bodies must exercise discretion in determining to withhold from an applicant information available for purchase.

***Does not limit the discretion***

A public body may release or withhold any record, not formally requested under the Act, that does not contain personal information whether or not it has been designated and listed as routinely releasable.

**SECTIONAL INDEX OF COMMISSIONER'S ORDERS**

For orders organized by the Act's section numbers, [Click here](#).

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## Guidelines for the Routine Release of Records Information

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October 1997

### Definition of Routine Release

***Routine Release:*** The disclosure of certain types of information as a matter of course without the necessity of a formal Freedom of Information (FOI) request. Routine release includes (but is not limited to) the release of records that have been designated as available without a formal request under section 71 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA Act). Routine release may be reactive (responding to requests for information when received) or proactive (systematically disseminating information in advance of requests using mechanisms such as the Internet, libraries, etc.).

***Privacy and Confidentiality:*** Information is disclosed routinely only in accordance with the privacy requirements of the Act and the privacy and confidentiality requirements of other applicable legislation and government or public body policies.

Public bodies identify records in their custody or under their control that are routinely available either because no exceptions under the Act apply or because the body would always exercise discretion in favour of disclosure despite the applicability of a discretionary exception.

Individuals seeking routinely available records simply make an inquiry to the public body that holds them. The records will be made available without a formal FOI request.

Additional information about the release of information without requiring a formal FOI request is available in the *Freedom of Information and Protection of Privacy Act Manual* ([section 71](#)).

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### Routine release produces several benefits

- In most cases routine release is the most efficient and effective means of meeting the needs of the public.
- Routine release decreases the administrative burden of the Act, thus saving government time and money.
- Routine release reduces workload and costs by reducing the number of formal FOI requests that must be logged and processed and the numbers of enquiries for materials that may be released routinely.
- Proactive dissemination, such as on the Internet, saves government money by decreasing the number of questions from the public.
- A proactive routine release program demonstrates that public bodies are operating in the spirit of openness that was intended by the Act.
- Proactive routine release via the Internet supports the BC Government's Electronic Highway initiative, the plan to provide Internet access throughout British Columbia by 1999.

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### How to Identify Records That May Be Released Routinely

The Act does not require that all information released to the public be as a result of a formal request. In fact, the Act specifically states that it "does not replace other procedures for access to information" (s. 2(2)).

Public bodies should follow these steps to identify records that may be released routinely:

- If disclosure is mandated by legislation, the record may be released routinely. For example, the Environmental Assessment Act stipulates that the Environmental Assessment Project Registry must be available for public inspection. Public bodies should examine their legislation to determine whether release of information is mandated.
- Any class of record that is released regularly without severing should be reviewed to determine whether it should be designated as releasable routinely. Public bodies should examine files that have been previously released without severing to determine if any request for the same class of records would also be released unsevered.
- Newly-created records should be designed to facilitate routine release, if possible. The FOI Co-ordinator should review new records at an early stage to determine which are routinely releasable and to establish a channel for routine disclosure.
- Public bodies should identify records that are frequently requested to determine if they may be released routinely. Strategies for identifying these records include examining material released in response to formal or informal FOI requests, and consulting communications, library staff, Enquiry BC, and program area staff to find out what is being requested frequently (e.g., public opinion polls and government contracts)

Where a public body determines that a record may not be released routinely, it should consider if parts of the record could be designated for routine release.

*Routine Release of Personal Information:* When individuals request access to their own personal information, public bodies review the records to determine whether any of the exceptions to disclosure apply. If none do, then the records may be disclosed to that individual without a formal request. Where appropriate, this process should be encouraged in order to reduce administrative costs.

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## Compiling a List of Records That May Be Released Routinely

Program areas, with the assistance of FOI and records management staff, should prepare comprehensive and up-to-date lists of publications and records available through routine channels. Front-line staff use these lists to determine what information can be released routinely. Front-line staff are simply identifying records as belonging to a category that may be routinely released, not making decisions about how to apply exceptions in the Act or reviewing the information in the records.

The Appendix of this report provides a list of ARCS classifications that have been identified for routine release.

