FOI Request Processing Guidelines

Interactive - Version 1

BRITISH COLUMBIA

1

Table of Contents

2

Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions

Background | Application

Introduction

Purpose

These guidelines are meant to assist **employees** in **program areas** across government in understanding the common operational processes used in responding to freedom of information (FOI) requests.

Background

The [Freedom of Information and Protection of Privacy Act (FOIPPA)](#) enables the public to request and obtain copies of **records** held by B.C. government ministries or the Office of the Premier, when those records are not routinely available. The principle behind the FOI process is that information should be released unless there is a good reason not to release. Requests for information made under FOIPPA are referred to as FOI requests.

Public bodies have a legislated duty to assist anyone who submits an FOI request. FOIPPA requires public bodies to make every reasonable effort to assist applicants and to respond openly, accurately, completely and without delay.

The public's right to access records is subject to limited exceptions to disclosure. Information excepted from disclosure is removed from records released through FOI, with the exceptions noted.

Information Access Operations (IAO) has a lead role in ensuring government meets its legislated responsibilities with regard to FOI requests. IAO staff carry out the day-to day work of providing timely responses to FOI requests on behalf of ministries. This includes helping citizens through the request process, working with ministries to ensure consistency and compliance with FOI requirements, and managing associated complaints/reviews. IAO also publishes responses to general FOI requests and facilitates the proactive release of records to the Open Information website.

3

Background | Application

Introduction

Application

These guidelines apply to employees of public bodies served by IAO (referred to as ministries or program areas hereafter). Ministries may wish to create additional related guidance based on their specific business needs or operational contexts.

While some program areas communicate directly with an IAO counterpart, the language of these guidelines assumes program areas communicate with IAO via a central **Ministry FOI Contact**.

Legal

These guidelines do not replace or limit a ministry's legal obligations under FOIPPA.

Contact

For questions or comments regarding the applicability of these guidelines to specific files, or general questions about IAO's processes, please work directly with your Ministry FOI Contact and/or the IAO Team providing service to your ministry. If you are unsure who your Ministry FOI Contact or IAO Team contacts are, please contact:

Information Access Operations
Phone: 250-387-1321
Email: FOI.Requests@gov.bc.ca

4

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

⚫ Stages of a Request   ⚫ Ministry's Role   ⚫ IAO's Role   ⚫ Timelines Part 1   ⚫ Timelines Part 2

How are Requests Processed?

The 5 Stages of an FOI Request

The graphic below illustrates the 5 steps FOI requests may go through.

Intake — IAO assists applicants in refining their FOI requests so that the requests meet legislative requirement and are as clearly defined as possible.

Search — The ministry performs and documents an adequate records search and harms assessment, requests transfer(s) and/or provides information neccessary to support their fee estimation.

Review — IAO conducts consultations, takes time extensions where required and permitted, and reviews and analyzes informaton to make disclosure recommendations.

Approve — The ministry facilitates the approval of the disclosure recommendations. *Note that in some instances, ministries have delegated approval to IAO.*

Release — IAO releases the records package to the applicant and publishes to the Open Information website where appropriate.

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

● Stages of a Request ● Ministry's Role ● IAO's Role ● Timelines Part 1 ● Timelines Part 2

How are Requests Processed?

The Ministry's Role in the FOI Process

While all **responsive records** are submitted to IAO for processing, ministries approve the release of all requested records prior to their disclosure to the applicant where they have not delegated that approval to IAO. This is done according to the ministry's own approval process for FOI.

Some program areas within ministries will communicate directly with an IAO counterpart, while others communicate with IAO via a central Ministry FOI Contact. IAO facilitates communication between the ministry and the applicant.

The ministry is responsible for performing and documenting an adequate records search, including locating, retrieving, producing and preparing records, as well as submitting them to IAO in the standard format. The ministry also provides a brief assessment of their views on the disclosure of the requested information and a harms assessment, as well as approval for consultations where their records or records otherwise of interest to their ministry are responsive to a request directed to another ministry.

6

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

● Stages of a Request   ● Ministry's Role   ● IAO's Role   Timelines Part 1   Timelines Part 2

How are Requests Processed?

IAO's Role in the FOI Process

IAO receives FOI requests made to ministries on behalf of government. This involves clarifying and interpreting FOI requests, performing **eligibility analysis**, coordinating approaches to **cross-government requests**, and issuing the **Call for Records (CFR)** form(s) to the relevant ministries or program areas so that program areas are advised that they need to perform a search.

IAO facilitates communication with the applicant, including verifying authorizations or consents to disclose third-party personal information and working with the applicant to clarify or narrow the wording of their request to reduce or eliminate fee estimates. IAO coordinates transfers and facilitates consultations that are often required with other public bodies or third parties. IAO also takes time extensions where required and permitted and reviews and analyzes information to make disclosure recommendations.

Once disclosure recommendations have been made, IAO also facilitates the packaging and disclosure of the response to the applicant, as well as publication to the Open Information Catalogue where appropriate.

Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions

● Stages of a Request ● Ministry's Role ● IAO's Role ● Timelines Part 1 ● Timelines Part 2

How are Requests Processed?

Legislated Timelines Part 1

A response must be provided to the applicant within 30 business days after the FOI request is received. This is the legislated amount of time for completing all 5 stages of an FOI request.

Sometimes there may be grounds for an extension beyond the 30 business day timeline. IAO will facilitate any extensions to the timelines and communicate these timelines to the applicant. Requests may be extended in the following circumstances.

▶ The request must be clarified in order to adequately search for records. For more information see Clarifying Requests.

▶ The request results in a large volume of responsive records.

▶ The responsive records require consultations with other public bodies. For more information see Identifying Records for Consultation.

▶ The applicant has consented to an extension.

▶ The commissioner otherwise considers that it is fair and reasonable to do so.

Multiple extensions may be taken on a request. The first extension may be up to 30 additional business days and doesn't require approval from the **Office of the Information Privacy Commissioner (OIPC)**. IAO, however, must be able to justify any extensions taken. IAO must apply for further time extensions to the OIPC. If you have any questions regarding the timelines of a specific request, connect with your Ministry FOI Contact.

8

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

Stages of a Request ● Ministry's Role ● IAO's Role ● Timelines Part 1 ● Timelines Part 2

How are Requests Processed?

Legislated Timelines Part 2

For **general requests**, when fees are assessed, and a fee is issued to the applicant, the request will be put on hold. Additional business days will not be counted towards the timeline of the request. During this time, the request may be narrowed, which may require revising fee estimates.

The request will be taken off hold when the applicant has either paid the fees due, narrowed the request until no fees are assessed, applied successfully for fees to be waived, or withdrawn their request. IAO will notify the Ministry FOI Contact when the request is either taken off hold or closed. If the request is taken off hold, the remaining business days will again be counted towards the timeline of the request. For more information see Estimating Fees.

A transfer, full or partial, must be concluded within a minimum of 20 days. For more information see Transferring Requests.

9

Interpreting   Clarifying   Connecting with Applicants

How do I Clarify and Interpret Requests?

Request Descriptions

IAO assists applicants in making their requests as clearly defined and specific as possible before the requests are sent to program areas to perform a search.

A request may be unclear for a few reasons, for instance due to the applicant's limited understanding the ministry's record holdings and/or its business practices, or when information is technical and detailed in nature. Even after IAO has worked with an applicant to refine it, the description may still result in questions from and/or be subject to possible misinterpretation by the program area.

Interpreting Requests

In some cases, a request can be interpreted in more than one way. If there are multiple reasonable ways to interpret the request, and it is not apparent through other available context what the applicant is requesting, a program area should seek further clarification from the applicant through IAO.

On occasion, the applicant may not be available, or may not wish to clarify the description. In such cases, the description should be interpreted in a way that is beneficial to the applicant. Requests must reasonably be interpreted in a way that a rational person would expect in good faith.

This is to say that requests should not be interpreted in a way that limits the records to which an applicant may be entitled. FOIPPA requires ministries to make every reasonable effort to assist applicants by responding openly, accurately, completely and without delay.

Next: 10

Interpreting   Clarifying   ◐ Connecting with Applicants

How do I Clarify and Interpret Requests?

Clarifying Requests

Where it is unclear or where additional context may be required, program areas may need to clarify the request in a way that allows them to discern the intent or goal of the applicant. It is important to note that applicants are required to make a request clear enough to comply with FOIPPA but are not required to disclose their ultimate intent or goal.

A request may need clarification if it is:

► So broadly worded that it would return a substantially large amount of records and would warrant a significant fee.

► So vaguely worded that program area staff are finding it difficult to determine responsiveness of their records holdings and may be providing many non-responsive records as a result.

► An unclear request that covers a technically specific subject matter.

Next: <u>Connecting with Applicants</u>   11

How do I Clarify and Interpret Requests?

Connecting with Applicants

IAO serves ministries by communicating directly with applicants regarding the processing of their FOI requests. If a request needs clarification or there are questions about its proper interpretation, connect with the Ministry's FOI Contact, who will liaise with IAO and ensure that requests involving multiple program areas within the ministry are co-ordinated. This may require some back and forth.

In rare circumstances, for instance where request is unclear and involves technically specific subject matter, the applicant may be connected directly with program area subject-matter experts. Where program area staff believe this may be necessary, they should ask IAO to consider whether this is the case, and:

1.   Determine the name of a person within the program area who is approved to contact the applicant directly to clarify the request. The program area contact should be someone who is positioned to understand the technical subject matter related to the nature of the applicant's information needs and who is best equipped to identify responsive records in a way that will benefit the applicant.

2.   Send the name of the approved program area contact to the Ministry FOI Contact, who will relay the information to IAO. Where it is determined to be appropriate, IAO will connect with the applicant, who will be invited to contact the subject-matter expert directly.

In some cases, it will be determined that a formal FOI request is not necessary and that the applicant's information needs can be met through other avenues. If this is the case, the applicant can be directed to those records through regular channels, such as public websites or online databases. All clarifications should be confirmed in writing with the applicant by IAO.

12

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

Identifying Records   Conducting Searches   Producing Records   Transitory Records

How do I Conduct a Search for Records?

Identifying Responsive Records

Ministries are responsible for conducting an adequate search for records. The FOI request must be interpreted as a fair and rational personal would expect. All responsive records in the possession of the canvassed program area must be located, retrieved, prepared and sent to IAO via the Ministry's FOI Contact along with the CFR form containing the search summary and harms assessment, regardless of the author or sensitivity of the records in question. For more information on harms assessments see Providing a Harms Assessment.

A broadly defined request may require a large search for records and could potentially result in a large volume of responsive records. In such cases, the program area should assess search times, which will often lead to a fee estimate being issued and/or the request being narrowed. For more information see Clarifying Requests and Recording Search Time.

13

How do I Conduct a Search for Records?

Conducting Searches for Responsive Records

Records searches are undertaken once a CFR form is received by the ministry. In conducting a search, staff must consider all potential sources for locating responsive records.

Records searches should also include the records of any positions, such as Executive Assistants, that may manage records on another's behalf.

Depending on how each office organizes its records, searches could include, but are not limited to, the following sources:

▶ Hardcopy files

▶ Files within a corporate or case management application

▶ CLIFF or other correspondence tracking systems

▶ EDRMS Content Manager or other government recordkeeping systems

▶ Offsite records

▶ Local Area Networks (LANs)

▶ SharePoint Sites

▶ Databases

▶ Email accounts (all folders including 'deleted' and 'sent', as well as any relevant emails you have saved as files outside of Outlook)

▶ Outlook calendars

▶ Texts and instant messages (Skype/phone)

▶ Staff Notebooks

14

Identifying Records   **Conducting Searches**   **Producing Records**   **Transitory Records**

How do I Conduct a Search for Records?

Producing Responsive Records

A number of factors must be considered when determining if a record should be created. Although the access provisions in FOIPPA are intended to cover existing records in the custody or control of a ministry, there are specific circumstances under which FOIPPA requires the ministry to create a new record. For example, if the applicant is requesting names of briefing notes created within a specified date range, it may be appropriate to create that list rather than responding that no such list exists or proposing to prepare a large records package that includes each of the briefing notes themselves. Connect with the Ministry's FOI Contact prior to creating records in response to a request.

Ministers' Offices

Records within a ministerial office relating to ministry business are subject to FOIPPA and must be searched and produced where responsive to a request. This also extends to records of a Minister of State, Parliamentary Secretary or other Member of the Legislative Assembly (MLA) where the record relates to the business and/or mandate of the ministry and not to MLA constituency matters.

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

Identifying Records · Conducting Searches · Producing Records · Transitory Records

How do I Conduct a Search for Records?

Transitory Records

Transitory records are those of temporary usefulness that are only required for a limited period of time for the completion of a routine action or for preparation of a final record. For more information see the Transitory Records Guide.

Transitory records are not required for financial, legal, audit or statutory purposes, are not regularly filed in the office recordkeeping system, and do not document substantive decisions or activities. Examples include rough working notes and calculations no longer needed for drafting a document; drafts whose content (aside from formatting differences, typos, etc.) is fully duplicated in a subsequent record; and unnecessary duplicates.

Records management best practice is to promptly delete transitory records after their usefulness has expired as this helps employees to identify and file key records where they can easily be found, and helps government avoid unnecessary costs for storing and processing transitory records. However, once a ministry or program area has received an FOI request, all responsive transitory records that exist at the time the request was received must be located, retrieved, and produced for IAO to process along with other responsive records.

Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions

Estimating Fees Part 1 | Estimating Fees Part 2 | Search Time

How do I Assess Fees for Requests?

Esimating Fees Part 1

There are no fees for **personal requests**. For general requests, where fees may be applicable, ministries are responsible for estimating the amount of effort (in hours) required to locate, retrieve, and prepare records, as well as anticipated page counts. These estimates are submitted to IAO prior to the actual retrieval and preparation of the responsive records. For more information see Legislated Timelines.

The first 3 hours of time spent locating and retrieving records are provided free to the applicant. The time it takes to complete the harms assessment is not included in the fee estimate. If the total locating and retrieving time is under the fee threshold, no fees can be charged, and the program area can begin retrieving responsive records.

Conversely, if there is an enormous amount of search time estimated, or the program area is not able to estimate fees due to the significant breadth of the request, contact the Ministry FOI Contact to discuss clarifications or narrowing. Where an applicant wishes to engage, IAO may be able to clarify the request or assist the applicant in narrowing their scope. For more information see Interpreting Requests.

17

Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions

Estimating Fees Part 1   Estimating Fees Part 2   Search Time

How do I Assess Fees for Requests?

Esimating Fees Part 2

Where an applicant does not wish to engage in clarification or narrowing to reduce or eliminate a large fee, the fee will be assessed. For more information see Clarifying Requests.

Where fee estimates are issued, the applicant will receive an invoice from IAO, and the request will subsequently be put 'on-hold' until fees are resolved. With fees over $200, applicants are asked to pay 50% of the total estimated charge, with the remainder due before the request can be released.

Estimating search times and volume is not an exact science. Program areas should provide their best-informed estimate to their Ministry FOI Contact as soon as possible. Program areas should also record the actual time it takes to complete search activities so that the final fee correspondence reflects the actual amount of effort required. This should be included with the responsive records and CFR when submitting records. For more information see Organizing Records Packages.

Next: Recording Search Time   18

Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions

● Estimating Fees Part 1   ● Estimating Fees Part 2   ● Search Time

How do I Assess Fees for Requests?

Recording Search Time

If a fee estimate was issued for an FOI request, the program area should record the actual search times and page counts. Once records have been prepared in response to an FOI request, add information on search times to the CFR form submitted with records. Search time can be estimated to the quarter hour.

The applicant will be required to pay the actual cost whether it is higher or lower than the estimate. If it appears that the actual cost of processing the request will be different than the original fee estimate, IAO may issue a revised estimate.

Locating: This time is used to locate the responsive records in all potential sources. Tasks may include locating responsive email records, searching for responsive files, locating responsive off-site records, or reviewing box content lists. For more information see Identifying Responsive Records.

Retrieving: This is the time used to retrieve the responsive records from the identified sources. Tasks may include extracting records from EDRMS/TRIM, pulling copies of emails from Outlook, de-duplicating records, or retrieving boxes from off-site storage.

Producing: This time is used to create a new record that *may* be produced in response to the request. Tasks include extracting data from a database or authoring a new record to respond to the request. For more information see Producing Responsive Records. There are certain cases where fees may not apply to producing a new record. Connect with the Ministry's FOI Contact prior to creating records in response to a request.

Preparation: This time is used to convert the records to PDF. Tasks may include converting, scanning and photocopying records into PDF format. For more information see Organizing Records Packages.

Next: Search Summary   19

Search Summary   Transfering Requests

How do I Document a Search for Records?

Search Summary

Ministries are responsible for properly documenting their search for records. This documentation will be relied upon should the adequacy of the search be challenged. For more information see Identifying Responsive Records.

The CFR form will ask for a description detailing what records were searched and who conducted the search. This description should list all potential sources of records that have been searched, as well as individuals or program areas that have been canvassed. While it is not necessary to include all search terms, any other relevant information about the search should also be included in the description. For more information see Conducting Searches for Responsive Records.

Responding with No Responsive Records

There are instances when no responsive records are located. This may be because the ministry is not responsible for the matters or issues related to the request and would therefore not hold responsive records. However, there may also be instances where it may be less obvious to the public why a ministry would not hold responsive records.

The CFR form asks the program area if it holds responsive records. When no responsive records are located, a best practice is to provide the applicant with accurate and complete context for the reason(s) why records do not exist. The information sent back to IAO on the CFR form should include:

▶ Details of the search efforts

▶ Any reason(s) why the ministry would not hold responsive records

20

Search Summary Transfering Requests

How do I Document a Search for Records?

Transfering Requests

Ministries have 20 business days to complete transfers of FOI requests. To facilitate this, the CFR asks if the program area is aware of the existence of any other records in another ministry, or other public body, that are expected to be responsive to the request.

Full Transfer

If the ministry does not have records but has reason to believe there are responsive records in another ministry or public body, notify the Ministry FOI Contact as the file will need to be transferred as soon as possible, otherwise proceed to Respond with No Responsive Records.

Partial Transfer

If the ministry does have records and has reason to believe there are also responsive records in another ministry or public body, notify the Ministry FOI Contact as the file will need to be transferred as soon as possible, otherwise proceed to conducting a search. For more information see Identifying Responsive Records.

Next: Assessing Harms   21

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

● Assessing Harms ● Exceptions Part 1 ● Exceptions Part 2 ● Exceptions Part 3 ● Harms Assessment ● Identifying Consults

How do I Assess Harms to Disclosure?

Assessing Harms

FOIPPA establishes the rights of the public to access government records; however, it also limits the disclosure of information based on certain types of information that may be harmful if released. The main purpose of the harms assessment is to provide context about information that is particularly sensitive or would be harmful to release.

The principle behind the FOI process is that information should be released unless there is a good reason not to release. The harms assessment should document the rationale for why certain information may be considered harmful if released. A "harm" is a general explanation of why certain information may not be releasable and should include more context than merely identifying a potentially applicable FOIPPA exception.

Applying FOIPPA exceptions can be complex as this relies on in-depth knowledge of FOIPPA and its associated regulations and policies, previous OIPC orders, previous court decisions, other legislation, regulations, and policies, as well as the specific context of the information and, where necessary, input from third parties. It is the IAO Analyst's role to interpret and recommend the application of these exceptions.

While the content of the records is often quite informative, input from program areas is vital to IAO building a proper understanding of the nature and context of the information contained within responsive records. The harms assessment allows IAO Analysts to recommend the application of appropriate redactions that are defensible under FOIPPA.

22

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

● Assessing Harms   ● Exceptions Part 1   ● Exceptions Part 2   ● Exceptions Part 3   ● Harms Assessment   ● Identifying Consults

How do I Assess Harms to Disclosure?

Understanding Exceptions Part 1

The list below can be used as a quick reference for brief descriptions of FOIPPA exceptions. Information within a record may contain multiple harms. For a more detailed guide to FOIPPA exceptions, see the FOIPPA Policy & Procedures Manual.

Cabinet confidences: Information that would reveal the substance of deliberations of, or any advice or recommendations submitted or prepared for, the Executive Council or any of its committees.
▶ Does not include background explanations or analysis if the decision is either already public or implemented, or over 5 years have passed since the decision was considered.

Policy advice or recommendations: Information that would reveal advice or recommendations developed by or for a public body or a minister.
▶ Intended to allow open and frank discussion of policy issues which would not occur if the deliberate process were subject to excessive scrutiny.
▶ Does not apply to information in a record over 10 years old.