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## Program Area Staff Participation

As routine release usually takes place at the program area level, it is important to involve program area staff in its implementation by:

- giving front-line staff the authority to release as much information as possible without a formal request for information;
- involving program staff in identifying records that should be routinely released or actively disseminated, and in developing an access strategy;
- providing ongoing training and consultation to raise their awareness of routine release; and
- informing them that they may call upon information and privacy branches or records managers for advice.

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## Fees

Section 71(2) of the Act allows public bodies to set their own fees for providing information through routine

channels.

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## ROUTINE RELEASE TECHNIQUES

The following techniques may be applied to frequently requested records in order to streamline the routine release process:

- modifying existing records
- influencing the creation of new records
- changing filing practices
- changing release policies
- obtaining informed consent
- adding release notes to files
- highlighting routinely released records

Each of these techniques is discussed below.

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### Modifying Existing Records

#### *Removing Information from Copies*

Where justified by the volume of requests, an access copy of frequently requested records may be made by copying the originals while removing information that cannot be routinely released. It may be appropriate to indicate that certain information has been removed and why.

#### **Notes:**

- It may be appropriate to file series of copied and severed records separately from the originals. In any event, the originals remain the "copies of record" for all purposes except routine release.
- Individuals must be informed when information has been removed from a record to make it routinely releasable. The option of filing a formal request under the *Freedom of Information and Protection of Privacy Act* is always available to them along with the appeal mechanisms in the Act.

#### **Example:**

- Requests for copies of permits: With the requester's agreement, sensitive personal information such as the permit holder's address and phone number is removed from copies of permits so that they can be released immediately without a formal request.
- Ministry of Attorney General: Names of all individuals can be removed from lists of landlord-tenant arbitrations so that the lists can be routinely released.

### *Changing the Structure of Forms*

Forms may be changed so that routinely releasable information is gathered on one part of the form, while sensitive personal information or other information not routinely released, is recorded separately. This will enable information from one part of the form to be released routinely and will ease severing. This technique should only be used where it will not impede program delivery either by making it difficult to complete the forms or to process the data collected.

Advice on the design of effective forms is available from the Ministry Forms Officer.

#### **Example:**

- Licensing bodies: Bodies could record routinely released information in a license application on one side of an application form while non-releasable information (e.g., home phone numbers, results of criminal records checks, etc.) is recorded on the other. The applications could then be photocopied for routine release (one side only) without having to remove sensitive information.

### ***Changing the Structure of Records***

The structure of records may be changed to simplify release or severing.

Example:

- All public bodies: In briefing notes, policy advice should be contained in a recommendation/policy advice section that is clearly separated from the background information and "options" sections.

### ***Moving Information into Appendices***

Sensitive information that would not be routinely released may be moved from the body of a document into appendices. In this way, the body of the document could be routinely released.

**Note:**

- Individuals must be informed when information has been removed from a record to make it routinely releasable. The option of filing a formal request under the *Freedom of Information and Protection of Privacy Act* is always available to them along with the appeal mechanisms in the Act.

Example:

- Contractors submitting proposals can be asked to place personal information about the qualifications of company personnel in an appendix.

### ***Changing the Recording Format of Records***

When cost-effective, records may be changed from one physical format to another in order to streamline future data modifications and subsequent records releases, in anticipation of different types of requests.

Example:

- All public bodies: Hard copy records may be converted to electronic format for easy deletion of any data fields containing information to which access or privacy exceptions would be applied.

### ***Changing Policies on Creation of Content***

Public bodies may change the way their records are created in order to make them routinely releasable.

Example:

- All public bodies: By anonymizing the parties to a mediated dispute (Party A, Party B, Witness A, etc.) and by limiting other personal identifiers to only those necessary to understand the case, public bodies can avoid identifying individuals. For employees with a need to know, the identities of the individuals is shown in an appendix that is not routinely released. Requesters must be made aware that they have the right to request the full record by filing a formal request under the Act.
- Ministry of Attorney General: Knowing that investigation records created by the ministry's Investigation, Inspection and Standard's office are of interest to the public, a severed copy of the original investigation report is prepared and proactively released. The original copy of the investigation report which includes names of alleged victims, witnesses and other individuals is filed for internal use on a need to know basis.