Legal advice: Information that is subject to solicitor-client and litigation privilege.
▶ Applies to client-generated documents and opinions. May be as formal as a communication between lawyer and client or as simple as notes on the file made to assist the lawyer in litigation.

Disclosure harmful to law enforcement: Information that could reasonably be expected to harm a law enforcement matter.
▶ Not limited to police forces. Includes investigations and proceedings that lead or could lead to a penalty being imposed to enforce compliance or remedy non-compliance with standards, duties, and responsibilities under statutes and regulations.

   23

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

- Assessing Harms
- Exceptions Part 1
- Exceptions Part 2
- Exceptions Part 3
- Harms Assessment
- Identifying Consults

How do I Assess Harms to Disclosure?

Understanding Exceptions Part 2

Disclosure harmful to intergovernmental relations or negotiations: Information that could harm the conduct of relations between BC and another government, including a First Nation.

▸ Includes positions, options, instructions and criteria to be used in negotiations.

▸ A fear that disclosure would hinder, impede, or minimally interfere with the conduct of intergovernmental relations or negotiations does not satisfy this exception.

Disclosure harmful to the financial or economic interests of a public body: Information could harm the financial, competitive, economic or negotiating interests of a public body.

▸ Includes plans, programs, and negotiations that have not yet been implemented or made public.

▸ The harms must not be fanciful, imaginary or contrived, but rather based on reason.

Disclosure harmful to the conservation of heritage sites, etc.: Information disclosure could result in damage to or interfere with the conservation of fossil sites, natural sites, valuable anthropological or heritage sites, or endangered, threatened, vulnerable or rare living resources.

▸ Includes the exact location of bear dens, First Nation cultural sites and endangered species habitats.

Disclosure harmful to individual or public safety: Information which could threaten a person's safety, mental or physical health, or interfere with public safety.

▸ There should be grounds to judge that a clear threat is present.

24

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

● Assessing Harms ● Exceptions Part 1 ● Exceptions Part 2 ● Exceptions Part 3 ● Harms Assessment ● Identifying Consults

How do I Assess Harms to Disclosure?

Understanding Exceptions Part 3

Disclosure harmful to business interests of a third party: Valuable financial, commercial or scientific information about a **third party's** business that was supplied to the government in confidence. Application of this exception requires more than an assertion—there must be evidence of a "significant" potential harm to business interests. <u>All three</u> of the following must be true:

▶ The information contains trade secrets, technical, commercial, financial, or labour relations information; and

▶ The information was supplied to government "in confidence" (not simply marked by the third party as confidential); and

▶ Its disclosure could significantly harm the business interests of a third party.

Disclosure harmful to personal privacy: Personal information disclosed in response to an FOI request that would constitute an unreasonable invasion of a third party's personal privacy.

▶ Does not include business contact information (i.e., the names and contact information of BC government staff or those of third parties communicating with government in a professional capacity).

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

● Assessing Harms ● Exceptions Part 1 ● Exceptions Part 2 ● Exceptions Part 3 ● Harms Assessment ● Identifying Consults

How do I Assess Harms to Disclosure?

Providing a Harms Assessment

A detailed understanding of FOIPPA is not required to provide a useful harms assessment. While simply identifying a FOIPPA exception that may apply to the information may be appropriate in some cases where the context of the harms is evident from the actual records themselves, in other cases, harms can be less clear, especially when complex or technically specific subject matter is involved.

Assessing harms should involve providing a background of why or how the information in a record could be harmful if disclosed. Harms can be documented in many ways depending on the complexity of the harms within the records.

The CFR form, which is attached to the records package that is returned to IAO, includes a section for general explanations of the potential harms present along with any relevant page numbers in the records package.

In some cases, a **marked copy** is useful to provide the appropriate level of detail, but this is not required. Marking records with line-by-line "requested" severing is also not required. Please note that if you provide IAO with a marked-up version of the records, a clean copy of the same records will also be required.

To ensure consistency of severing, IAO Analysts search for previously released FOI requests to compare severing. If you know that the records being submitted to IAO have been previously processed in response to an earlier FOI request, noting the file number is useful.

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

● Assessing Harms   ● Exceptions Part 1   ● Exceptions Part 2   ● Exceptions Part 3   ● Harms Assessment   ● Identifying Consults

How do I Assess Harms to Disclosure?

Identifying Records for Consultation

Responsive records will often include records that, although in the program area's custody or control, were not authored by the ministry. A common occurrence would be email threads with communications between two or more ministries. In some cases, the content of a portion of the records may be of interest to another ministry or public body where that organization is the lead or otherwise heavily involved in a project. An example of this would be a briefing note that contains another ministry's detailed recommendations. Where it is not clear to the program area whether there is a harm in releasing that information, a consultation should be considered.

While all responsive records captured by the FOI request must be included in the records package and should be assessed for harms, IAO will facilitate consultations to seek additional context and/or recommendations for disclosure from the appropriate third parties where warranted or required. Information regarding the records a program area believes may warrant consultation can be included in the CFR form. While helpful, this information is not necessary for IAO to identify and conduct consultations.

27

● What is a Consult? ● Responding to Consults

How do I Respond to Consultations by Other Public Bodies?
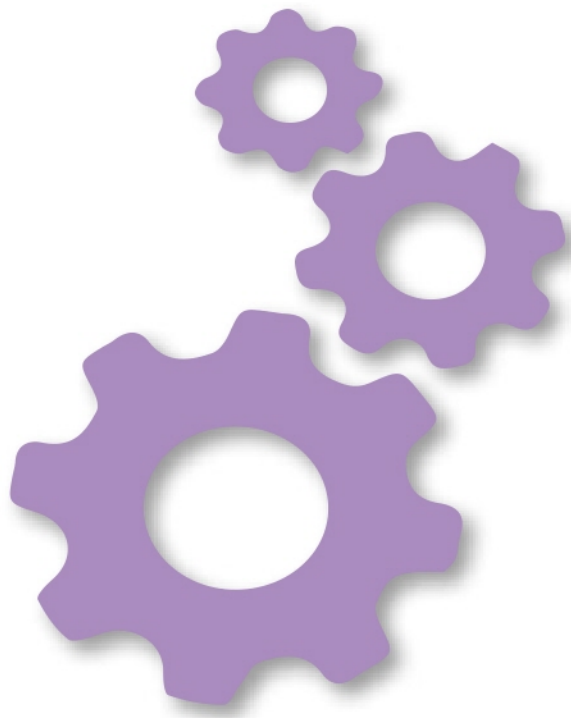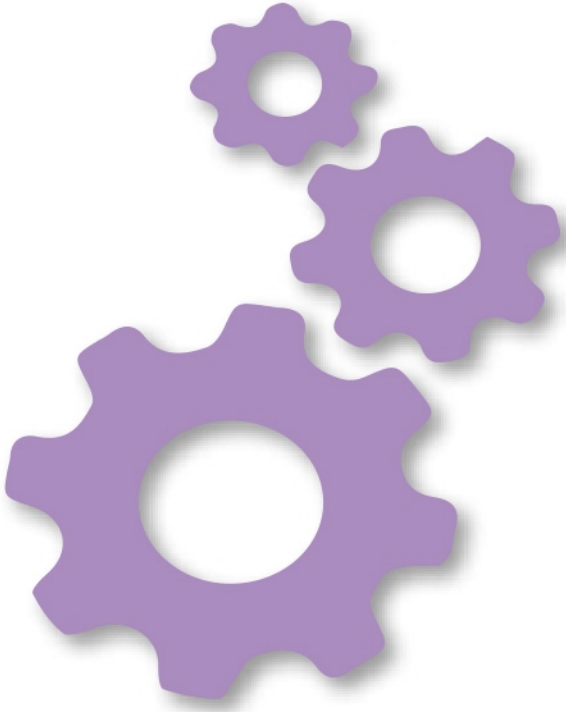
What is a Consultation?

When a ministry receives a consultation request from another public body, that public body is seeking the ministry's views with respect to disclosure of the records responsive to their FOI request. IAO will forward the specific records identified for consultation, provide the description of the request received by the other public body (noting the applicant type if available), and provide a date by which the consultation is due.

Sometimes, records responsive to an FOI request may be of interest to a ministry or public body that did not receive the request. Where it is not clear to the program area who received the request whether there is a harm in releasing information, other ministries or public bodies may be consulted. For more information Identifying Records for Consultation.

Next: Responding to Consultations   28

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

What is a Consult?　　Responding to Consults

How do I Respond to Consultations by Other Public Bodies?

Responding to Consultations

This consultation process is similar to the FOI request process, although no additional records need to be searched or provided. The records sent for consultation should be reviewed to identify potential harms to their disclosure (i.e. a process substantially similar to the harms assessment process when you receive a request for records). On occasion, records sent for consultation may be pre-marked with red boxes indicating disclosure recommendations that have been provided by the public body that received the initial request. For more information see Assessing Harms.

Once the records have been assessed for harms, connect with your Ministry FOI Contact. As consultations are not a legislated requirement, the ministries' delegation instrument does not address what position has the authority to approve a consultation response. In practice, this varies across ministries. IAO will send a **redlined copy** of the consultation records back to the public body who received the initial request to seek that public body's approval for disclosure.

29

| Contents | Introduction | Process Overview | Clarify & Interpret | Conduct Search | Assess Fees | Document Search | Assess Harms | Respond to Consultations | Respond to Requests | Definitions |

● Organizing Records   ● Approving Requests

How do I Respond to Requests for Records?

Organizing Records Packages

Once all responsive records have been gathered they must be sent to IAO via the Ministry FOI Contact as soon as possible along with the harms assessment and the completed CFR form. For more information see Search Summary and Providing a Harms Assessment.

Records packages can be organized by any means; however, it is helpful when they are organized in some logical manner where possible, such as by date, department, staff, records type, etc. The organization of records packages will often depend on the nature, amount and/or complexity of the information requested.

Unless there are existing alternative arrangements made with the IAO team that processes the ministry's requests, records must be converted to PDF format without security controls enabled. Reasonable efforts to de-duplicate the records are greatly appreciated as this saves time at IAO and for the delegated head when considering the disclosure recommendations. It is preferred that the records package is combined into a single PDF and sent to IAO via IAO's shared drive (where ministries have opted to use this service) or alternatively via email wherever possible.

In some circumstances, it may be appropriate to submit records in their original file format. For example, Excel documents that do not contain harms can be submitted in their original file format, so that they maintain full functionality.

30

Organizing Records   Approving Requests

How do I Respond to Requests for Records?
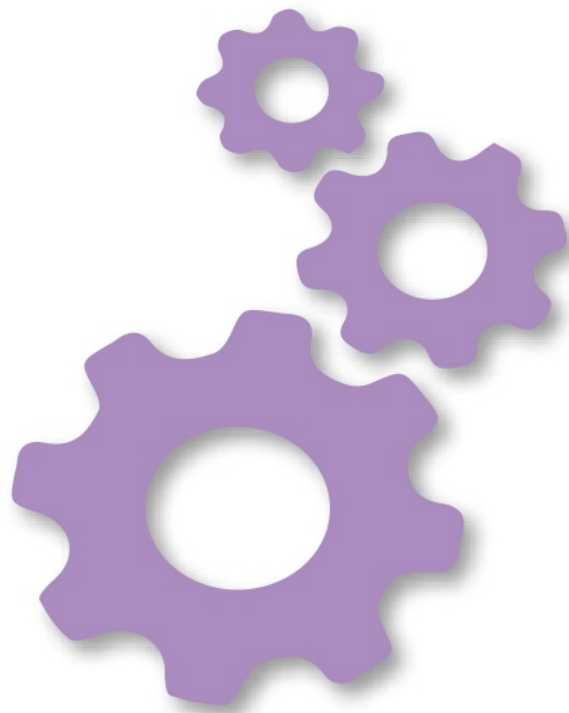
Approving the Disclosure of Records

IAO analysts will review the responsive records and consider all relevant factors prior to making disclosure recommendations. The recommendations are approved by either a ministry approver or IAO before a response is provided to the applicant. The Ministry facilitates the approval of all general requests.

Ministry Facilitates Approval

Where the ministry delegates a ministry approver to facilitate approval of the disclosure recommendations, IAO will complete a **sign-off form**. This form will include recommendations for disclosure as well as a publication recommendation where appropriate. This sign-off form is sent to the appropriate Ministry FOI Contact along with a redlined copy of the records.

IAO Facilitates Approval

Where the ministry's delegation requires IAO to be the approver, FOI packages are not sent back to the ministry prior to disclosure.

31

A-L   M-P   R-Z

Definitions

Definitions (A-L)

Call for Records (CFR): The form sent by IAO to relevant contacts within the ministry receiving an FOI request.

Cross-Government Request: A request for records made by the same applicant to more than three ministries at the same time.

Eligibility Analysis: An additional layer of analysis used by IAO at the Intake stage to establish whether an applicant is eligible to receive the personal information of a third-party.

Employee: An individual working for the Government of British Columbia.

General Request: A request for records of a non-personal nature that potentially could be released, in whole or in part, to anyone. Examples of general records include briefing notes, contracts, etc.

Information Access Operations (IAO): Branch within the Corporate Information and Records Management Office of the Ministry of Citizens' Services that has a lead role in ensuring government meets its legislated responsibilities with regard to FOIPPA. This includes helping citizens through the request process, working with ministries to ensure consistency and compliance with FOI requirements, and managing associated complaints/reviews.

Locating Records: The time taken to locate the responsive records in all potential sources.

32

● A-L ● M-P ● R-Z

Definitions

Definitions (M-P)

Marked Copy: A copy of the records package that has been modified to identify harms to disclosure.

Ministry FOI Contact: The employee within a ministry whose role it is to coordinate regularly with IAO staff.

Office of the Information and Privacy Commissioner (OIPC): The body that provides independent oversight and enforcement of BC's access and privacy laws, including FOIPPA.

Personal Request: A request for an applicant's own personal information or for the personal information of a third party where the applicant is authorized to receive it.

Preparing Records: The time used to convert the records to PDF.

Producing Records: The time used to create a new record that may be produced in response to an FOI request.

Program area or program area staff: Program area, or program area staff, for the purposes of this guide can refer to either program subject-matter experts involved in a request or the program area's designated FOI coordinator.

33

Definitions ◆

Definitions (R-Z)

Record: Anything that is recorded or stored by graphic, electronic, mechanical or other means, including books, documents, maps, drawings, photographs, letters, vouchers, papers, emails, texts, social media posts and electronic media (e.g., video or audio recordings). This definition does not include computer programs or any other mechanisms that produce records.

Records Package: All responsive records collected in response to an FOI request.

Redlined Copy: A copy of the records with red boxes added to indicate proposed redacting. Responsive Records: All records that fit within the scope of the applicant's description and date range and as a fair and rational personal would expect.

Retrieving Records: The time used to retrieve the responsive records from the identified sources.

Sign-off Form: A form of briefing specific to FOI approvals.

Third Party: In relation to a request for access to a record or for correction of personal information, means any person, group of persons or organization other than (a) the person who made the request, or (b) a public body.

34

5 Stages of a Freedom of Information (FOI) request – IAO steps

This high-level infographic shows a typical FOI request from IAO's perspective. See team-specific resources for more information. Purple text = specific to general requests.

Step 1 — Intake
1-2 Days

- Evaluates request received from applicant and clarifies where necessary
- Opens FOI request in AXIS
- Sends acknowledgement letter to applicant

Note: Extensions can be taken at any stage of the process

Step 2 — Search
11 Days

- Sends Call for records (CFR) form to public body
- Receives and processes fee estimate and/or transfers
- Receives electronic records, which are then deduplicated and combined using Intella, and uploaded to AXIS
- Receives physical records, tags, scans or converts and uploads

Step 3 — Review
11 Days

- Determines responsive records
- Consults with other Public Bodies or externally
- Reviews and clarifies harms assessment with Ministry
- Analyzes records and redacts information subject to applicable legislation
- Utilizes resources to inform decisions (similar files, OIPC orders, advice on complex files)

Step 4 — Approve
5-7 Days

- Receives recommendations from peer review / quality assurance
- Prepares and sends sign-off package for public body approval
- Receives sign-off and any revisions are applied or discussed

Step 5 — Release
1 Day

- Requests payment of outstanding fees (where applicable)
- Prepares response package to send to applicant
- Sends records to applicant in format they requested
- Publishes records to Open Information (where eligible)

Corporate Information and Records Management Office
November 2021

BRITISH COLUMBIA | Ministry of Citizens' Services

Applicants

February 10, 2021   1:44 PM

What are the applicant categories?

- When Consolidated Intake receives and FOI request all applicants are placed into one of the following categories based on the information they provide in the initial request
  - Business
  - Indigenous Governing Entity
  - Individual
  - Interest Group
  - Law Firm
  - Media
  - Other governments
  - Other Public Body
  - Political Party
  - Researcher
- Consolidated Intake does do a search to ensure no duplicates applicant accounts are created and AXIS will search and indicate if there are similar applicants in the application - no two applicants can share the same email address
- Applicants can be in the system as a Business and Individual for example but the FOI requests they submit will be linked to which account they made it under

Where can I find the applicant's information?

- You can search for the applicant in the main task bas by clicking on 'Applicants' and from here is where you edit their information
  - Search tips: you can use the * on either side of their complete first or last name OR use the * on either side of a portion of their first or last name if you are unsure of the spelling
- Within the FOI request you can click on the person icon beside their name and get a view only option
  - If you make any changes to the applicant's information from within a file it will only change the information for the file and not the applicant's main account

What information can you find in the applicant account?

Applicant Details
- Name and contact information that they provided
- Who created the account and when
- Who modified the account and when
- Organization name
- Addresses that they have provided
- Date of birth
- Secondary ID, like employee ID or Personal Health Number
- AKA
- S43 information

Request History
- All previous FOI requests in AXIS
- You can also print a report of the previous requests

How to update applicant information?

- Consolidated Intake does almost all of our data entry for an applicant's account
- Everyone at IAO does have the permissions to edit applicant accounts
- There may be situations where an applicant's account needs to be updated and you can make that change rather than sending it to Consolidated Intake. Talk to you Team Lead/Manager or the Team Leads for Personals and Generals Intake for clarification.

Change dispatch date in CL

April 28, 2020   1:28 PM

- If you happen to receive correspondence on a previous date or on a non-business day, but would like the dates in correspondence log to reflect the actual date the email was received, you can change the 'dispatched date' to reflect the accurate date in correspondence log for your reference.

- **Action date** = date email was uploaded/sent or modified (i.e. if it was 'pending').

- **Dispatched date** = can be modified to reflect the actual date an email was sent or received, for quick reference in the correspondence log.

OPEN A REQUEST

April 28, 2020   1:13 PM

Figure 1 - General (and some personal) FOI requests

Figure 2 - Personal request for CFD CLB MAG MSD PSS only
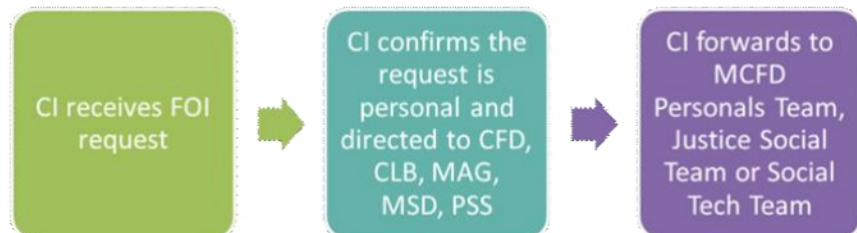
- All FOI requests and external consultations must start with Consolidated Intake (CI). CI verifies that the FOI request meets section 5 of FOIPPA (with the exception of some PBs see S5 - Acting on behalf of another).

- If the FOI request does not meet section 5, CI actions accordingly:

  - If there is not enough information in the request so that records could be identified, CI will seek more information from the applicant before opening the FOI request (section 5.1.a issue)
  - If the applicant has not presented verification that they can act on behalf of another person (eg. Law firm asks for clients personal information), CI will place the FOI request on hold-pending section 5 and advise the applicant of the verification that is needed before the FOI request can proceed (section 5.1.b issue)
  - If the applicant has not directed the FOI request or consultation to a BC public body that IAO provides services to, CI will ask the applicant to confirm the BC public body IAO client (they are sent a list) or they are given the contact information for the non-IAO client (section 5.1.c issue)

- ⭐ If it is a personal request for Ministry of Children Family Development (CFD), Community Living BC (CLB), Ministry of Social Development and Poverty Reduction (MSD), Ministry of Attorney General (MAG) or Ministry of Public Safety and Solicitor General (PSS), CI opens the 'tombstone' information of the file and hands over the S5 determination and acknowledgement letter to the team

  - MCFD Personals Team, Justice Health Team and Social Tech Team do intake on their team for the above noted personal requests

- CI enters the applicant's information and the request information into AXIS. AXIS searches the system to see if the applicant and request already exist. If one or both do, AXIS prompts CI to use existing or create new. This ensures that duplicate information is not entered into AXIS.

- CI will also check the Open Information website to see if the request has already been published and advise the applicant if that information is already publicly available as the applicant may be satisfied with those options and not wish to open a new FOI request. CI will advise the applicant to contact the ministry directly if the request looks like a question rather than an FOI request.

- Once CI opens the request in AXIS, they check AXIS for related requests - a history of previous requests is available by clicking on the people icon next to their name. CI enters the sister request in the Notes section of AXIS (same FOI directed to another PB). Research those files as how they were processed will help you process your file.

- CI also determines if the request is a general or a personal.

- CI sends an acknowledgement letter to the applicant advising them that public body X has received their FOI request and they can expect a response within the next 30 business days (date is given).

- CI then assigns the request to the IAO FOI team if personal and to the IAO Flex Team if general.

What is a general request?

November 23, 2020   1:23 PM

Definition

- A general FOI request is intended to provide access to general records, which could be briefing notes, contracts, or records about a specific activity of a non-personal nature.

- A general FOI is intended to provide access to government records rather than answers to specific questions or general information.

Is FOI the Best Route?

- Some general FOIs may fall into one of the following categories. Confirm with the PB to see if the FOI request can be routinely released.

  - **Policy manuals available without request**
    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, or
    (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.

  - **Records available without request**
    71   (1)Subject to subsection (1.1), the head of a public body must establish categories of records that are in the custody or under the control of the public body and are available to the public without a request for access under this Act.
    (1.1)The head of a public body must not establish a category of records that contain personal information unless the information
    (a)may be disclosed under section 33.1 or 33.2, or
    (b)would not constitute, if disclosed, an unreasonable invasion of the personal privacy of the individual the information is about.
    (1.2)Section 22 (2) to (4) applies to the determination of unreasonable invasion of personal privacy under subsection (1.1) (b) of this section.
    (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 disclose records that do not contain personal information.

  - **Records that ministries must disclose**
    71.1   (1)Subject to subsection (2), the minister responsible for this Act may establish categories of records that are in the custody or under the control of one or more ministries and are available to the public without a request for access under this Act.
    (2)The minister responsible for this Act must not establish a category of records that contain personal information unless the information
    (a)may be disclosed under section 33.1 or 33.2, or
    (b)would not constitute, if disclosed, an unreasonable invasion of the personal privacy of the individual the information is about.
    (3)Section 22 (2) to (4) applies to the determination of unreasonable invasion of personal privacy under subsection (2) (b) of this section.
    (4)The minister responsible for this Act may require one or more ministries to disclose a record that is within a category of records established under subsection (1) of this section or section 71 (1).
    (5)If required to disclose a record under subsection (4), a ministry must do so in accordance with any directions issued relating to the disclosure by the minister responsible for this Act.

- Are the records already publicly available on IAO's Open Information website or any other government website?
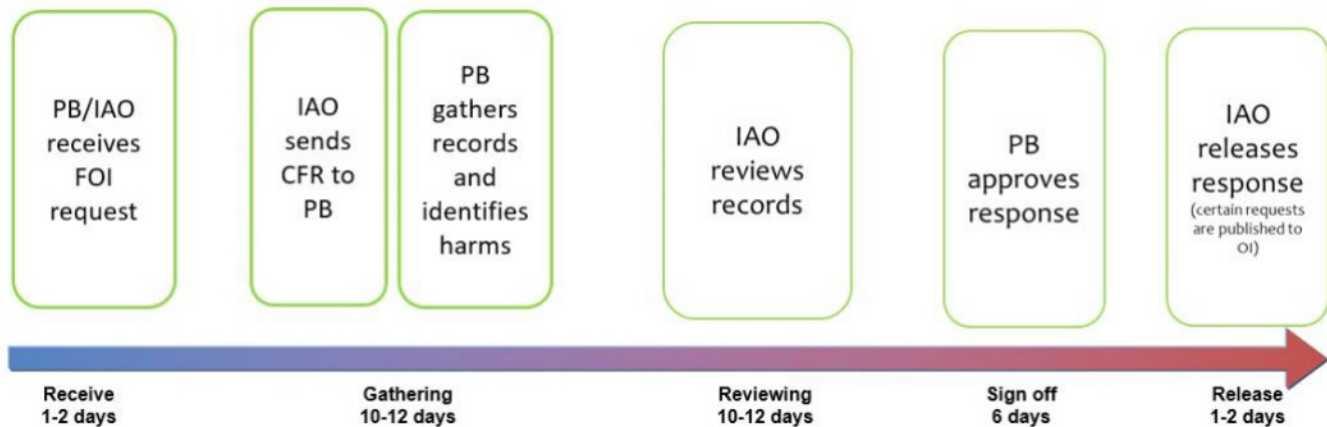
Unique to General FOI Requests versus Personal FOI Requests

- PBs may charge fees for general FOI requests

- The identity of an applicant is anonymized and put into a category in all communication with the PB

- All are evaluated for publication to Open Information

Standard Timeline

| PB/IAO receives FOI request | IAO sends CFR to PB | PB gathers records and identifies harms | IAO reviews records | PB approves response | IAO releases response (certain requests are published to OI) |

Receive 1-2 days   **Gathering** 10-12 days   **Reviewing** 10-12 days   **Sign off** 6 days   **Release** 1-2 days

What is a personal request?

November 23, 2020   1:23 PM

FOIPPA protects the personal privacy of individuals whose personal information is held by a public body

- "Personal information" means recorded information about an "identifiable" individual other than business contact information.
- Information collected for the purposes of contacting an individual at work is not personal information

   Indicators of personal information

   - name, address or telephone number
   - race, national or ethnic origin, colour, or religious or political beliefs or associations
   - age, sex, sexual orientation, marital status or family status
   - an identifying number, symbol or other particular assigned to the individual (SIN...)
   - fingerprints, blood type or inheritable characteristics (DNA profile)
   - health care history, including a physical or mental disability
   - educational, financial, criminal or employment history
   - anyone else's opinions about the individual. A third party's opinion about an individual belongs to that *individual*.
   - the individual's personal views or opinions, except if they are about someone else.

There are 3 types of requests for personal information

   Applicant requests their personal records
   - Generally, an individual seeking access to a record that contains his or her personal information has a right of access.
   - Exceptions to this rule: An active investigation, or where the release of the information could result in harm to the applicant and/or that of another person.

   Applicant is acting on behalf of another and requests their personal records
   - Think of a law firm acting on behalf of their client
   - Many law firms will submit their own consent to disclosure form however, MSD, PSA, PSS, CLB, MAG all have their own authorization forms that are better suited to this disclosure
   - Records that contain the personal information of an individual *other* than the applicant, you should evaluate the request under s.22(1) of FOIPPA. Refer to Mandatory Exceptions overview document for guidance.
   - Remember for an applicant to submit a personal request for someone else, including a child, they must have proof of their authority to act on their behalf or must have their signed consent to disclose it to them - please refer to On hold pending S.5

   Applicant requests their own personal records and those records also contain the personal information of a third party
   - Personal information of the applicant and personal information of an individual other than the applicant (child, spouse, parent).
   - Records that contain the personal information of an individual *other* than the applicant, you should evaluate the request under s.22(1) of FOIPPA. Refer to Mandatory Exceptions overview document for guidance.
   - Where the record contains only the personal information of an individual other than the applicant, the public body must refuse to disclose this information, except where its disclosure would 'not' constitute an unreasonable invasion of the individual's personal privacy, or where another exception may apply.
   - Remember for an applicant to submit a personal request for someone else, including a child, they must have proof of their authority to act on their behalf or must have their signed consent to disclose it to them - please refer On hold pending S.5

Examples of common personal requests

- 811 HealthLinkBC calls
- Medical Services Plan (MSP) billings and investigations
- Student Loan Applications
- Teacher Regulation Branch complaint or investigation files
- Employee/Personnel and Labour Relations files
   - These are found within the PSA and within the public body that the employee works
- Job Competition files
- Income Assistance and/or Disability Assistance files
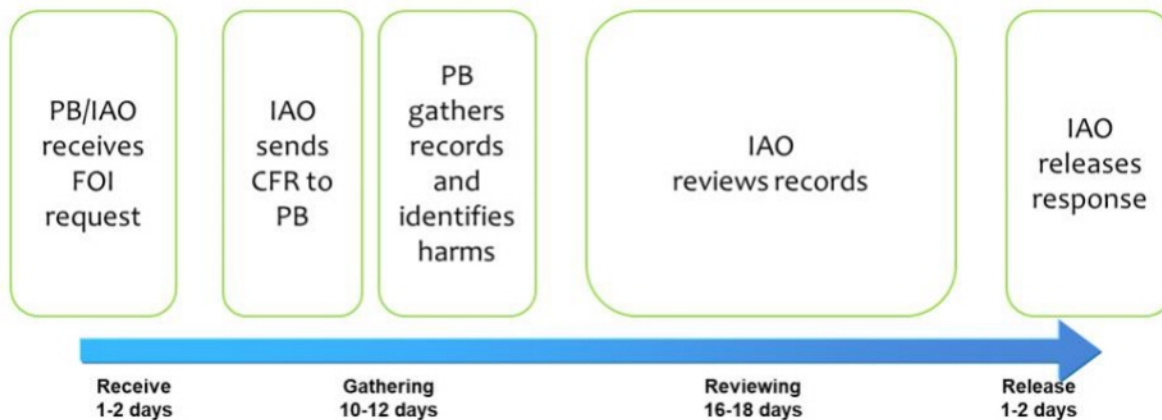- Adoption files
- Child in care files
- Info as a parent

- Info as a foster parent
- Inmate files
- Crime Victim Assistance Program
- Road Safety BC

Considerations when reviewing requests for personal information

- Determine if the applicant seeking access to their own personal information or that of third party.
- Does the applicant have authorization to access another third party's personal information?
- Has the individual the information is about consented to its disclosure? Must be informed consent.
- The Mosaic Effect: are there other pieces of information being released that could make an individual identifiable, even after their personal information has been severed?
- Factors that can help you determine what is a reasonable versus unreasonable invasion of personal privacy:
    - Relationship of the applicant to the third party
    - Age of the record
    - Personal information has previously been shared with the applicant
    - Sensitivity of the information or circumstances
    - How the personal information was gathered

⭐ **Reminder:** Personal information also appears in General requests. Many of the same principles apply when considering what is an unreasonable invasion of personal privacy.

Standard Timeline

| PB/IAO receives FOI request | IAO sends CFR to PB | PB gathers records and identifies harms | IAO reviews records | IAO releases response |

| Receive 1-2 days | Gathering 10-12 days | Reviewing 16-18 days | Release 1-2 days |

Determining S.5

April 28, 2020   1:14 PM

☐ In progress - Jamie is working with Jonelle and Janice to expand this section

- The file is placed on hold-pending s.5 if any of the three criteria is not met and is taken off hold once IAO has received the clarification from the applicant.
  - Clarification can include the correct authorization form, the name of the public body, or better wording that describes the records clearly
- Once the clock is started that date becomes the start date. They are not considered on hold days like they are for fees.
- Only Intake can place the file on hold-pending s.5
- A file can only go on hold-pending s.5 once
- If a file has been perfected but it is later discovered more details are needed to identify the records, you can take an extension under s.10(1)(a):
  - The head of a public body may extend the time for responding to a request for up to 30 days if one or more of the following apply: (a) the applicant does not give enough detail to enable the public body to identify a requested record
- The majority of files that go on hold-pending S.5 are personal FOI requests
- There are many BF letters to assist in asking the applicant for the missing information
- In addition to meeting the requirements of section 5 of FOIPPA, access to another person's personal information requires that the criteria in FOIPPA regulations are met.
  - Reg 3 - for a minor
  - Reg 4 - for an adult
  - Reg 5 - for a deceased ind
  - Reg 11 - consent

Consolidated Intake Section 5 Workflow and Guidelines

Decide if Section 5(1) (a) is at issue

- If the request **requires** clarification to identify the records or public body at issue, or if it is unclear if the applicant has the authority to make the request, then it does not meet Section 5.
  - Proceed to reach out to the applicant for clarification
  - If, after **5 days**, you have not heard back, notify Team Lead and proceed to issue a reminder with the following wording:
    "Please be aware that your request has not yet been opened as we do not yet have sufficient information to proceed."
  - If after an additional **5 days (10 days in)** the applicant has not replied, notify Team Lead and/or Manager. Set a date **5 days (15 days in)** in advance and advise the applicant their request will be disregarded if we have not heard back:
    "As advised on [date], your request has not yet been opened as we do not yet have sufficient information to proceed. Please respond by [date], or we will consider your request abandoned."
  - If the applicant has not responded, file last piece of correspondence and original request into Folder 13, subfolder Section 5.

- If the request is overly broad, or otherwise in need of additional finessing, **it may still meet Section 5.**
  - If you substantially reword the request or change the spirit of it, please use our existing wording to advise the applicant that the new request has a new due date:
    Please confirm that you agree to the above wording, which replaces your originally submitted request(s). The new request(s) will be considered received effective the date of your confirmation.
  - If a request meets (or may meet) Section 5, we must move quickly as the file is on the clock. Aim to have a finalized request ready to go within 5 days of receipt, and notify your Team Lead if there are issues or if a Section 5 decision needs to be made in conjunction with the IAO Team.
  - If you need to proceed with the request as-received, or if no clarification was reached, **you are obligated to proceed with the original received date**.

Decide if Section 5(1) (b) is at issue

- If a requestor states they represent a client or other third party, but are missing authorization where it would be required to access any meaningful content, follow one of the two following steps:
  - If the applicant claims to be representing an **individual**, we are permitted to continue not opening the request until that authorization is received as per 5(1)(b). Keep your lead in the loop.
  - If the applicant claims to be representing a third party (business/public body/etc), please refer to the step below as even if there is no authorization it still meets Section 5 – 5(1)(b) only relates to individuals representing individuals

- If the request would be for records where authorization may be useful or implied – but still meets Section 5 – please continue to notify the applicant that their request has been opened, but that authorization may be required in the future for more fulsome access to the records.

- Particularly in cases where it is clear the authorization has simply been forgotten or is incomplete, but would be necessary to access the documents requested, you are free to ask for that authorization to be resubmitted and ask for a new start date if appropriate.

○ If there is no reason to suspect that authorization would be needed or obtained, **please proceed to open the request as normal.**

Decide if Section 5(1) (c) is at issue

○ If the request is broadly directed at government, or with no clear public body identified, then it does not meet Section 5.
  ▪ If the request is not directed at an identifiable Public Body, but it is obvious from the request which Body has custody and control of the records at issue, then **proceed to open with that body** and notify the applicant of your decision in order to assist the applicant with their request.

○ If the request is not directed at an identifiable Public Body, and the Intake Analyst is unable to reasonably determine the appropriate Public Body it should be directed at, then the request does not meet 5(1)(c) and **may be placed on hold.**

○ If the request is directed at a Public Body, but clearly misdirected, or should be directed at another Public Body in addition, then it meets Section 5(1)(c) and **must be opened.**
  ▪ The intake analyst may use their discretion to contact the applicant to advise them that their request is misdirected. This communication should be in writing.
  ▪ If the applicant cannot be reached, or if there is some other impediment to opening the request with the appropriate Public Body, then follow the transfer procedure is outlined in Section 11 of FOIPPA.

What to do in AXIS

- To place a file on hold pending section 5
  ○ Use the "Stop the Clock" tab
  ○ Reason for Stopping the Clock = **Request Not Perfected** (This will recalculate the 30 days when you take the request off hold.   use OTHER as the reason)
  ○ Stop Clock Effective Date = **Date you are processing the request**
  ○ Select all three boxes under options
  ○ **Stop the Clock** button

- Once you have received the required clarification, verify that it satisfies what was requested
  ○ Open the file
  ○ Load into the CL Received and name appropriately following CL Naming Conventions
  ○ Use the "Start the Clock" tab and use the date you received the clarification
  ○ If it does not

- What to do if you never received the required clarification
  ○ All BF letters will have a date in which we ask the applicant to respond by or we consider the request abandoned

Reg 3 - for a minor

November 23, 2020   1:51 PM

- See Reg 3
- Parents and law firms are the usual applicants
- MCFD Personals see the bulk of these requests

Procedures

- The analyst will identify at the onset of the request whether the applicant is requesting their own information as a parent only or whether or not they are trying to obtain the information of a 3rd party over the age of 12 and/or a child under the age of 12.

- **If the applicant requests the additional information of a 3rd party over the age of 12**, the analyst must send an acknowledgement letter confirming we understand their request to be for their own information as a parent plus the information of a 3rd party over the age of 12. The analyst must send an accompanying consent form that is to be signed by the consenter and witnessed by an adult who is not a relative. If the analyst receives the completed consent form back from the applicant and there is some question as to whether or not the consent is legitimate, it is up to the reviewing analyst's discretion whether or not that consent will be accepted at the time of release. If the consent does not meet the necessary requirements outlined by IAO or is not filled out correctly, the analyst will inform the applicant that we cannot accept the consent for the reason presented and proceed with the applicant's own information only. The letter should also contain Accessing the records of a person 12 years of age or older and informed consent.

- **If the applicant requests the information of a child less than 12 years of age**, the analyst must send the Guardianship Declaration documents for the applicant to complete. These documents legally require the applicant under section 5 of FOIPPA, and section 3 of FOIPPA Regulation to declare guardianship and prove that they are accessing the records on behalf of and for the sole benefit of the child/children. If the applicant cannot prove that they meet the two part eligibility requirements, a denial letter will be sent to the applicant explaining the reasons for the denial and that we will be proceeding with their own information only. Applicable legislation must be provided.

Examples

Request for information as a parent plus the information of a minor	Action
Applicant requests their own info plus a child <u>over</u> 12 years of age ○ "I would like any and all information the ministry has on me. I would also like the information of my child who is 16 years old."	• In this example the intake analyst would send the Authorization for Release of Records form. • Set an alert for 10 business days. • The applicant must fill out the file types they are seeking and have the 3rd party consent to the release of their own information. This consent must be witnessed by an unrelated adult and the consenter must be over the age of 12.
Request for information as a parent plus a child under 12 years of age	**Action**
Applicant requests their own info plus a child <u>under</u> 12 years of age ○ "I would like my own information as well as my child who is 7 years old."	• In this example, the intake analyst would send the Guardianship Declaration for a child under 12 form. • Set an alert for 10 business days. • The applicant must fill out the guardianship declaration document indicating they are the guardian of the child plus how receiving the information meets the sole benefit of the child.

References

- *Freedom of Information and Protection of Privacy Act*, Schedule 1: http://www.bclaws.ca/civix/document/id/consol26/consol26/96165_07 #Schedule1
- *Child, Family and Community Services Act*, Part 5 – Section 76: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_ 96046_01#section76
- FOIPPA Regulation: http://www.bclaws.ca/civix/document/id/loo90/loo90/155_2012

- FOIPPA Policy and Procedures Manual, Section 22: https://www2.gov.bc.ca/gov/content/governments/services-for-government/policies-procedures/foippa-manual/disclosure-harmful-personal-privacy
- Tip Sheet: Consents for Disclosure of Personal Information: https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/information-management-technology/information-privacy/resources/tip-sheets/consent_tip_sheet.pdf
- Oxford English Dictionary: https://en.oxforddictionaries.com/definition/consent
- Family Law Act: https://www2.gov.bc.ca/gov/content/life-events/divorce/family-justice/the-family-law-act

Reg 5 - for a deceased individual

November 23, 2020   1:52 PM

- See Reg 5
- Family members are the usual applicants
- MCFD personals and MSD personals receive many of these types of FOI requests

Issue

s.13; s.14

Definitions

- **Third Party** (3rd party), in relation to a request for access to a record or for correction of personal information, means any person, group of persons or organization other than
    - the person who made the request, or
    - a public body
- **Consent** is defined as "permission for something to happen or agreement to do something".

Rationale

- Section 22 of FOIPPA is a mandatory exception that limits the disclosure of an individual's personal information to anyone other than the individual themselves.
- Section 5 of the FOIPPA Regulation defines who may act for a deceased individual. This is one of three requirements applicants must meet in order to eligible for the information of a deceased individual.