### ***Collection of Information***

Some classes of records that are frequently requested cannot be routinely released because they contain personal or other information subject to exceptions in the Act. If, upon review, it is determined that it is no longer necessary to collect this sensitive information, changing collection practices to exclude this information would allow the records (or portions of them) to be released routinely. Public bodies should review their collection of sensitive information to determine if all of the information being recorded is necessary to meet program requirements.

Example:

- Some permits could be released routinely if they did not contain the personal address or phone numbers of the permit holder. While addresses or phone numbers may be necessary information on a permit application form, it might not be necessary to record this information on the permit document itself.

## **Influencing the Creation of New Types of Records**

Public bodies should ensure that information and privacy staff as well as records and forms managers are consulted during the design of new forms, records systems and databases so that routine release issues can be addressed at an early phase.

Example:

- Forest Renewal BC consulted BC Information Management Services to assist in developing a contract tendering system that would facilitate the routine release of tendering information.

## **Changing Filing Practices**

If justified by the volume of requests, filing practices may be changed so that routinely releasable records are separated from other documents (e.g., using file backs or file dividers) to make them readily retrievable for routine release. Requesters must be made aware that they have the right to request the full record, if they wish.

Example:

- Ministry of Attorney General: Liquor inspection reports (releasable to anyone who requests them) could be separated from other documents in licensing application case files by using file backs. File classification numbers would appear on both parts of the file.

## **Changing Release Policies**

Public bodies may publish or otherwise distribute records as authorized under other enactments (in some cases, the manner in which these records are created and handled may be amended to honour the spirit of privacy protection and other requirements of the Act).

Example:

- Ministry of Attorney General: The residential tenancy registrar may invoke legislated discretionary authority to publish landlord-tenant arbitration decisions, while concurrently adopting a policy of informing new arbitration applicants that arbitration decisions may be published in the future.
- Anonymizing reports is an effective method of releasing information that meets a public demand while still protecting the privacy of individuals (as with previous examples, the identities of individuals would be made available to those with a legitimate need to know while those identities would be screened from other members of the public who request the information).

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## **Obtaining Informed Consent**

When appropriate, informed consent for future release (i.e., freely given agreement with knowledge of the relevant factors) may be obtained from parties at the time records are created so that there are no impediments to releasing the information. The consent should be in writing and specify what information may be released and to whom.

Informed consent cannot be considered as having been given if the individual could not reasonably anticipate who might request access to the record, for what purpose, or the content of the record.

## **Adding Release Notes to Files**

When, in response to an access request, a document, file or record series has been analysed to determine its releasability, a note may be added to it to eliminate the need to review it again in response to subsequent requests. The note should make it clear on what basis the release decision was made as subsequent requests for access may involve different considerations depending on the individual seeking the information.

Example:

- BC Archives: The Archives maintains an "Access Register" that documents whether a specific box of records is entirely releasable or restricted, or whether access status must still be determined. Access review notes are also maintained so that staff are aware that specific documents are routinely

releasable or restricted.

### Publicizing Routinely Released Records

Public bodies may publicize the existence of records series that are available without a formal request.

Example:

- The Continuing Care Program of the Ministry of Health has compiled a "Public Record Index" of records available without a formal FOI request. The index includes instructions on how it may be used and what to do if the records being sought are not listed in the index.

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### Making Records Available

Public bodies should consider the following mechanisms for making routinely releasable records available, taking into account the resources needed for each:

- obtaining the informed consent of affected individuals, businesses and organizations to release records in their entirety
- maintaining updated, publicly available lists of routinely releasable records for each program area
- making certain records available for public access onsite in hardcopy, microfilm and other formats (with or without a fee for this service)
- providing onsite access to specific electronic databases (provided that database security and integrity is maintained)
- providing a copying service (with or without a fee)
- depositing copies of certain high demand records in public libraries (along with a policy regarding further copying for personal use)
- posting documents on Internet websites when that is more cost-effective than disseminating hardcopy records
- providing remote access through electronic networks such as BC Online
- assigning dissemination rights for certain information to individuals or companies under contract to government.

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