Procedures

- The analyst will identify at the onset of the request what the relationship between the applicant and the deceased has been identified as. For example, the applicant must demonstrate how their relationship enables them to act for the deceased individual. Please see Section 5 of the FOIPPA Regulation for who is able to act for the deceased individual.
  http://www.bclaws.ca/civix/document/id/complete/statreg/155_2012#section5
- The analyst must ensure that the applicant can meet all three requirements to receive the deceased individual's information. These requirements include:
    - a copy of the death certificate of the deceased
    - confirm next of kin, and
    - an explanation of how they are acting on behalf of the deceased individual.
- If the applicant can provide a copy of the death certificate, demonstrate that they are the next of kin or legal representative only then will the analyst proceed with determining acting on behalf of the deceased. Please see the table below for examples.

Examples

Request for information of deceased child	Action
Applicant requests their deceased child's information	• The intake analyst will consult with their TL or Manager (especially if there is media involvement), assess the request to confirm if applicant meets Regulation 5. • These requirements include ○ a copy of the death certificate of the deceased, ○ confirm next of kin, and ○ an explanation of how they are acting on behalf of the deceased individual.

	• If the first two requirements cannot be met, there is no need to consider 'acting on behalf of' and the request will move forward as a 3rd party. • If the applicant can provide a copy of the death certificate, demonstrate that they are the next of kin or legal representative only then will the Intake analyst proceed with determining acting on behalf of the deceased. • This decision should not be made without consultation and notes should be made to document the decision.
Request for information of a deceased relative for the purposes of settling an estate	**Action**

Applicant requests their family member's information as the executor of their will	• The intake analyst will consult with their TL or Manager (especially if there is media involvement), assess the request to confirm if applicant meets Regulation 5.
	
	• These requirements include
	  ○ a copy of the death certificate of the deceased,
	  ○ confirm next of kin, and
	  ○ an explanation of how they are acting on behalf of the deceased individual.
	
	• The analyst will ensure that the applicant has provided proof that they are the legal representative for the deceased and/or supply a copy of the will.
	
	• If the first two requirements cannot be met, there is no need to consider 'acting on behalf of' and the request will move forward as a 3rd party.
	
	• If the applicant can provide a copy of the death certificate, demonstrate that they are the next of kin or legal representative only then will the analyst proceed with determining acting on behalf of the deceased.
	
	• This decision should not be made without consultation and notes should be made to document the decision.

References

- *Freedom of Information and Protection of Privacy Act*, Schedule 1: http://www.bclaws.ca/civix/document/id/consol26/consol26/96165_07#Schedule1
- FOIPPA Regulation: http://www.bclaws.ca/civix/document/id/complete/statreg/155_2012#section5
- FOIPPA Regulation: http://www.bclaws.ca/civix/document/id/loo90/loo90/155_2012
- FOIPPA Policy and Procedures Manual, Section 22: https://www2.gov.bc.ca/gov/content/governments/services-for-government/policies-procedures/foippa-manual/disclosure-harmful-personal-privacy
- Tip Sheet: Consents for Disclosure of Personal Information: https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/information-management-technology/information-privacy/resources/tip-sheets/consent_tip_sheet.pdf
- Oxford English Dictionary: https://en.oxforddictionaries.com/definition/consent

Reg 11 - consent

November 23, 2020   1:52 PM

- See Reg 11
  - IAO has authorization forms for a third party to access personal information. If the applicant did not provide authorization you can send them one of these
  - Certain public bodies have their own authorization forms that lists the types of records: MAG, MSD, CLB, PSA, CFD found in the same site
  - Many applicants will submit their own consent or authorization
    - Examine it using the criteria set out in Reg 11 as it must have the following
      - Clearly identify the individual providing the consent (full name and date of birth);
      - Be signed by the individual and be dated within the last 6 months;
      - Accurately state to whom the personal information may be disclosed;
      - Should specifically name the ministry
      - Specify how the personal information may be used; and
      - Clearly identify the type of records sought
    - If it does not, put the file on hold-pending s.5 and send the appropriate BF letter and authorization form

FOIPP Policy Interpretation

- When considering using previously collected personal information, public bodies shall determine whether the proposed new use meets one of the three criteria established in section 32 of FOIPPA. Any use not meeting one of the three criteria is not permitted under FOIPPA.

- Any consent by an individual must be an informed consent, which must include informing the individual of:
  - the exact nature and extent of personal information held by the public body about the individual;
  - the proposed new use for the personal information;
  - the potential impact or consequences on the individual of his or her consent to the new use for the personal information; and
  - the right of the individual to refuse to consent and that there will be no repercussions for refusing consent.

- The absence of consent shall be interpreted as the absence of authorization. Where the person concerned has not consented to a new use of the personal information, public bodies cannot assume consent to the new use.

- Public bodies may not penalize an individual for refusing to consent to a new use of their personal information, by denying benefits or services for which their personal information was originally collected.

OIPC Report on Meaningful Consent

- OIPC of Canada Obtaining Meaningful Consent

CALL FOR RECORDS

April 28, 2020   1:12 PM
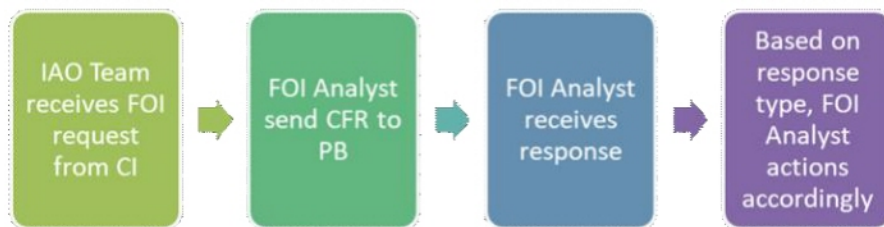
- Once the FOI IAO Team has the request, it is assigned to an FOI Analyst and they send the *Call For Records* form to the public body. The form is loaded into AXIS.

- For general FOI requests the applicant's personal information is not given to the public body – they are advised of the applicant type only. For personal FOI requests the applicant's personal information is given to the public body as the public body would not be able to determine responsive records.

- Talk to your Team Lead/Manager as an email reminder to the public body may be part of your team's process when closing in on the due date for the CFR.

- There are several possible responses to a CFR:
  - There is not enough information in the request description, please clarify with the applicant (requests cannot go on hold for this reason but an extension under section 10 (1)(a) is an option if clarifying takes up significant time)
  - We don't have records but another public body does (initiate full transfer process)
  - Here are our records and another public body has records (initiate partial transfer process)
  - We have no records because we are not the public body that deals with this topic (initiate NRR process and use *no responsive exist/located disposition* – and if it is a cross gov request the Cross Gov Team will change to *records in another min/org* disposition)
  - We have no records on this topic and we do deal with this topic (initiate NRR process and use *no responsive records exist/located* disposition)
  - Here are the responsive records (initiate reviewing records process)
  - The time to locate and retrieve the records will take over 3 hours so here is our estimated fee (initiate fee estimate process)
  - We would have to create a record and it does not meet the criteria under section 6.2.b
  - Refuses to confirm or deny the existence of a record as it meets section 8.2 criteria

- When the response is: 'here are our records,' check for a harms assessment
  - The harms assessment will range from no harms assessment (best practice is to follow up with public body and ask for one, even a simple one will do) to a detailed account of what is sensitive on specific pages and what exception of FOIPPA it might be severed under.
  - Whatever comes back you are required to do a line by line review and identify sensitive material, verify that it meets the criteria set out in FOIPPA and recommend all the exceptions of FOIPPA that apply.
  - Conversely, if the public body believed it was sensitive and you determine that it does not meet the criteria set out in FOIPPA you need to be able to explain why (can explain in sign form).

- Section 5 and Section 6 speak to the applicant's responsibilities in providing enough detail to the public body and the public body's responsibility to respond openly and accurately

What steps to take in AXIS

Step 1 - Send the CFR

  - **Request for Documents - New**

  - This is a **two step process** over two windows
    - **Step 1** - choose the OPI you want to send the CFR to
      - See What is an Office of Primary Interest (OPI) for who keeps your OPI list up to date
    - **Step 2** - choose the **memo template** (our CFR form) and **email template** (that corresponds to the file type and your team)

  - Due date is auto-filled to 10 business days out from the date you are creating the RFD

- You can adjust this date if your public body needs more or less time

  - You can check the alert box however; AXIS alerts are very different from Outlook alerts
    - Best Practice – use Outlook Alerts

  - **Current Action** = CFR - Sent

Step 2 - Send Reminder (if needed)

- **Request for Documents - Send/Email Reminder**

  - Choose appropriate reminder

Step 3 - Load the response to the CFR

- **Request for Documents - Take Action**

- Ensure the **Action date reflects the date the PB responded** not the date you are entering the response

- **Current Action** = based on type of response

Correspondence Log

July 8, 2020   3:39 PM

Almost all actions and decisions made on an FOI request, consultation, correction and OIPC review/complaint is communicated to the applicant and sometimes the public body.

Section 8 of FOIPPA speaks specifically about what a response to an FOI request should state but many other sections also contain details about correspondence with the applicant. Here are some examples:

- Section 10 extensions
- Section 11 transferring a request
- Section 23 notifying the third party
- Section 24 time limit and notice of decision
- Section 75 fees

Please see Section 8 of FOIPPA Policy and Procedures Manual which gives interpretations, definitions and examples to help the public body apply and meet the requirements of section 8 of FOIPPA.

Please see the Sectional Index and choose section 8 or any of the other sections mentioned above.

Please see the Ministry of Citizen's Services Correspondence Manual.

Please see the IAO Correspondence Manual for information about the Template Team and IAO correspondence.

There are three areas of the Correspondence Log

1. **Correspondence Send**
   a. Where you send correspondence (letters and/or emails) from AXIS
2. **Correspondence Receive**
   a. Where you load correspondence, records, forms, etc. from outside AXIS
3. **Correspondence Log**
   a. Where all correspondence, records, forms, etc. that have been sent and received resides

Correspondence Send

- Choose the **Applicant Email** radial button if you are sending correspondence to the applicant or leave it as **Other Email** to send to anyone else

- Choose a letter template from the **Select Letter Template** drop down
  - *A letters* are generic enough for a personal or general file
  - *G letters* are primarily for general requests however then can be used for certain personal files (excludes personal files for CFD, CLB, JAG, MSD and PSS but there may be instances where you can use them)
  - *P letters* are for personal requests for CFD, CLB, JAG, MSD and PSS
  - Certain letters are assigned to specific public bodies. However, by changing the **Action Office** in this window you can still choose whatever template is available in that list.

- Choose an email template from the **Email Template** drop down
  - The email templates have the same A, G or P options
  - The Fee suite of email templates are the same as the letter versions. Teams where the analyst signs their own correspondence may find using an email version faster.

- From the customize letter and email window you can attach up to **three** additional items from the Correspondence Log (they stay in their native format) and **two** additional items from your desktop (there is still a 100 MB limit)

- Any letter or form you customize and save in AXIS you can also save it to your desktop by using the Word Save As feature
  - You can pick up this item from your desktop and it sends in its native format
  - This is a great practice for the sign form. It will stay in your CL as pending so that you can edit it if need be.

- **Customize and Save**
  - Choose your letter template and then *Customize and Save* to edit the template and keep it as a pending letter until you are ready to

send

- **Customize and Save for Final Response**
  - Choose your *response* letter template and then *Customize and Save for Final Response* to edit the template and keep it as a pending letter until you are ready to send
  - There can only be one Save for Final Response letter. Any secondary letters that go in the response package will have to be saved as normal (i.e. PSA's CD and password letters.)
  - This letter will be available when delivering the records to the applicant. Check the **Final Response Letter** box and the **Select Default/Pending Final Response Letter** radial button will be automatically checked. This picks up the pending response letter template that you have sitting in the Correspondence Log. You can still edit this letter at this point if need be by clicking **Customize & Save**; however, the letter should be finalized and signed by this point.

- **Prepare email**
  - Choose your letter and email template and *Prepare Email* to edit both the template and email at the same time or if you just have an email use this feature
  - You cannot save as pending when you choose this option

- **Print**
  - You can print any letter template (not an email template) to Adobe PDF (could save to desktop) or to a printer for mailing

- **Pending Letter**
  - Each letter you save and don't send will increase the counter on the Pending Letter spot
  - Choose the **Pending Letter** radial button
  - Click on the **Select a Pending Letter** drop down to choose the one you wish to work on or send

- **Resend**
  - Choose the **Resend** radial button
  - All letter templates that you have sent will be in the drop down list
  - You can only resend a letter once if it has been sent but you can send a pending letter many times
  - You can edit the letter you want to Resend by choosing **Customize and Save** or don't change it and choose **Prepare Email**
    - If you edit the letter it turns into a pending letter so you have to pick it up from there
  - The status will change to Resend for items not edited a second time
  - The Action date will change to the date you resent it
  - Resend doesn't show up in Action History
  - You cannot resend an email or any item picked up from outside AXIS

- **Subject**
  - The subject heading has been formatted to read 'FOI Request XXX-XXXX-XXXX' (with or without a due date depending on the template you choose)
  - Please do not delete this information as this is the subject heading of the email
  - You can add a standard code to the subject when you are at the email stage:
    - Intake
    - Call
    - Fees
    - Review
    - Ext
    - Consult
    - Sign
    - Response
    - Open Info
    - OIPC
  - If you do not add a standard code to the subject you will have to edit the subject in the Correspondence Log so that all items in the Correspondence Log are identifiable without having to open them
  - Read Data Entry Standards

Correspondence Receive

- **Letter/Correspondence**
  - Leave this as *Other*

- **Subject**
  - By clicking on the drop down you can see all the approved standard codes – do not choose one – leave it blank

- Type in the standard code and whatever secondary or sub code that makes sense for the item you are loading
- If you forget to follow the AXIS Naming Conventions at this stage you can always open the Correspondence Log and edit the subject from there
- Read Data Entry Standards
- Using punctuation in naming attachments and then loading those attachments into the Correspondence Log (happens when they are attached to emails too) is rendering the email un-openable. Please do not use any punctuation, other than a dash.

If you are in this situation and cannot open emails… save it to desktop and put the .msg at the end. It will then open. Clean up the name and load back to CL.

- **Receive Mode**
  - Click on the drop down and choose the correct option

- **Attach File**
  - Click on the paperclip and navigate to your desktop or drive to attach the item

Correspondence Log

- **View**
  - Allows you to view the attachment
  - If this item is greyed out, there is no attachment

- **Email Details**
  - Allows you to view the email
  - If this item is greyed out, it is a pending letter and you have not sent it yet

- **Delete**
  - If you delete an item, a window will open and you must enter a comment why. This will be noted in the Action History of the file.
  - Items with the status Received, Pending, Printed, Sent or 'Saved for Final Response/Pending for Final Response' that are not approved can be deleted. Any other status cannot be deleted.
  - You cannot delete items on a closed file. You would have to amend the file if it must be deleted.

- **Change Dispatch Date**
  - If you happen to receive correspondence on a previous date or on a non-business day, but would like the dates in correspondence log to reflect the actual date the email was received, you can change the 'dispatched date' to reflect the accurate date in correspondence log for your reference.
    - 'Action date' = date email was uploaded/sent or modified (i.e. if it was 'pending').
    - 'Dispatched date' = can be modified to reflect the actual date an email was sent or received, for quick reference in the correspondence log.

- **Edit Subject**
  - Allows you to edit the subject of the item
  - Edit the subject so the item is identifiable without having to open it
  - Read Data Entry Standards

Things to note about the Correspondence Log

- If you want to have records open and an item from the Correspondence Log you must:
  - Assign the file to yourself as a primary or secondary user.
  - Open Document Management/Review Log and minimize the window.
  - Open from the Correspondence Log.
  - Ensure you un-assign yourself once you are done.

- A user can delete a Correspondence Log entry which is in the 'Pending' or 'Received' status.
  - You will be prompted to add a note why you are deleting.
  - Correspondence will remain on the file (status changes to DELETED), so others can see what was deleted and why.

- If any person receiving correspondence out of AXIS states they cannot open it, save it to your desktop, do a print to PDF, send using Outlook and load that email into CL.

Assign a Request

November 23, 2020   1:49 PM

Three types of connections to a file

- **Primary User**: person in charge of performing next actions. When a new request is created, the user who creates the request is automatically assigned as the Primary User. However, at any point during the lifecycle of the request, the primary user can be changed by re-assigning the request and selecting a different Primary User. Please note that in addition to primary assignments a request can also be assigned as a secondary assignment. You are responsible for the overall processing of all requests in your primary assignments queue. Primary users are responsible for meeting the target date of the request.

- **Secondary User**: Anybody who may need additional notification about the processing of the file. Sometimes you may not be the responsible party on a request but assigned to perform a task. There can be multiple secondary users. Secondary users are assigned tasks to meet due dates for the primary user

- **Request Owner**: Person in charge of file (defaults to person who creates request and then is changed to Team's Manager)

What to do in AXIS

- After a request has been created, it must be assigned to at least one user

- Open the request

- Assign

- This window allows you to assign all three connections to the file and send email to notify that person/group queue
    - Use the ... button to search for the user you want to assign as owner and primary
    - Click Add User or Assign Group Queue to assign the secondary

Mass Assignment
  - Requests can also be reassigned to users on a mass scale. Instead of assigning one request, all requests (either from single applicant or of the same type) can be combined and assigned at once to another user, user group, or group queue, so that one response can be processed and compiled for all Requests.

  - To use Mass Request Assignment, users need to have the "Mass Request Assignment" Permission - Consolidated Intake has this permission

Things to Note
- Ensure to click the red X to remove any secondary users that no longer need to action the file
    - For example, once Consolidated Intake is finished their actions, they remove themselves from the file when assigning to the team's group queue
- Decide whether you need to send an email when you assign a file

Blurbs to add to AXIS Letters

August 18, 2021   9:13 AM

Things to Note

- These blurbs do not live inside our correspondence as they are not used that often so rather than deleting them when not needed you can cut and paste them into the correct template when needed

- When inserting legislative overrides into response letters, include the act's quote at the end of the letter with the FOIPPA legislation

- If you are providing records/correspondence through print and the applicant does not have internet access ensure the link is written in full

Additional Records to come from other PBs

You directed your request to multiple public bodies. The Ministry/Public Body has been advised the INSERT MINISTRY/PB NAME may have records responsive to your request. As you have already directed an identically worded request to that Ministry/Public Body, they will respond under separate cover, XXX-XXXX-XXXXX, XXX-XXXX-XXXXX, and XXX-XXXX-XXXXX. Please await responses to each of your requests before considering government's response to be complete.

Administrative Tribunals Act, Section 61(2)

Inside Response Letter

Please be advised that the records you have requested are excluded from the scope of FOIPPA pursuant to section 61(2) of the *Administrative Tribunals Act* (ATA), which contains a provision that expressly provides that it applies despite FOIPPA. Section 3(7) of FOIPPA provides for this override.   Complete copies of FOIPPA and the ATA are available online at:

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_04045_01
http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00

At End of Response Letter

From the *Administrative Tribunals Act*

Application of *Freedom of Information and Protection of Privacy Act*
61   (1)In this section, **"decision maker"** includes a tribunal member, adjudicator, registrar or other officer who makes a decision in an application or an interim or preliminary matter, or a person who conducts a facilitated settlement process.
(2)The *Freedom of Information and Protection of Privacy Act*, other than section 44 (1) (b), (2), (2.1) and (3), does not apply to any of the following:
    (a)a personal note, communication or draft decision of a decision maker;
    (b)notes or records kept by a person appointed by the tribunal to conduct a facilitated settlement process in relation to an application;
    (c)any information received by the tribunal in a hearing or part of a hearing from which the public, a party or an intervener was excluded;
    (d)a transcription or tape recording of a tribunal proceeding;
    (e)a document submitted in a hearing for which public access is provided by the tribunal;
    (f)a decision of the tribunal for which public access is provided by the tribunal.
(3)Subsection (2) does not apply to personal information, as defined in the *Freedom of Information and Protection of Privacy Act*, that has been in existence for 100 or more years or to other information that has been in existence for 50 or more years.

Adult Guardianship Act, Section 46

Inside Response Letter

Section 3(7) of FOIPPA states that, in limited circumstances, the application of FOIPPA can be overridden by other legislation. Access to a portion of the records you have requested is denied pursuant to section 46(1) of the *Adult Guardianship Act* (AGA). A copy of this section of FOIPPA and AGA is provided for your reference. Complete copies of FOIPPA and the AGA are available online at:

http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00
http://www.bclaws.ca/civix/document/id/lc/statreg/96006_01

At End of Response Letter

From the *Adult Guardianship Act*

Reporting abuse or neglect
46 (1) Anyone who has information indicating that an adult
    (a) is abused or neglected, and

(b) is unable, for any of the reasons mentioned in section 44, to seek support and assistance,

    may report the circumstances to a designated agency.

(2) Despite the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act*, a person must not disclose or be compelled to disclose the identity of a person who makes a report under this section.

(3) No action for damages may be brought against a person for making a report under this section or for assisting in an investigation under this Part, unless the person made the report falsely and maliciously.

(4) A person must not

    (a) refuse to employ or refuse to continue to employ a person,

    (b) threaten dismissal or otherwise threaten a person,

    (c) discriminate against a person with respect to employment or a term or condition of employment or membership in a profession or trade union, or

    (d) intimidate, coerce, discipline or impose a pecuniary or other penalty on a person

    because the person makes a report or assists in an investigation under this Part.

(5) In subsection (4), "discipline" includes

    (a) a refusal to issue or renew a licence or certificate to practise a profession or trade, and

    (b) a denial or cancellation of permission to practise in a hospital or a refusal to renew that permission.

Animal Health Act, Section 16(1)

Inside Response Letter

Please be advised that access to the records you have requested is denied pursuant to section 16(1) of the *Animal Health Act* (AHA), which contains a provision that expressly provides that it applies despite FOIPPA. Section 3(7) of FOIPPA provides for this override. Complete copies of FOIPPA and AHA are available online at:

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/14016
https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96165_00

At End of Response Letter

From the *Animal Health Act*

Protected information

16 (1)Except as permitted under section 17 *[duty to keep information confidential]* or 18 *[personal information]*, a person described in section 17 (1) or 18 (1) must refuse to disclose the following:

    (a)information that would identify a person responsible for an animal or for an animal product or byproduct;

    (b)information that would identify an animal or an animal product or byproduct that is located at or in a specific place or on or in a specific vehicle;

    (c)information that would identify a specific place at which an animal or an animal product or byproduct is located;

    (d)information that would reveal that a notifiable or reportable disease is or may be present in a specific place or on or in a specific vehicle;

    (e)information that would reveal that an animal or an animal product or byproduct affected by a notifiable or reportable disease is

        (i)located at or in a specific place or on or in a specific vehicle, or

        (ii)owned, or in the custody or control of, an identifiable person or body, or that an identifiable person or body is an operator in relation to the animal or the animal product or byproduct;

    (f)information that is derived from a sample taken under this Act or that is submitted to the ministry of the minister or a laboratory identified in an order of the minister.

(2)Despite the *Freedom of Information and Protection of Privacy Act*, a person who would otherwise be required under that Act to disclose information described in subsection (1) of this section is not required to disclose the information except as required under section 25 of that Act.

BC Archives

There may be further information related to your query in records which have been transferred into the custody of the BC Archives at the Royal BC Museum. To request research access to these records, you may contact them at privacy@royalbcmuseum.bc.ca. Further information can be found on their website https://royalbcmuseum.bc.ca/bc-archives/about-us/about-bc-archives or by phoning 250-356-0698.

Coroners Act, Section 64

Inside Response Letter

Section 3(7) of FOIPPA states that, in limited circumstances, the application of FOIPPA can be overridden by other legislation. Access to the records you have requested is denied pursuant to section 64(1) of the *Coroners Act* (CA), as the Office of the Chief Coroner has advised that the above noted case(s) has not been concluded. A copy of this section of FOIPPA is provided for your reference. Complete copies of FOIPPA and CA are available online at:

http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00
https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/07015_01

At End of Response Letter

From the *Coroner's Act*

Chief coroner may act or issue directions

46 (1)Despite any other provision of this Act, if the chief coroner has reason to believe that a coroner has not exercised a power or performed a duty under this Act that the coroner should have exercised or performed, the chief coroner may

    (a)order the coroner or another coroner to exercise the power or perform the duty, or

    (b)exercise the power or perform the duty personally.

(2)If directed by the minister or chief coroner, a coroner must assume jurisdiction in place of another coroner over an investigation or inquest.

(3)A coroner who assumes jurisdiction under subsection (2)

    (a)has exclusive jurisdiction in respect of the investigation or inquest, and

    (b)may, in his or her discretion, continue the investigation or inquest or begin a new investigation or inquest.

(4)If a coroner continues an investigation or inquest under subsection (3), the coroner may rely on all decisions made and information received by the former coroner

Family Maintenance Enforcement Act, Section 43

Inside Response letter

Please be advised, access to Family Maintenance Enforcement Program records is denied pursuant to section 43 of the *Family Maintenance Enforcement Act* (FMEA), which contains a provision that expressly provides that it applies despite FOIPPA. Section 3(7) of FOIPPA provides for this override. A complete copy of FOIPPA and FMEA are available online at:

http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00
http://www.bclaws.ca/Recon/document/ID/freeside/00_96127_01

Certain Family Maintenance Enforcement personal information can be released to the person to whom the information relates to. To request access to your personal information, please direct your request to the Family Maintenance Enforcement Program office that is closest to the court registry where your family court file is held. The following website lists the contact information for these three offices:

https://www.fmep.gov.bc.ca/contact-us/

At End of Response Letter

From the *Family Maintenance Enforcement Act*

Information Confidential

43 (1) Despite the *Freedom of Information and Protection of Privacy Act*, a person must not disclose information obtained under this Act except

    (a) to the extent necessary for purposes relating to the enforcement of a maintenance order,

    (b) as provided in section 8 (4), or

    (c) in accordance with an information-sharing agreement that is entered into

        (i) under and for the purposes of the administration of the Employment and Assistance Act or the Employment and Assistance for Persons with Disabilities Act, and

        (ii) with the minister responsible for the administration of this Act.

Fee Estimate

Additional wording for instances when locating/retrieving records is over 3 hours and records are likely to be withheld anyway

Please be advised that this fee only includes charges related to the cost of the efforts required to gather the records. As it is anticipated that most of the records responsive to this request would not be releasable at this time, this fee estimate has not estimated a charge for the volume of records.

Fee Refund

We are issuing you a refund as a result of changes to: (delete all that do not apply – suggested elaboration could include:)
- the wording of your request
- the volume of records located – was this under estimated in the first estimate, or did this change as a result of new wording?
the time required to conduct a search – was this under estimated in the first estimate, or did this change as a result of new wording?

The fee has been revised as follows (delete all that do not apply):

XX hour(s) to locate and retrieve records @ $30.00/ hour *Does not include the first 3 hours which are not charged to you*	$00.00
XX hours(s) to produce records @ $30.00/hour	$00.00
XX hour(s) to prepare and handle records for disclosure @ $30.00/hour	$00.00

Shipping	$00.00
XX disc(s) @ $4.00/disc *No charge if the records can be emailed*	$00.00
XX hardcopy records @ $0.25/page *Or at a reduced rate if you opt to receive records electronically*	$00.00
XX scanned electronic copies of paper records @ $0.10/page	$00.00
Total	$00.00
Revised Total	$00.00
Revised Deposit Due	$00.00
Less Deposit Paid	$00.00
Refund Due	**$00.00**
Balance Deposit Due/Payment Due	**$00.00**

A refund has been initiated and will be processed soon.

Heritage Conservation Act, Section 3(3)

Inside Response Letter

Please be advised that access to the records you have requested is denied pursuant to section 3(3) of the *Heritage Conservation Act* (HCA), which contains a provision that expressly provides that it applies despite FOIPPA. Section 3(7) of FOIPPA provides for this override.
A complete copy of FOIPPA and HCA are available online at:

http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00
https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96187_01

At End of Response Letter

From the *Heritage Conservation Act*

Provincial heritage register
3 (1)The minister must establish and maintain one or more registers, to be known collectively as the Provincial heritage register, for the recording of the following:
    (a)Provincial heritage sites;
    (b)Provincial heritage objects;
    (c)heritage sites and heritage objects that are included in a schedule under section 4 (4) (a);
    (d)other known heritage sites and heritage objects that are, in the opinion of the minister, protected under section 12.1;
    (e)buildings, structures and sites for which the minister has received notice from a local government under section 595 (1) of the *Local Government Act* or section 602 (1) of the *Vancouver Charter*;
    (f)other prescribed heritage property.
(2)Subject to subsections (3) and (4), information in the Provincial heritage register must be available for inspection by any person during regular business hours.
(3)Despite the *Freedom of Information and Protection of Privacy Act*, the minister may refuse to disclose information in the Provincial heritage register, information in the digital archives under the *Information Management Act* and other information obtained in the administration of this Act or the *Museum Act* if any of the following apply:
    (a)disclosure of the information could, in the opinion of the minister, result in damage to or interfere with the conservation of a heritage site or heritage object;
    (b)disclosure of the information would violate an agreement made under section 4;
    (c)anthropological information that is of traditional social, spiritual or other cultural importance to a living community
        (i)was obtained under conditions of confidentiality, or
        (ii)is confidential at the request of representatives of the community whose heritage is represented by the information.
(4)The inspection of information in the Provincial heritage register is subject to reasonable conditions the minister may impose.
(5)Without limiting subsection (4), the minister may require payment of a prescribed fee to inspect the information in the Provincial heritage register.
(6)Protection of a heritage site or heritage object is not affected by an error or omission in the Provincial heritage register or, except for a Provincial heritage site or Provincial heritage object, by a failure to register property in the Provincial heritage register.

Mount Polley

As you may already be aware, the Mount Polley Independent Expert Engineering Investigation and Review Panel delivered its final report and recommendations to the Minister of Energy and Mines on January 30, 2015. The full report, appendices, and supporting information which may be of interest to you are available online at:

https://www.mountpolleyreviewpanel.ca/

Section 3

Inside Response Letter

Information that is a court record has been removed pursuant to section 3(3)(a) of FOIPPA. Court records are a matter of public record and therefore may be obtained by applying to the nearest court house with regards to your matter. A list of courthouses can be found at the following link: https://www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations

Information that is a personal note, communication or draft decision of a person who is acting in a judicial or quasi judicial capacity has been removed pursuant to section 3(3)(e) of FOIPPA.

Note: 3(3)e was formerly 3(1)(b)

Information that is created by or for, or is in the custody or control of, an officer of the Legislature and that relates to the exercise of that officer's functions under an Act has been removed pursuant to section 3(3)(f) of FOIPPA.

Information from a question on a test or exam has been removed pursuant to section 3(3)(h) of FOIPPA.

Information relating to a prosecution if all proceedings in respect of the prosecution have not been completed has been removed pursuant to section 3(3)(k) of FOIPPA.

Information that is available for purchase by the public has been removed pursuant to section 3(5)(a) of FOIPPA. You can purchase the records at insert URL or mailing address.

At End of Response Letter

Application
3 (1)Subject to subsections (3) to (5), this Act applies to all records in the custody or under the control of a public bod y, including court administration records.
(2) Part 3 applies
    (a) to all employees, officers and directors of a public body, and
    (b) in the case of an employee that is a service provider, to all employees and associates of the service provider.
(3) This Act does not apply to the following:
    (a) a court record;
    (b) a record of
        (i) a judge of the Court of Appeal, Supreme Court or Provincial Court,
        (ii) a master of the Supreme Court, or
        (iii) a justice of the peace;
    (c) a judicial administration record;
    (d) a record relating to support services provided to a judge of a court referred to in paragraph (b) (i);
    (e) a personal note, communication or draft decision of a person who is acting in a judicial or quasi-judicial capacity;
    (f) a record that is created by or for, or is in the custody or under the control of, an officer of the Legislature and that relates to the exercise of functions under an Act;
    (g) a record that is created by or for, or is in the custody or under the control of, the auditor general under the Auditor General for Local Government Act and that relates to the exercise of functions under that Act;
    (h) a record of a question or answer to be used on an examination or test;
    (i) a record containing teaching or research materials of
        (i) a faculty member, as defined in the College and Institute Act and the University Act, of a post-secondary educational body,
        (ii) a teaching assistant or research assistant employed at a post-secondary educational body, or
        (iii) another person teaching or carrying out research at a post-secondary educational body;
    (j) a record placed in the archives of a public body, or the digital archives or museum archives of government, by or for a person or agency other than a public body;
    (k) a record relating to a prosecution if not all proceedings in respect of the prosecution have been completed;
    (l) a record of a service provider that is not related to the provision of services for a public body.
(4) This Act, other than sections 30, 30.3, 30.5 (2), 33 and 65.3 to 65.6, does not apply to
    (a) an officer of the Legislature, including all employees of the officer of the Legislature and, in the case of an employee that is a service provider, all employees and associates of the service provider, or
    (b) the auditor general under the Auditor General for Local Government Act, including all employees of that auditor general and, in the case of an employee that is a service provider, all employees and associates of the service provider.
(5) Part 2 does not apply to the following:
    (a) a record that is available for purchase by the public;
    (b) a record that does not relate to the business of the public body;
    (c) a record of metadata that
        (i) is generated by an electronic system, and
        (ii) describes an individual's interaction with the electronic system;
    (d) an electronic record that has been lawfully deleted by an employee of a public body and can no longer be accessed by the employee.
(6) This Act does not limit the information available by law to a party to a proceeding.
(7) If a provision of this Act is inconsistent or in conflict with a provision of another Act, this Act prevails unless the o ther Act expressly provides that it, or a provision of it, applies despite this Act.

Section 6

Inside Response Letter

Please be advised the record you requested cannot 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. The creation of this record would require significant resources on the part of the Ministry/Public Body. Provide additional explanation if appropriate. Pursuant to section 6(2) of FOIPPA, the Ministry/Public Body has fulfilled its duty to assist and is not required to create a record in response to your request.

If your response to the FOI request is section 6(2), copy and paste this blurb into the appropriate NRR letter. Your final disposition is NRR.

If your response to the FOI request is part section 6(2) and partial records, copy and paste this blurb into the appropriate response letter and use the appropriate final disposition, for example, partial disclosure.

Settlement Privilege

Inside Response Letter

Please be aware that [all/some] information within this package has been withheld as it reveals communications exchanged in pursuit of a settlement. Settlement privilege is a common-law rule of evidence that protects communications exchanged by parties as they try to settle a dispute. Although not expressly referred to in Part 2 Division 2 of FOIPPA, the right of access under s. 4 of that Act does not extend to information protected by settlement negotiation privilege.

IAO Correspondence Manual

August 7, 2020   11:54 AM

The Template Team

The Template Team formed in late 2011 to create FOIPPA compliant correspondence in which to communicate with applicants and public body clients.

The Template Team meets regularly to discuss feedback on current correspondence, to create new correspondence and to update existing correspondence.

Major edits and additions are routed through the IAO Management team for approval. Communication about these changes are emailed out to Managers to share with the teams. Minor edits and additions are handled by the Template Team. All IAO approved correspondence lives in AXIS. There are additional versions on the *FOI Corkboard*; however, as of Feb 2016, the Template Team no longer updates those letters. FOI Analysts are responsible for ensuring any correspondence from outside AXIS is the current version.

Current Membership
- **Regan Batt** – Resource Team
- **Elise Forslund and Deborah Flinn** - MCFD Personals Team
- **Toyoko Doyle** – Central Team
- **Liz Babecy** - Consolidated Intake
- **Simon Wilson** – Justice Social Team
- **Sascha** – Business Team
- **Nicki Durand and Jamie Onciul** – Social Tech Team
- **Debby Schlutter** - Flex Team

Colour Coding Definitions in the Templates

You are responsible for ensuring correspondence is free of content, grammar and spelling errors. Proofread prior to sending or better yet have someone proofread it for you.

ONCE YOU HAVE COMPLETED ALL THE EDITS IN THE LETTER, HIGHLIGHT THE ENTIRE LETTER AND CHANGE THE FONT COLOUR TO BLACK – leave hyperlinks in blue.

Fonts, Formatting, Margins, Headers & Footers
- Please do not alter as they have been approved by the Ministry of Finance's Correspondence Unit.

Items in RED Font
- Some of these items are auto-filled by AXIS. Check for accuracy.
- Some of the items are drop downs or date pickers. These boxes can be deleted or copied as needed. Click on the title of the box so that it becomes dark blue, right click and copy/dete or delete.

Items that are in BLUE font
- These are the freestyle areas that you can change to suit your needs or delete if not needed.

Items that are in BLACK font
- This is standard wording that should stay in the letter. More often than not, this wording is required by FOIPPA – details outlined in Section 8 and the Policy and Procedures Manual.

Items that are in PURPLE font
- These are instructions that should be deleted once you make a decision on how to follow them.

FAQs

What to do when you see [named individual] in your sign form, letter or email template?

In all correspondence back to the applicant and the public body you must remove this phrase and add the name from the applicant's original request. The applicant is allowed to see it since they supplied the name to IAO. The public body needs to see it in order to identify the records requested.

Why do different letters come up for different action offices in AXIS?

Some letters are designated for one action office, some can be shared across the action offices of an entire team and some are designated for everyone to use.

What do the A, G and P mean in the title of the correspondence in AXIS?

- A stands for All, meaning these letters can be used for general, personal, consultation and review requests. Your team may have templates for specific circumstances.
- G stands for Generals, meaning these letters can be used for general, consultation and review requests. Some teams that also process personal requests will use these letters. For example, the Business, Resources and Central Teams (Health Education uses G and P letters).
- P stands for Personals, meaning teams who process for CFD, MSD, MAG and PSS use these letters.

If I am severing information from the records under S.79 (Relationship of Act to other Acts) are we obligated to list s.79 in the response letter?

In AXIS you have several options to stamp the records – S.79 or S.79 and [name other Act] – we cannot list all the other Acts that override FOIPPA so we have only listed the most often used ones. If the Act is listed choose it and if not choose S.79. In the letter, you are required to note the Act that overrides FOIPPA.

The letters have the ARCS number with the file number, what do I choose?

- [292 - Information & Privacy, Freedom of Information - Province of British Columbia (gov.bc.ca)](gov.bc.ca)
- Generals are 292-30
- Personals are 292-40
- Consultations are 292-45
- OIPC Reviews are 292-50

Correspondence Checklist

- It is important that all correspondence sent to the applicant/public body be reviewed and correct. Items to check:

  - The correct current **template**

  - **File number** and any associated cross reference file number

  - **Date** the letter is sent

  - Correct **name of applicant and address**
    - If there is an affiliate the name in the address line should match the name in the "Dear applicant" line

  - **Email address** if it is emailed to the applicant

  - **Action Office** in the both the file number and first paragraph match

  - **Description** complies with data entry standards and is the wording after any narrowing/clarifying or partial transferring of the request
    - The description and the response letter will be posted on the Open Information website
    - Do not leave 'named individual' in the letter to the applicant

  - Applicant advised of the **exceptions applied** to the records (give a link to a full copy of FOIPPA when electronic response or a copy of the sections of FOIPPA applied when you are mailing printed records); and if records are **'removed'** under section 3 or 'Not Responsive' an explanation is given

  - Your **contact information**

- If a general request, the applicant is notified whether their **response package will, or will not be published on the Open Information website**

- Applicant advised that they have the **right to request a review** by the Office of the Information and Privacy Commissioner (OIPC) when you are informing them of a public body decision

What templates are available?

A Letter Templates and Forms
These are letters and forms that can be used for a consultation, and personal or general FOI request.

G Letter Templates and Forms
These are letters and forms that can be used for a consultation, and personal (not CFD CLB MAG MSD PSS) or general FOI request.

P Letter Templates and Forms
These are letters and forms that can be used for a consultation or personal (CFD CLB MAG MSD PSS only) FOI request.

Memo
A Memo is the call for records form.

Memo Email Templates
Memo Email Templates are the emails that accompany the CFR form. All of the teams have their own individualized templates.

Email Templates
There is a variety of email templates for use with personal or general requests. These emails also have letter template versions. If you are on a team where you sign your own letters, using the email version maybe an easier option (fee suite).

What forms are available?

Call for Records Form
- There is a generic Word document that is loaded into AXIS that should be used for the majority of files/teams
- Teams processing personal requests for CFD MAG MSD PSS have their own specific CFR forms

Fee Waiver Determination Form
- Generals Teams have one form to fill out when evaluating the applicant's request for a fee waiver (no fees are charged for personal and consultation requests).
- Some teams send this form to the public body for approval. Some teams have the authority to approve or deny a fee waiver request.

SIV – Large Fee
- This is an email form analysts must fill out when their fee estimate is over $5000 and the applicant does not want to narrow or will not narrow any further or the request cannot be narrowed further.
- You must wait for approval from Executive prior to sending out the fee estimate.

Sign Form (Approval Slip)
- Generals Teams have three sign forms: the generic sign form, one for cross government calendars and the Central Team has one for expense FOI requests

Pasting into email templates

July 8, 2020   3:49 PM

- Email templates in AXIS do not look like emails in Outlook

- While Outlook and AXIS are linked they are not as editable like Word document templates

- When in the Prepare email screen, paste the information from another source document using:
    - Right click and 'Paste Plain text"
    - DO NOT USE the keyboard shortcut "Ctrl+C'

- The right click and 'paste plain text' option will paste the information without destroying the formatting of the email

Phone icon in email template

July 8, 2020   3:55 PM

The phone icons are appearing for some people because of a Lync add-on in Internet Explorer

These phone icons are altering the AXIS emails once they are sent to the applicant

Disable the phone icons through the following steps:

- Open **Internet Explorer**

- Click on the **cog/wheel** in the upper right hand corner and choose **Manage add-ons** from the drop down list

- Right click on the **Lync items** (see highlighted below) and **Disable**. Alternatively, click the item once and click **Disable** at the bottom right of the window.

- Click **Close**.

- Restart your machine to ensure this change has taken effect.

- Open an email template in AXIS to verify the change has taken effect.

EXTENSIONS

July 7, 2020   3:01 PM

FOIPPA

- Section 10 of FOIPPA allows the public body to take an extension of up to 30 business days beyond the first 30 business days of receiving the FOI request – under limited circumstances – and the public body is required to notify the applicant.

- Section 7 of FOIPPA outlines the time limits that public bodies have in responding to an FOI request.

FOIPPA Policy and Procedures Manual

- The Policy and Procedures Manual provides further detail, interpretation of FOIPPA and instructions on extending the time limit for responding to an FOI request.

The OIPC

- Time Extension Request Guidelines for Public Bodies Jan 2018.

- MOU for OIPC Applicant Consent Time Extensions

- Public bodies can apply to the OIPC for **additional time extensions beyond 60 business days** of the FOI request. The OIPC has three forms on their website that can be downloaded and filled in.

  - Those forms have been loaded into AXIS to take advantage of the autofill feature. Not all items can be filled in – you will have to review your form prior to sending to the OIPC (or applicant) for approval. These forms can be used for a general or personal request:

    - *A – OIPC – Applicant Consent Time Extension*
    - *A – OIPC – First Time Extension*
    - *A – OIPC – Subsequent Time Extension*

IAO Corporate Knowledge OneNote

- For additional Information about IAO practices concerning OIPC reviews and complaints see 04 OIPC

Case Management

- It is the responsibility of the FOI Analyst to take time extensions when appropriate
- Monitor the due dates of your files on a regular basis to see if a file needs **and** meets the criteria for an extension
  - A file may need an extension but does not meet the criteria in section 10 of FOIPPA
- Section 6 of FOIPPA states that the public body (and by extension IAO) must make every reasonable effort to assist applicants and respond without delay – ensure that every extension meets the criteria stated in Section 10 of FOIPPA

PB extension

April 28, 2020   1:14 PM

What to do in AXIS

- **New**
    - From the **Reason for Extension** drop down choose one of the PB reasons
        - Once you choose the reason the subsections of FOIPPA will autofill in the window
        - Type the number in **Days of Extension**
            - **Tab** and the Extended Due Date will autofill in the next field

- **Approve/Deny**

- **Complete**
    - <mark>Ensure you have chosen the correct reason for this extension now as once you Complete it cannot be deleted or edited</mark>

- **Send Correspondence**
    a. As per s10 of FOIPPA you must notify the applicant of the extension
    b. Choose the **correct extension letter** from the **Select Letter Template** drop down
    c. Notify PB if necessary using **A - Ext - Notification to PB**

Troubleshooting

- **I picked the wrong reason for extension or the wrong number of days were entered**
    - The only way to fix this error is to manually adjust the due date on the Request Information tab of the request and put a Note on the file (use the Extension Subject Code)

10 1 D extensions

April 30, 2020   2:48 PM

What to do in AXIS

- **Extensions - New**
  - From the **Reason for Extension** drop down choose:
    - PB - Applicant Consent when the due date is 60 business days or under **since the request was received**(10 1 D)
    - OIPC – Applicant Consent when the due date is over 60 business days (10 2 A)
  - Type the number of days in **Days of Extension**
    - Tab and the Extended Due Date will autofill in the next field
    - Note the new due date
  - <mark>Copy the Extended Due Date and paste into the **Extension Note** field **DO NOT WRITE ANY ADDITIONAL INFORMATION IN THIS FIELD**</mark>
  - **Save**
  - If this is a PB – Applicant Consent (under 60 business days **since the request was received**), and the applicant has provided their consent in writing, you can immediately approve and complete this time extension, and then notify the applicant via correspondence
    - Complete step 2 and skip ahead to step 5 of these instructions
  - <mark>If this is an **OIPC – Applicant Consent (over 60 business days since the request was received)**, do not approve or deny at this point as you must wait for the OIPC's decision. Close this window and move to the next step of these instructions.</mark>

- **Contact the applicant to request their consent**. You can email or phone; however, you must receive their consent in writing and load it to the file. Ensure that their consent to the extension states how many days and the new due date.
  - Load this exchange in CL and label it clearly **"Ext - applicant consent"**
  - If the applicant does not consent, then update the extension approval status to Denied and complete the extension. You may request an OIPC extension if any of the reasons are applicable. Best practice: notify your public body that the applicant did not agree to an extension. This extension process is complete.

- Continue to process the file, a weekly report (for OIPC applicant consent extensions) is sent to the OIPC every Friday (Thursday when Friday is a holiday). The BIAS Team will forward the OIPC approval to your team inbox once approved. This approval will come the same day.
  - You MUST approve and complete by end of day to ensure the file does not show up in the Monday Executive Weekly Report as OVERDUE.
  - See Appendix for the instructions on this weekly report.

- Load the OIPC's response into **Correspondence - Receive**

- **Actions - Extensions**
  - Action the 10 1 D pending extension
  - <mark>The Approved Date is the date you received the written approval from the applicant. If the approval from the applicant comes after the due date then it is the date you requested the extension from the applicant.</mark>
  - **Approve**

- **Complete**
  - The Completed Date is the same date as the Approved Date.
    - Ensure you have chosen the correct reason for this extension now as once you Complete it cannot be deleted or edited.

- **Correspondence – Send**
  - <mark>For 10 1 D extensions over 60 business days, you must use the word template or email template that includes the OIPC blurb about filing a complaint – THIS IS PART OF THE MOU FOR THIS NEW PROCESS. Use the templates listed below, do not craft your own, do not delete OIPC blurb from these templates, ensure you are using the right template.</mark>

  - Choose a Word template and customize:
    - *A – Extension – PB* for extensions 60 days and under **since the request was received** (10 1 D)
      Template contains instructions for 10 1 D
    - *A – Extension – 10 1 D* over 60 business days **since the request was received** (10 2 A)
      OIPC

  - Or use the email template and customize: *A – Ext – Notification to Applicant*

Troubleshooting

- **I picked the wrong reason for extension or the wrong number of days were entered**
  - The only way to fix this error is to manually adjust the due date on the Request Information tab of the request and put a Note on the file (use the Extension Subject Code)

- **My file is not on the approved 10 1 D report**

- If you 'accidentally' approve/deny or complete the extension or notice that your file did not end up on the approved list, go back into the file and see where you may have entered the incorrect extension or did not enter the new due date.

- Fix the error and notify FOI.Operations@gov.bc.ca immediately and supply the file number, the original due date and the proposed new due date. IAO will only send one report per week. You will have to wait until next week's report.

OIPC extension

April 28, 2020   3:57 PM

What to do in AXIS

- **New**
  - From the **Reason for Extension** drop down choose one of the OIPC reasons
    - Once you choose the reason the subsections of FOIPPA will autofill in the window
    - Type the number in **Days of Extension**
      - Tab and the Extended Due Date will autofill in the next field

- <mark>Do not approve or deny at this point as you must wait for the OIPC's decision. Close this window.</mark>

- **Print the Detailed Report** from Log Reports
  - You need the dates from it to fill out the OIPC extension form – AXIS does not auto-fill everything

- Open the Correspondence Log and **choose the correct OIPC form** based on how many extensions you have taken so far
  - For your first OIPC extension choose: *A – OIPC – First Time Extension*
  - For your second or more OIPC extension choose: *A – OIPC – Subsequent Time Extension*
  - Select the email template *A - OIPC - Blank email* and **Prepare Email** to complete the form and email immediately or
    - **Customize and Save** – to start and email at a later date.

- Customize the form. AXIS will not autofill in all the information you will have to use the information you recorded earlier to fill in the blanks or save and research some more
  - Write in complete sentences where appropriate
  - Ensure that is free of spelling, grammar and punctuation errors
  - Delete IAO instructions, empty date pickers and XXXX from the form
  - Change the font colour to black

- Wait for their response and continue to process the file. Once in, **load the OIPC's response** into Correspondence Log and name appropriately

- Update your extension in AXIS with the OIPC's decision and **approve/deny it**
  - <mark>Ensure you have chosen the correct reason for this extension now as once you Complete it cannot be deleted or edited</mark>

- **Send Correspondence**
  - As per s10 of FOIPPA you must notify the applicant of the extension
  - Choose the **correct extension letter** from the **Select Letter Template** drop down

Troubleshooting
- **I picked the wrong reason for extension or the wrong number of days were entered**
  - The only way to fix this error is to manually adjust the due date on the Request Information tab of the request and put a Note on the file (use the Extension Subject Code)

CONSULTATIONS

July 7, 2020   3:05 PM

What is a consultation?

- A consultation is public body A requesting the views on disclosure of the records from public body B.
- Quite often another public body's records are in the FOI request, or there are co-authored records, or public body B has a greater interest in the records.
- A consultation may be necessary as the public body who has control of the record has the authority to speak to its disclosure
- Section 10 of FOIPPA allows public body A to extend the legislated due date up to 30 business days to allow for the consultation.

This process excludes the separate and distinct third-party consultation process under section 23 and 24 of FOIPPA (third party business or personal information - THIRD PARTY NOTIFICATION*).*

There are 3 types of consultations:

1 - Consultation from external public bodies
- Consultation is received from public bodies that are external to IAO's client group, for example, the federal government or a municipality
- Consultation is opened in AXIS (has its own file number with the receiving PB action office code)
- See Consult from external PB for steps in AXIS

2 - Consultation to external public bodies
- Consultation that you initiate with a public body external to IAO's client group, for example, the federal government or a municipality
- Here are links to the most often PBs that we consult with
  - ATIP Contacts
  - Crown Corporations
  - Civic Info BC
  - Health Authorities
- See Consultation to external PB for steps in AXIS

3 - Consultation to internal public bodies
- Consultation that you initiate with a public body within IAO's client group, for example, you are processing an FOI request for MOE and there are FNR authored records in the response records and they meet the consultation criteria.
- No FNR consultation file is opened as you already have the MOE file opened. The FNR consultation is tracked through the MOE file
- See Consult to and from internal PB for steps in AXIS

How do you know if you need to consult on the records?

- First determine if the records are of enough importance/significance for consultation. If you cannot decide, talk to your Team Lead/Manager or the other team's Team Lead/Manager.
- Do the records contain sensitivities, or are they relatively harm free i.e. invites to meetings, records that are already public?
- Look at the age of the records – this is important to consider what severing may be applied under what sections and their respective statutes of limitations.
- Look at who authored them. Some public bodies may appear to be separate from the one that provided records but may have been reorganized into them.
- Is your ministry advising you that they want a consultation done?

Consult to and from internal PB

April 30, 2020   2:46 PM

Who to contact if you need to consult

- o **Business Team – TRA, MAH, TAC, LBR, JTT**
  - o Go direct to PB using the FOI contact list in AXIS
  - o If you are unsure check with IAOBusinessTeam@gov.bc.ca
- o **Central Agency – OOP, FIN, CTZ**
  - o Go direct to PB using the FOI contact list in AXIS
  - o If you are unsure check with IAOCentralTeam@gov.bc.ca
- o **Justice Health – PSS, OCC, MAG, LDB, EMB, IIO, MHA, HTH**
  - o Go direct to PB using the FOI contact list in AXIS
  - o If you are unsure check with Justice.Social.FOI@gov.bc.ca
- o **MCFD Personals**
  - o Check with IAOCFD.PersonalsTeam@gov.bc.ca for program area contact
- o **Resource Team – AGR, IRR, DAS, FOR, MOE, EAO, EML**
  - o Go direct to PB using the FOI contact list in AXIS
  - o If you are unsure check with IAOResourceTeam@gov.bc.ca
- o **Social Tech Team – MSD, CLB, PSA, MCFD generals, IIO, AED, EDU, GCP**
  - o Email FOI.SocialTechTeam@gov.bc.ca
  - o Provide file number and page #s you want to consult or send the pages as they may determine a consult is not necessary
  - o The TL/Manager will provide the name of the FOI contact

Workflow

- o **Records**
  - o Within Document Management 'Send/Save for Consultation Review' function in AXIS
    - ▪ Will result in best copy of records versus using 'Print' or 'Save to disk'
  - o Only send the records/emails authored by the public body
    - ▪ Can use review flags 'For Consult' to separate out specific pages from within a section
    - ▪ You can confirm with your public body if they have concerns with sharing the additional information for context
  - o If there is information in the records not authored by the public body,
    - ▪ Options:
      - □ Use the comment box in DM to cover it or
      - □ Send records to desktop and use Adobe DC redact function to redact the information
  - o To send a Redline or not?
    - ▪ Talk to your Team Lead/Manager to determine what option is best for the file and the public body

- o **Correspondence**
  - o Word version: **A – Consultation – Request** to use when you are sending outside of BC core government
  - o Email version: **A – Consult – sent to PB** to use when you are sending to another BC government PB
  - o IAO gives **12 business days** to complete a consultation. But we can be flexible: fewer than 100 pages should take less time than 500 pages or more. Adjust accordingly.
  - o Consider sending reminders when appropriate – your discretion.
  - o Talk to your Manager/Team Lead about how to proceed if a public body does not respond in time. Some teams may want to wait for a response, others may be fine with proceeding.

- o **Current Action**
  - o If consult sent to IAO client, choose "Consult – Internal"
  - o If consult sent to other public body, choose "Consult – External"

- o **Extension**
  - o Take your public body extension if you expect that the consult response will take more time than there are days remaining in the request.
  - o See PB extension or OIPC extension

- o You need to set your own **reminders**. If you have not heard back from the public body in the timeframe and you need to proceed, send an email to the public body and CC the TL/Manger or team inbox that since they did not respond in time you are proceeding with the request.

- o **PB's response to consultation**
  - o Load into Correspondence Log

- If you used the "Send/Save for Consultation," complete the Consultation log in Logs/Reports – Consultation Review Log
- Talk to your Team Lead/Manager if you don't agree with their severing recommendations

- **Sign form**
  - If you decided that a consultation was not necessary, consider explaining your decision in the Sign Form (if you send for sign off).
  - Note it in the approval slip that the ministry did not respond in time
  - Note their harms suggestions and what you applied for severing

- **Peer Review**
  - Send complete package
  - If you have multiple consultations wait for all to return prior to sending for peer review

- **Sign off**
  - At this point follow usual procedures

Consult from external PB

April 28, 2020   3:26 PM

☐ In progress - Template Team is updating these instructions

Consultation requests that come from a public body that IAO does not provide FOI services for, for example the federal government

- Consultation comes into Intake (or team forwards it to Intake if sent to someone in IAO or PB).
    - Consultation file is opened.
    - Ackno is sent.
    - Intake assigns file to team.

- File is assigned to a primary user within the team.
    - Analyst checks due date on letter and contacts consultee for more time if needed.
        - Load that correspondence about the due date change into AXIS
        - Manually adjust the due date
    - Analyst reviews records to determine which FOI contact to send to for harms assessment and/or sign off.
    - AXIS gives 30 business days to process a consultation. In order to keep the file from going overdue in the system you may need to manually adjust the Due Date and Estimated Delivery Date in the General Information Tab. Do not take extensions.

- Analyst loads records from Correspondence Log to Document Management and then to the Review Log
    - Read the records so you know what kind of harms assessment to expect back
    - Analyst sends/saves for consultation using the internal consultation email template for the harms assessment
    - Update the current action to Consult – with PA for harms

- Analyst receives harms assessment, creates redline (if necessary) and has it peer reviewed
    - Harms assessment response loaded into CL and remember to complete the consultation action
    - Make adjustments to redline if needed
    - Do regular email process for getting a peer review done

- Analyst sends/saves for consultation for sign off, using the internal email template
    - You will have to cut and paste the harms assessment from the program area into the top of the email when sending for sign off
    - You will end up having two items in your consultation log
    - Update the current action to

- Analyst receives sign off and delivers package to consulting body using consult response letter.
    - Do not use the deliver documents action as the system will want to redact the records. Just use the Send/Save for Consultation feature and Save to Disk.
    - Use Correspondence -> Send, external consult letter template and attach records from your desktop. This will log it into system.
    - Remember to complete the Consultation.

- Set Final Actions and Close file up as usual
    .
    - Say no to sending it to the reading room.
    - Update the current action to

Consultation to external PB

January 13, 2021   10:55 AM

☐ In progress

☐ ## Who to contact if you need to consult

Workflow

- **Records**
  - Within Document Management 'Send/Save for Consultation Review' function in AXIS
  - Only send the records/emails authored by the public body
    - You can confirm with your public body if they have concerns with sharing the additional information for context
  - If there is information in the records not authored by the public body,
    - Options:
      - Use the comment box in DM to cover it
      - Send records to desktop and use Adobe DC redact function to redact the information
  - To send a Redline or not?
    - Talk to your Team Lead/Manager to determine what option is best for the file and the public body

- **Correspondence**
  - Word version: 'A – Consultation – Request' to use when you are sending outside of BC core government
  - Email version 'A – Consult – sent to PB' to use when you are sending to another BC government PB
  - IAO gives **12 business days** to complete a consultation. But we can be flexible: fewer than 100 pages should take less time than 500 pages or more. Adjust accordingly.
  - Consider sending reminders when appropriate – your discretion.
  - Talk to your Manager/Team Lead about how to proceed if a public body does not respond in time. Some teams may want to wait for a response, others may be fine with proceeding.

- **Current Action**
  - If consult sent to IAO client, choose "Consult – Internal"
  - If consult sent to other public body, choose "Consult – External"

- **Extension**
  - Take your public body extension if you expect that the consult response will take more time than there are days remaining in the request.
  - See PB extension or OIPC extension

- You need to set your own **reminders**. If you have not heard back from the public body in the timeframe and you need to proceed, send an email to the public body and CC the TL/Manger or team inbox that since they did not respond in time you are proceeding with the request.

- **PB's response to consultation**
  - Load into Correspondence Log
  - If you used the "Send/Save for Consultation," complete the Consultation log in Logs/Reports – Consultation Review Log
  - Talk to your Team Lead/Manager if you don't agree with their severing recommendations

- **Sign form**
  - If you decided that a consultation was not necessary, consider explaining your decision in the Sign Form (if you send for sign off).
  - Note it in the approval slip that the ministry did not respond in time
  - Note their harms suggestions and what you applied for severing

- **Peer Review**
  - Send complete package
  - If you have multiple consultations wait for all to return prior to sending for peer review

- **Sign off**
  - At this point follow usual procedures

THIRD PARTY

April 28, 2020   1:14 PM

- When an FOI request contains information that might be withheld under section 21 (third party business) or section 22 (personal privacy) and the public body is considering releasing that information, then the public body must give the third party written notice. This is outlined in section 23 and section 24 of FOIPPA. It is called Third Party Notification.

- Please read *FOIPPA Policy and Procedures Manual* on section 23 and section 24.

- The third party notification process can be quite complicated because the records you end up consulting on are taken out of the timeline of the original request and follow a new timeline that is covered in section 24 of both FOIPPA and the P&P Manual. There is also a very strict notification process and the instructions are below.

- Like any consultation you must ensure that the records meet the criteria for a third party notification. Taking unnecessary consultations can be considered a violation of our section 6, duty to assist the applicant. Talk to your team lead/manager if you are considering a third party notification.

- If an applicant or third party is unhappy with how the public body has handled the process or their decision both can complain to the OIPC. There are many Orders on this topic in the Sectional Index, choose section 23 and 24.

- It is essential you pay attention to the timelines for these records - they do not follow the same timeline as the original FOI

If you have need to do a third party notification

- Talk to your Team Lead/Manager and read the *FOIPPA Policy and Procedures Manual* on third party notification before starting this process.

- Notify the applicant that you need to consult with the third party using the **Applicant Notification letter**

- Send the records to the third party with a letter asking for their views
  - If the records contain personal information use the **Third Party Personal Notice Letter**
  - If the records contain business information about the third party use the **Third Party Business Notice Letter**

- Wait for the Third Party to respond with their views
  - They have 20 business days from the date you sent one of the above letters to respond
  - Once the third party notice has been given, the release of those records are now governed by the time limits set out in section 23

- Once the third party has responded the public body will decide whether to agree or disagree with their views. This decision must be made within the remaining 10 days:
  - Put your recommendations through sign off, this is to be completed within the 10 days
  - If the public body agrees with the Third Party concerns we send the **Third Party Agree Letter**
  - If the public body disagrees with the Third party concerns we send the **Third Party Disagree Letter**
    - They have 20 business days from the decision letter date to send their concerns to the OIPC

- If the Third Party has not responded we send the **Third Party No Response Letter**

- Now we notify the Applicant of the decision on disclosure:
  - If the public body and the Third Party agree on disclosure, use the regular **Response Letters**
  - If the public body and Third Party disagree, send the **Applicant Decision Letter**

- Records are disclosed at this time unless the Third Party has requested a review with the OIPC
  - If the Third Party has requested a review we send the applicant the **Applicant Third Party Review Letter**

PROCESSING FEES

July 7, 2020   3:06 PM

FOIPPA

- Section 75 of FOIPPA allows public bodies to charge fees for certain services which they provide in the processing of FOI requests and provides guidance in assessing or waiving such fees.

- Section 7 (4) of FOIPPA outlines time limits for responding and states the day you send written notification to the applicant AND the day that the fee is waived or the applicant pays are considered on hold days and do not count against your 30 day clock.

FOIPPA Regulations

- The actual costs of services that may be charged are prescribed in the FOIPPA Regulation.

FOIPPA Policy and Procedures Manual

- Guidance on how and when public bodies charge fees, communicate with the applicant, and deal with fee waiver requests is found in the FOIPPA Policy and Procedures Manual.

Fee Estimate Guideline for the Production of Electronic Documents

- Guidance to enable consistent fee estimates for the production of electronic documents in response to FOI requests is found in here.

OIPC Sectional Index of Orders

- The OIPC Sectional Index makes it easier to find Orders and Decision concerning specific sections of FOIPPA. It lists OIPC documents that have been identified as having significant discussion related to that section of FOIPPA. Choose section 75 in the *Choose Section* drop down.

Fee estimate

Things to note about fees estimates

- Fees are not a barrier to access to information. Public bodies can charge fees for some time spent searching for records, but cannot charge fees for reviewing records, or for severing information from records.

- Where fees fall below a certain threshold, public bodies may waive them. Public bodies are encouraged to set a threshold under which fees will be waived; however, public bodies may refuse to waive fees under that amount as determined by the head of the public body.

- Public bodies cannot charge fees where the applicant is asking for his/her own personal information under FOIPPA.

- Where shipping and handling costs are involved in processing an applicant's request, those costs may be passed on to the applicant.

- Any person who is required to pay a fee for access to information under FOIPPA may ask the Commissioner to review the head's decision to require a fee under section 42 and section 52. After reviewing the circumstances surrounding the charging of a fee, the Commissioner may confirm, excuse or reduce the fee or order a refund under section 58(3)(c).

- The request must go on hold the day you issue the fee estimate to the applicant. The day the file is put on hold is considered an on hold day. The file must come off hold the day the deposit/fee is paid, the fee is waived in full, or it is determined that fees no longer apply (narrowing).

- If you do any changes to the invoice, double check the file does not come off hold by looking at the Status. The system will not prompt you with 'Do you want to take the file off hold? Put the file back on hold in **Stop the Clock** if necessary.

- There can only be one invoice at all times. If the fee is narrowed and fees are reduced or once the actuals are in and you need to edit the existing invoice. Do not create an additional invoice as it just adds that amount to the first one, making the fees grow.

- It is mandatory that all fee information be recorded in relation to each request prior to closing the file. Files closed as Abandoned must have an outstanding balance. Do not close any other file type with an outstanding balance.

What IAO advises the public body

- When the is sent to the public body they are notified about fees in the email:
  - "If search and retrieval time is anticipated to exceed 3 hours; or volume of hard-copies records is anticipated to exceed 200 pages; or preparation time can reasonably be expected to exceed 60 minutes or more, complete only sections 1 and 2 of the Call for Records form as we may be in a position to issue a fee estimate. Return the form to IAO by (4 business days from date sent). Please await further instruction from IAO as the records will not be required until the fee estimate process has been completed. Once fees have been paid or waived, IAO will contact you to continue the call for records process."
  - "If no fees apply then complete the attached Call for Records form and return it to IAO by (10 business days from date sent)."
  - "Please do not hesitate to contact IAO to discuss ways in which an applicant may want to narrow/focus their request to reduce potential fees; and/or".

- When the CFR is sent to the public body they are notified about fees in the Call for Records form

Cross Government Fee Coordination

- **All fees on XGOVs must be escalated through your XGOV representative, unless instructed otherwise in the Record of Decision.**

- **The XGOV table recommends that fees be issued or reassessed but does not make the final decision to issue – that is the Ministry's responsibility.**
- **It is each analyst's responsibility to ensure that a non-topical fee is not unusual or atypical before issuing. If you are unsure if your fee is unusual, review similar or previous requests, or consult your XGOV representative.**

- **Mandate**

  - To ensure consistency of practice between Ministries on XGR files, the XGOV table must be informed of fees before they are issued, unless specifically stated in the Record of Decision (ROD) held on the XGOV file.

  - XGOV makes recommendations to the Ministries based on historical practice and the Fee Estimate Guidelines, including recommendations to issue, waive, or reconsider fees. However, the XGOV group does not make final decisions regarding whether to issue fees or not. That final decision rests with the Ministry.

  - If you have received a fee for an XGOV file, you are obligated to follow the instructions in the ROD, as well as your team's specific procedures for approving fees. Under no circumstances should a fee be issued on an XGR file without first checking the Record of Decision and escalating to your XGOV rep and the XGOV table, as appropriate.

  - This guide does not cover the calculation of fees for electronic records, common to non-topical requests. That guide can be found in the Guides and Guidelines folder, under Fees > Fee Estimate Guideline - Electronic Records.

- ★ Analysts are reminded that the guiding principle for fees is that they should not be a barrier to an individual's right of access to government records.

- **XGOV Fee Procedures – Standard XGOV Files**

  - When an analyst receives a fee, they are to review the ROD and notify their XGOV rep. The analyst must wait for a response from that rep before proceeding, in case XGOV wishes to globally narrow, clarify, or reconsider the fee.

  - If the XGOV table recommends issuing the fee, analysts follow their team's procedures for approving fees. However, XGOV reps must continue to be involved in any subsequent narrowing or clarification. If XGOV decides on global narrowing or clarification it will be conducted by a single point of contact.

  - If the fee estimate is inconsistent with other files, or is atypical or unusual, the reps will discuss and conduct a due diligence check by analyzing the fee explanation provided by the Ministry. The Ministry may then be asked to reconsider the fee, waive the fee, or IAO may proceed to issue the fee.

- **Atypical or Unusual Fees**

  - A regular fee estimate clearly articulates the amount of time involved, the volume of records, and the challenges related to the gathering of the records being requested. It is also consistent with previous fees for similar information.

  - An atypical or unusual fee is a sudden change from the norm for similar requests. This could be a sudden change in the estimated production time for a monthly email request, or a sudden decrease in anticipated fees month over month for sequential requests – and analysts should pursue explanations for atypical fees.

  - Unusual fees can impact other files, or jeopardize agreements with an applicants. If you are unsure if your fee is unusual, research previous files in AXIS or the performance dashboard, or ask your XGOV Rep Team Lead for guidance

- **Standing ROD XGOV Files**

  - For regularly received XGOVs from the political party that are part of a Standing Record of Decision, you do not need to notify your XGOV Rep and XGOV Lead regarding fee decisions, unless the fee is unusual or may impact another file, as described above. However, you must continue to follow your team's own internal procedures for issuing fees.

If the Public Body responds with a fee estimate, the Flex Team will

- Load the "FNR-2021-10005 – Analyst Name – Fee Estimate" email and Fee estimate (from the IAO File Share) to the CL
  - **Note:** If the Ministry provides a **partial fee estimate** - from only one program area while others are outstanding - the Flex Team will check in with the IAO team to see if they would like to proceed with a partial fee estimate, or wait for all PAs to respond
  - **Note:** If the file is **overdue** and a fee is submitted, the Flex Team will send the public Body a blurb to see if they'll proceed without a fee, or they'd like IAO to continue with the fee

- If proceeding with a fee, mark the Request for Documents as complete
  - Request for Documents
  - Take Action - Status = Fees - Completed Date = Action Date (date of receipt of fee estimate)
  - Save

- Current Action = Fee - Estimate - Received

- **Assigns** to IAO Team queue as Primary, and keeps themselves as Secondary

- The FOI Analyst will send out the Fee Estimate (letter and invoice) and close the request as abandoned (if it is not paid)

Prior to issuing the fee estimate

- Examine the fee estimate received from the public body. Do the estimated hours make sense compared to the volume and vice versa? If you have concerns about the accuracy of the estimate, contact the program area to discuss and refer to the Determination of Fee Estimate Guidelines and the Fee Estimate Guidelines – Electronic Records.

- If the fee exceeds $5000.00, complete the *G – Fees – SIV*, to obtain approval from IAO executives prior to issuing the fee estimate.
  - Read the When to escalate a file document.
  - Use your professional judgement on when to escalate the file to your Team Lead/Manager/Executive for any other reason not listed in that document.

- If the fee estimate exceeds $1000.00, discuss options with your Team Lead/Manager which could include:
  - Contacting the applicant to discuss fees and possible narrowing of scope.
  - Providing the applicant with the option of a conference call with public body program area (if they have agreed to participate) to explore options to reduce the fee.

- If the applicant requested a fee waiver in their original request, Intake will mark it in the Fee Information tab and in the Acknowledgement Letter they advise "Until it has been determined if fees apply, we will not be addressing your request for a fee waiver."
  - Requests for fee waivers are not processed unless the request attracts a fee. See Fees Waiver for instructions.
  - Whatever the outcome of the fee waiver (even if the file never attracts a fee) you must go back to the **Request Information** tab and enter a **Fee Waiver Status**

- Examine the Volume section of the CFR. Pay attention to what is logged as electronic versus hardcopy records and how the applicant has requested the response package:
  - If the original records are in paper form, there likely should be a charge either for scanning or for another form of copying. The appropriate charge would be determined by the form in which the applicant will receive those records, as follows:
    - If the applicant wants the records to be sent electronically, there would be a scanning charge ($0.10 per page for a scanned electronically copy of a paper record) to recover the cost of depreciation on the scanning machine.
    - If the applicant wants to receive hardcopy records, the appropriate copying charge per FOIPPA Regulation 13 would be applied to recover the costs of copying the records into the applicant's requested form ($0.25/page). There would also be a shipping charge in this case.
    - If the originals already are in electronic form, scanning charges would not be appropriate but other copying (and shipping) charges would be applied if the applicant wants to receive hardcopy records.
  - In either of the above cases, if the person time required to scan or copy the records is material, those hours also could be charged to the applicant under the preparing records for disclosure category of FOIPPA and the Regulation.
  - If you are unsure, talk to your Team Lead/Manager.

- If you have over 9999 page count for files and need to issue a fee:
    - A bulk item has been added to the fee matrix. See the yellow highlighted lines as per below - the cost is per 100 pages, so if you had 1300 pages, you would enter the quantity as 13.

Requesting full or partial payment from applicant

- If the fee estimate is $200.00 or less, request full payment from the applicant.

- If the fee estimate exceeds $200.00, request a 50% non-refundable deposit from the applicant.

- This is built into the fee templates so choose the correct option when customizing the letter. This is also stated on the invoice.

How to enter an estimate but not charge

- **Fees/Billing – Costs Sheet**
  - New - Cost Sheet
  - Name the Cost Sheet the FOI file number
  - Enter the amounts from the fee estimate (section 2 of the CFR) in the quantity column
    - The hourly amount must be entered in 1/4 hour increments. If it is 15 mins, enter 0.25. If it is 30 mins, enter 0.5.
    - There is a 15 minute minimum charge
    - Page counts are only entered for physical records or if the applicant wants a paper copy
  - In the **Waived value** column, enter the full amount each item charged to have it zero out
  - Save
  - The system will ask, 'Do you want to place the file on hold?' Answer, No.

- This does not create an invoice but it does record the fees

- If down the road the public body decides to charge fees, you can create an invoice then (edit the Cost Sheet and remove the waived amounts)

How to enter a single estimate you will charge

- **Fees/Billing – Costs Sheet**
  - New - Cost Sheet
  - Name the Cost Sheet the FOI file number
  - Enter the amounts from the fee estimate (section 2 of the CFR) in the quantity column
    - The hourly amount must be entered in 1/4 hour increments. If it is 15 mins, enter 0.25. If it is 30 mins, enter 0.5.
    - There is a 15 minute minimum charge
    - Page counts are only entered for physical records or if the applicant wants a paper copy
  - Save
  - Check the box for the Cost Sheet and click Create Invoice
  - **Create**
  - The system will ask, 'Do you want to place the file on hold?' The file must go on hold the day you notify the applicant.
    - Answer No, if you are not going to send the fee estimate letter and invoice to the applicant that day.
    - Answer Yes, if you will send the fee estimate letter and invoice to the applicant that day.
      - Follow the Stop the Clock process

- **Correspondence – Send (Notification to Applicant)**
  - There are letters for teams who must have the correspondence signed by someone other than the analyst. There are email templates for teams when the analyst signs the correspondence.
  - **Customize** and Add to List the Word Template *G - Fees - Estimate Letter* or Customize for **Customize for Pending** if it needs to be signed or Peer Reviewed
    - Once signed and/or peer reviewed continue with process (most just send an Outlook email to the Team Lead or Manager to action)
  - Click **Invoice Log** and attach Invoice, now both the invoice and letter will be in your list to send
  - Choose the *A - Applicant cover email template* and send to applicant.
  - The applicant now has 20 business days to respond to the fee estimate.

- **Correspondence – Send (Notification to Public Body)**
  - Prepare Email *G – Fees – Notification to PB* and send to Public Body

- **Stop the Clock**
  - Reason for Stop is **On Hold-Fee Related**

- You could add a note with the date the response is due (will open the window for you)
- You could check the Change Current Action box and/or **Create an Alert** (will open the window for you. Please note AXIS alerts are not as effective as Outlook alerts).
  - Set an alert for yourself 21 business days out from the day you send the fee estimate (if the applicant does not respond by this date you can close the file as abandoned). Use AXIS or Outlook.

- **Current Action: Fee - Estimate - Sent**

How to handle multiple estimates you will charge

- Please note:
  - Add the first estimate but don't put the file on hold – the file can only go on hold the day you send the fee estimate to the applicant.
  - You may need to talk to your public body contacts when in this situation
    - If one program area sends in a fee and another or more don't you can advise them to revisit the fee portion of the CFR as one program area has supplied a fee estimate
  - Follow all the same actions as above but don't create the invoice or put the file on hold until all fee estimates are in
    - Add each additional fee estimate to the first Cost Sheet – do not create a new invoice for each estimate

The applicant will respond one of six ways:
- Pay deposit (see Fees – payments)
- Pay full amount (see Fees – payments)
- Ask for fee waiver (see Fees – Waivers)
- Pay and ask for fee waiver (see Fees – payments)
- Narrow (to less or no fees) (see below)
- Abandon the request (see below)

If applicant narrows/clarifies request

- Once the applicant has received the fee estimate letter, they may contact you to discuss options for reducing the fee. Consider these strategies for reducing fees:

  - The applicant could specify a date range for the records of interest.
  - Limit the number of program areas or district offices, identify primary source of records.
  - If more than one public body is involved, identify lead public body to avoid duplication and overlap of responsive records (reduce volume).
  - Determine main subject of interest or type of record (e.g. correspondence records or briefing notes only).
  - If hard copy records are requested, receiving electronic records may also reduce fees.

- Once you have agreed upon a narrowed request, ensure you have them confirm the new wording in writing (preferably by email):

  - **Correspondence – Receive**
  - Load the correspondence and name: *Fees – narrowed*
  - Click Request Information tab
    - Click Modify Description box and type the necessary changes. Ensure you follow data entry standards and are not entering any personal information (see ADMIN manual Data Entry Standards)
    - Save

- Assign the request back to the Flex Team Queue as the Primary User and keep yourself as Secondary
  - Ensure that the file is off hold before completing this action, and that you have verified that the correct number of days are remaining.

- The Flex Team Analyst that monitors the group queue will assign it to a Flex Team Analyst (the one who's assigned as secondary), AND include an email notification to the Flex Team Analysts, so that this new CFR action will occur as soon as possible

- Send the updated description back to the public body. They will respond with a smaller fee or no fee.
    - **Request for Documents**
    - Complete the original as Other and type request narrowed in the Comments and enter completed date
    - Save
    - New RFD and send as usual with the new wording. Advise the program area that the applicant has narrowed the request and a new fee estimate is required

- The file stays on hold until the narrowing/clarification process is complete. That means the public body decides to waive the fee, the applicant pays the deposit/fee or the request is narrowed to the point that fees no longer apply.

If the response back from the public body is that the fee is smaller

- Once again the Flex Team will assign the file back to the FOI Analyst to notify the applicant

- You must send a revised fee estimate to the applicant.
    - Update the Cost Sheet with the new amounts and say yes to updating the Invoice
    - Send the revised fee estimate letter to the applicant *G – Fees – Revised Estimate*
    - Update your current action to *Fee – Estimate – Revised – Sent*
    - Set yourself an alert for 21 business days out
    - The applicant has another 20 business days to respond to the fee estimate
    - The file remains on hold

If the response back from the public body is there are no fees

- If there are no fees the public body should also send records with updated CFR

- Once again the Flex Team will assign the file back to the FOI Analyst to action

- Update AXIS and continue to process the request
    - **Fees/Billing**
        - Delete the invoice and cost sheet
    - **Notes – Request Notes**
        - New, choose Fee heading and type request narrowed to the point of no fees

- The clock will start again – notify the applicant of the new due date and consider whether an extension is appropriate
    - If taking an extension use the *A – Extension – PB* and add a note that there are no longer fees.

- **Change Current Action**: Records - Reviewing

- Load the records to DM and continue to process the file

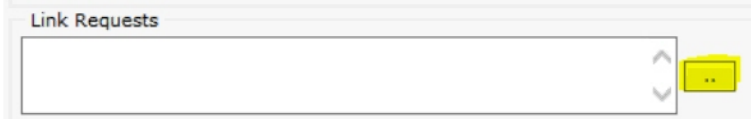## If the applicant does not respond and file closes as Abandoned

- A request is deemed abandoned if the applicant does not respond by the date indicated in the fee estimate letter, fee waiver letter or balance due letter.

- Alert from AXIS or Outlook will notify you – you had to manually set this alert
    - Close the file the day after response is due (day 21).

- Leave the estimate in the system – do not delete it or 'zero' it out.

- **Request For Documents**
    - Status – Other
    - Comments – applicant did not respond to fee estimate
    - Completed Date – Save

- **Request Information - Open Information Tab**
  - Publication Status = Do Not Publish
  - Do Not Publish Reason = Outside Scope of Publication Policy
  - Save

- **Final Actions**
  - Double click blue box – Action – Abandoned – Apply – Save

- **Correspondence – Send (Notification to Public Body)**
  - Prepare Email the pending *G – Fees – Notification to PB* and send to Public Body

- **Actions – Close Request**
  - Enter Closed Date
  - Current Action is Closed
  - Save
  - Say No to send records to Reading Room

If the applicant responds after you closed the file as Abandoned

Applicant's response is 'where are my records?'

- Do not Amend the file and continue processing. Open a new file:
  - Confirm with the applicant that they wish to continue with their file. Explain that since they did not respond in the 20 business days the file was closed as abandoned but you will open a new file (new file number) and will pick up where the file left off (not start over). Get this confirmation in writing. Write the email in such a way so they only need to respond 'yes' so the process is easy for the applicant.
  - Forward this email confirmation and the original request to FOI.Requests@gov.bc.ca and advise Intake that the applicant wants to proceed with their previously abandoned request and to open a new request.

- Once you receive the file from Intake, link to the original request:
  - On the **Request Information** tab click the small box besides the Link Requests box:

  - Search for the original file (enter file number in Request # field)
  - Select the file and click **Link Request.** Now the two files are linked and you can easily see the details of the original.

- In the new file open **Correspondence – Send**
  - Create a new fee estimate letter (have it signed if required). This is a new 20 business day due date.

- **Fees/Billing – New**
  - Enter the fee estimate amounts from the original file
  - Say 'Yes' to put the file on hold if you are sending the fee estimate letter and invoice today or put the file on hold the day you send the fee estimate letter and invoice to the applicant

- **Correspondence – Send**
  - Send the fee estimate letter and invoice to the applicant

- **Change Current Action**: *Fee – estimate sent*

- Continue with fee estimate process until the fee is resolved.

Applicant's response is payment

- Do not Amend the file and continue processing. Open a new file:
  - Confirm with the applicant that they wish to continue with their file. Explain that since they did not respond in the

20 business days the file was closed as abandoned but you will open a new file (new file number) and will pick up where the file left off (not start over). Get this confirmation in writing. Write the email in such a way so they only need to respond 'yes' so the process is easy for the applicant.

- Forward this email confirmation and the original request to FOI.Requests@gov.bc.ca and advise Intake that the applicant wants to proceed with their previously abandoned request and to open a new request.

○ Once you receive the file from Intake, link to the original request:
  - On the **Request Information** tab click the small box besides the Link Requests box:

  - Search for the original file (enter file number in Request # field)
  - Select the file and click **Link Request.** Now the two files are linked and you can easily see the details of the original.

○ **Fees/Billing – New**
  - Enter the fee estimate amounts from the original file
  - Say 'No' to put the file on hold

○ **Fees/Billing – Payments**: enter details
  - Grab the original fee estimate and save to desktop (go in through linked request button on General Information tab). Load it into new file.
  - Notify the public body that the applicant has responded to the fee estimate and a new file is opened (give them the new file number). Give them a new due date for the records.

○ Notify the public body that the applicant has now paid the fee and to send over records (give a new due date for records). Continue processing the file as usual.

Applicant's response is to narrow

○ Open a new file as above and follow the narrowing process

Applicant's response is a fee waiver request

○ Open a new file as above and follow the fee waiver process

If the applicant submits a request for review with the OIPC while in the fee process

- The request remains On-Hold.

  ○ Update Current Action to OIPC – Review
  ○ Notify the public body
  ○ Open the Review file (follow the OIPC Workflow)

- If the OIPC's decision is that the fee is upheld, the request remains on-hold until the applicant pays the deposit/fee or the request is deemed abandoned.

  ○ Notify the program area regarding the outcome of the review.
  ○ Update the Review file and close.
  ○ Continue to process the original file.

- If the OIPC's decision is that the fee is unjustified, take the request off hold the day OIPC made the decision on the complaint or review.

  ○ Notify the program area regarding the outcome of the review and proceed with processing the request.
  ○ Update the Review file and close.

- Continue to process the original file.

Fee payment

September 2, 2021   1:00 PM

Things to note about payments

- The applicant is advised on the variety of ways on how to pay the estimate in the fee estimate letter. When payment is received, (cheque, VISA, Master Card and Amex are accepted), Intake date stamps and forwards payment to the LBS Finance office, and provides a copy of the payment information and correspondence to the analyst.

- Analysts are not authorized to accept credit card payment details. Applicants are instructed in the Fee Estimate Letter to contact IAO Intake directly to request payment of fees by credit card (see FOI Fee Payments – Procedures Intake Team).

- Intake will notify the analyst via email and load a copy of the payment into the Correspondence Log.

- It is essential you enter the fee payment on the date IAO received the payment. AXIS will not allow us to backdate. The date we receive the payment is considered on 'on hold' day and every additional day you have not added the payment will affect the due date.

- Applicants can pay the fee and request a fee waiver at the same time.

- If the applicant pays a deposit they are required to pay the balance before you release the records. You send a fee balance due letter once you have the records back from sign off.

- Many public bodies waive outstanding fees if the file is overdue.

How to enter deposit or full payment

- **Change Current Action**
  - *Fees – Estimate – Payment Received* if it is the full amount.
  - *Fees – Estimate – Deposit Received* if it is the deposit.

- **Correspondence – Log**
  - Open the emails that Intake loaded to note the amount the applicant paid and the date.

- **Fees/Billing – Payment**
  - Check the box for the Invoice
  - **Payment**
  - Enter total amount paid in the Amount field based on method of payment

- You do not need to upload a copy of payment as Intake has already done that for you.

- **Save**

- The clock will turn back on. There is no pop-up window warning you this will happen.
  - AXIS doesn't count the day we put the file on hold and the day we take the file off hold as two full on hold days as per section 7.4, as such, the new due date will be short one business day.
  - Do a manual count to verify the new due date using Adjust Due date when on hold for fees.

- Assess whether an extension is needed. More than likely an extension for volume or volume of search may be appropriate (see Extensions).

- Notify the applicant of the new due date
  - **Correspondence - Send**
    - Send *G – Fees – Ackno* if you did not take an extension
    - Send *A – Ext – PB* if you took an extension and swap this blurb for the first paragraph in the letter:

Further to our letter dated Date of fee estimate letter, we estimated the cost to be $0000.00. This is to acknowledge receipt of your payment in the amount of $0000.00 received Date payment was received. We will now continue processing your request.

The balance of the fees must be received prior to the release of the records. We will notify you if a balance is due.

- If the letter needs to be signed by a team lead/manager do that now and send to the applicant

- Assign request back to the IAO Flex Team Queue.
   - **Primary = the Flex Team group queue**
   - **Secondary = you as the FOI Analyst and the Flex Team Analyst**

- **Change current action:** *Call – Revised CFR Required.*

- The file will be reassigned to you when the records are received.

- The response back from the public body should include the actuals and records. Update the Invoice with the actuals.
   - If the actuals are significantly larger than the estimate send a revised fee estimate.
   - If the actuals are lower than the estimate you will need to issue a refund with the records.

If the applicant pays the fee and requests a fee waiver

- An applicant may pay the fee and request a fee waiver because they want the file to keep moving. The strategy is that the fee waiver may be granted and the applicant would receive a refund. This is a unique situation because the public body needs to provide the records and the analyst will need to process them. At the same time the analyst prepares the fee waiver determination form for the delegated authority for a decision on the fee waiver in the 20 business day window.

- Enter the amount paid into **Fees/Billing – Payments** following the instructions above for entering a payment. This will turn the clock back on. Add the note that a fee waiver was requested and the applicant paid.

- Acknowledge fee waiver request and fee payment (using *G – Fees – Waiver Ackno* and a note about payment received), and advise the applicant that their fee waiver request is being processed and that a decision will be issued within 20 business days calculated from when the letter/email is sent.

- Reassign request back to the IAO Flex Team Queue and **change current action to *Call – Revised CFR Required.***
   - **Primary = the Flex Team group queue**
   - **Secondary = you as the FOI Analyst and the Flex Team Analyst**

- Advise the public body that the applicant has requested a fee waiver and a fee waiver determination form will be forthcoming shortly for a decision. The fee waiver process must be completed within the 20 business day window as normal.

- Complete the Fee Waiver Process (see Fee waiver).

- **Change Current Action**: use the *Fee – Waiver options* until the fee waiver is resolved and then update to *Records – Reviewing*.

How to handle a fee balance owing

- This would be a second payment and the other half of the fee estimate. Although in situations where the file was narrowed and resulted in a reduced fee, this amount will not be half.

- If the file is overdue the public body may consider waiving the owing amount. Talk to the public body.

- Once the records return from sign off, send out the balance due letter and place the file back on hold.
   - **Correspondence – Send**
      - *G – Fees – Balance due letter* if someone other than analyst signs the letter
      - *G – Fees – Balance due email* if analyst signs the letter
   - **Stop the Clock**

- Reason is on-hold fee related. Put in note fee balance owing
  - Release records to applicant when balance of fees paid.
- After 21 business days of sending the letter and there is no response from the applicant, deem the request abandoned (see Fee estimates).

If the applicant pays the balance owing

- If the second payment is the other half of the original fee estimate:
  - **Fees/Billing – Payments**
  - Follow instructions above in entering a payment
  - The balance will be $0 owing. Release the records and response letter to applicant. Follow OI procedures if the request is eligible for publishing.

- If the second payment is less or more than the other half of the original fee estimate:
  - **Fees/Billing – Payments**
    - Delete the first payment.
    - Combine both payments and add as a single new payment. Put a note that you added both together.
  - If the balance is then $0 owing. Release the records and response letter to applicant. Follow OI procedures if the request is eligible for publishing.
  - If the balance is in the red, this means a refund to the applicant is required. See Fee refund.

If the payment is returned (e.g. Insufficient funds)

- **Stop the Clock**. Reasons is on hold fee related. Add note insufficient funds.

- **Change Current Action** to:
  - *Fee – Estimate – Awaiting Payment* or
  - *Fee – Balance – Awaiting Payment*

- Email the public body that a fee payment was returned and remains outstanding.

- Re-issue fee estimate and notify applicant that:

  - Their fee payment has been returned and payment is still outstanding
  - An additional charge of $XX.XX (if applicable for NSF charge) has now been incurred and is required to be paid immediately
  - Their request has been placed back on hold as of the date when initial fee estimate was sent
  - Give the applicant an additional 20 business days to respond to the Fee Estimate and advise that their request will be deemed abandoned on the 20th business day
  - If request is deemed abandoned, close file as per instructions

CHECK THE DUE DATE OF THE FILE. If it is not right you must fix it. See Adjust due date when on hold for fees

Fee waiver

Things to note about fee waivers

- For services that are subject to fees, FOIPPA provides a means for waiving those fees. This is communicated to the applicant in the fee estimate letter.

- Public bodies are encouraged to set a threshold under which fees will be waived; however, public bodies may refuse to waive fees under that amount as determined by the head of the public body.

- There will be some instances when public bodies waive fees, for example, where the applicant is unable to pay the required fee. In other instances, the release of the information will benefit the public at large and the public body cannot justify requiring a fee payment from a single applicant.

- The decision to waive or reduce a fee is made for each request individually, based on what is fair and equitable in the circumstances of the case. The party seeking a fee waiver bears the burden of providing reasons why the fee should be waived. A simple statement by the applicant that he or she cannot afford the fee is not sufficient.

- In determining whether or not a fee should be waived, the head of the public body considers all of the circumstances of the case including but not limited to the following factors:
    - Whether the payment will cause financial hardship for the applicant;
    - The extent to which the actual cost of providing the service varies from the fee that may be charged under FOIPPA. If the actual cost is considerably more that the fee, the public body may be less inclined to waive the fee, subject to other considerations;
    - Whether the applicant is to be granted access to the records requested. If the records are subject to severing or some of the records are not being released, the public body considers the extent to which the released records answer the applicant's request and considers giving a partial or full fee waiver;
    - Whether the amount of the fee is more or less than the minimum processing threshold;
    - Whether the record relates to public health or safety and release is in the public interest; and,
    - Whether the record relates to the environment and release is in the public interest.

If the applicant submitted a fee waiver with their FOI request

- Intake will mark it in the Request Information tab and in the Acknowledgement Letter they advise "Until it has been determined if fees apply, we will not be addressing your request for a fee waiver."
    - Requests for fee waivers are not processed unless the request attracts a fee.
    - Whatever the outcome of the fee waiver (even if the file never attracts a fee) you must go back to the **Request Information** tab and enter a **Fee Waiver Status**

If the applicant requests a fee waiver in response to the fee estimate

- Request remains on-hold for up to fee business days while you complete the fee waiver process (e.g. if a decision to waive the fee is made in less days, the file would come off hold as of the date the decision was made). This 20 days must cover the time it takes you to fill out the Fee Waiver Determination Form and receive the public body's decision.

- **Change Current Action: Fee – Waiver Request Received**

- **Correspondence – Send**
    - Choose *G – Fees – Waiver Ackno letter*
    - Have correspondence signed if required and send to applicant

- **Correspondence – Send**
    - Choose the *G – Fees – Waiver Determination Form* and fill out
        - You may need to talk to the public body to help fill out the form. Read the [Reference Guide to Making a Fee Waiver Determination](#) to assist in filling out the form. You may provide a copy to the public body to assist in making a decision.
        - If you take a couple of days to fill out the form update the **Current Action: Fee –Waiver – Preparing Advice Form**
    - Send completed Fee Waiver Determination Form to Delegated Head for decision (talk to Team Lead to know who that is). You may want to include the Reference Guide with the form. Update the **Current Action: Fee – Waiver – Advice Sent**
- Set an alert as the public body only has 20 business days from when the fee waiver request was received to make a decision. The time you have taken to fill out this form is part of that 20 day count.

Entering the Fee Waiver Decision

- Once the fee waiver decision has been made by Delegated Head, load the decision into **Correspondence – Receive** and title it *Fee Waiver Decision*.

- **Change Current Action: Fee – Wavier – Decision Received** if you are not sending the decision letter to the applicant today.

- Update the Fee Waiver Status with the decision:
    - Choose **Granted** if waiver granted in full and **Save**.
    - Choose **Granted** if granted in partially and **Save**.
    - Choose **Denied** if waiver denied and **Save**.
        - Skip Update the Fee Estimate step.

    This doesn't seem to happen anymore

- Edit the Invoice
    - **Fees/Billing - Edit**
        - Calculate the dollar amount of the % waived (ie: 15% of the charge amount of $570 is $85.50)

- Enter the amount ($85.50) in the waived value column, and AXIS will then populate the % waived column (15.00)
- Save
- If a partial fee waiver or denied in full, send the invoice. If a full fee waiver, send the letter and no invoice.
- <mark>By editing the invoice, the clock will start again without prompting you. If a partial fee waiver, you will have to stop the clock again on the original stop date.</mark> The file remains on hold until the deposit/fee is paid or the request is abandoned.

- Notify the applicant of the fee waiver decision:
  - **Correspondence – Send**
    - Choose *G – Fees – Waiver Denied* or
    - Choose *G – Fees – Waiver Full* or
    - Choose *G – Fees – Waiver Partial*
  - Have the letter signed by Team Lead/Manager if required

- **Change Current Action: Fee – Waiver Decision Sent**

- If the fee waiver was granted in full, then notify the public body of the new due date and the date the records are to be provided.

- Set an alert using AXIS or Outlook:
  - 21 business days out if the file was denied in full or partially waived. If the applicant doesn't respond by then close the file as Abandoned (see those instructions). They may also respond with narrowing (see those instructions) or go to OIPC (see those instructions) or pay (see those instructions)

Reference Guide to Making a Fee Waiver Determination

The purpose of this guide is to assist FOI Analysts in completing the Fee Waiver Determination Form to facilitate recommendations and decisions on responding to FOI applicants' requests for fee waivers in accordance with section 75 of FOIPPA and OIPC Orders. If the applicant complains, the Information and Privacy Commissioner may confirm, excuse or reduce a fee, or order a refund, in the appropriate circumstances, including if a time limit is not met.

Public bodies should be able to demonstrate that fee estimates are reasonable and supportable under FOIPPA:

- The applicant has received advice with his fee waiver submission (e.g., is the applicant aware of the two part public interest in OIPC Order 1999-332).
- Reasonable efforts have been made to discuss with the applicant available options to reduce the cost of providing records.
- Details are available supporting the costs to search for records, provide a specified number of records and the time to prepare records for disclosure.
- Where the applicant is alleging that the records relate to a matter of public interest, have the FOIPPA public interest tests been met?
- Public bodies have objectively compared their reasons for approving or denying a fee waiver against the applicant's justification for the fee waiver.
- The exercise of discretion has been fully and fairly considered.

Section 75 of FOIPPA permits the head of a public body to charge fees for specific services associated with requests for records made under section 5. Fees do not apply to requests for personal information.

Section 75(5) states:
(5) If the head of a public body receives an applicant's written request to be excused from paying all or part of the fees for services, the head may excuse the applicant if, in the head's opinion,
(a) The applicant cannot afford the payment or for any other reason it is fair to excuse payment, or
(b) The record relates to a matter of public interest, including the environment or public health or safety.

When exercising discretion in determining whether to approve or deny a request for a fee waiver, the following factors should be considered:

1. Was the applicant willing to narrow the request for records to reduce the fee?
2. To what extent do the processing costs exceed the chargeable costs of locating/retrieving, producing, and preparing the records?
3. Is it reasonable to require the public body to bear some or all of those costs?
4. Have statutory timelines on the FOI file been met to date?

Inability to Pay

In order for the head of a public body to consider waiving or reducing the fee for reasons of inability to pay, the applicant must provide sufficient documentary evidence to allow the public body to make a fair determination. Sufficient evidence could include a financial statement, pay stub, bank statement or Canada Revenue Agency Notice of Assessment (OIPC Order 1996-79 and 2001-04).

Public Interest Test

A. Do the Records relate to a matter of Public Interest?

Public interest, broadly defined, means that the issue in question is currently under discussion and/or analysis among the public or would contribute to the development of such discussion, were the public aware of the material. In the FOI context, the requested **records** must relate to a matter of public interest if they are to be considered for a public interest fee waiver.

B. Dissemination of Information

Consider whether the applicant's primary purpose for requesting records is to disseminate information in a way that could reasonably be expected to benefit the public, or to serve a private interest. For example, is the applicant able to disseminate the information to the public? If the applicant's primary purpose is to serve a private interest, then the head may be justified in refusing to waive fees, even when he or she is of the opinion that the records do relate to a matter of public interest (OIPC Order 1997-155).

Other Reason (if any) and Exercise of Discretion

The decision to waive or reduce a fee is made for each request individually, based on what is fair and equitable in the circumstances of the case. The head must be able to show that relevant factors were considered and if the decision is to deny a request for a fee waiver, that there were convincing reasons to support that decision.

Is there any reason, other than inability to pay or public interest, why it would be fair to excuse payment?

Fee

May 4, 2020   3:48 PM

If a refund is necessary (e.g. over estimation, fees waived, file late)

- You will know a refund is necessary because after you adjust the Invoice, the Balance Due will be a negative red number

- Discuss fee refunds with public body if required and obtain manager approval. You as an analyst do not have the authority to refund fees.

- Refunds are issued with the final response. Applicants are advised in the response letter that a refund will follow under separate cover.

- **Fees/Billing Payments**
    - Check the box on the invoice and payment
    - Click **Refund**
    - On the Cheque line – enter full amount of refund – Save
    - Ensure no other totals are in the other refund fields - delete if necessary

- **Correspondence – Send**
    - Choose email template *G – Fees – Refund Request*
    - Send to your Manager for approval who then forwards to Intake for processing

- Use the Fee Refund Blurb in your final response letter

Adjust due date for on-hold for fees

July 10, 2020   11:22 AM

★ If a request has been placed on hold for fees, the due date will be short one day, when you take it off hold.

★ This will also happen a second time if you put it on hold for the final fee payment.

★ Every file that is taken off hold must have the due date verified and manually adjusted (if incorrect).

- As per section 7 of FOIPPA,
  the 30 days referred to in subsection (1) do not include the period from the start of the day the head of the public body gives the applicant a written estimate of the total fees to the end of the day one of the following occurs:
  (a) the head of the public body excuses the applicant from paying all of the fees under section 75 (5);
  (b) the head of the public body excuses the applicant from paying part of the fees under section 75 (5), and the applicant agrees to pay the remainder and, if required by the head of a public body, pays the deposit required;
  (c) the applicant agrees to pay the fees set out in the written estimate and, if required by the head of a public body, pays the deposit required.
- This means there are 2 on hold days when dealing with the fee estimate **and** 2 on hold days if dealing with a final fee payment (occurs if the fee estimate is over $200 and only a deposit was paid)

Start date + # of working days = due date

1. What is the **Start Date** of the file?
   a. Found on the Request Information tab
   b. When counting out the 30 business days the start date is 'day 0' so the next day is 'day 1'

2. What is the **# of days on hold**?
   a. Open the Detailed Report under the log/Reports tab on the left side navigation menu
   b. Under Action History, locate the stop clock date and start clock date
      i. Count the number of days the clock was stopped, exclude weekends and BC statutory holidays = # of days on hold
      ii. Double check these dates in the Correspondence Log for the exact date the fee estimate was sent and the fees paid/fees waived

3. What is the **# of working days?**
   a. **30 business days to process the file** + **# of days on hold** + **# of days for extension(s) (if applicable)** = # of working days

4. Use a calendar and count out the # of working days from the start date = due date

5. If this date matches what is in AXIS, then no due date adjustment is needed

6. If this date does not match what is in AXIS:
   a. Request Information: Change the Due Date by clicking the calendar icon
   b. Change the Estimate Delivery Date by clicking on the calendar icon
   c. Save
   d. Enter a note along the lines of 'Manual adjustment of due date as stop clock shorted X days'

7. You must have someone double check your calculations.

DOCUMENT MANAGEMENT

April 28, 2020   1:21 PM

- Reviewing records and applying or not applying sections of FOIPPA to those records will be the bulk of your job as an FOI Analyst. It can also be the most difficult because the age of the records, OIPC Orders, knowledge of FOIPPA at the public body level, and many other factors will influence how you approach the records. If you are unsure and ask a co-worker if you should sever something or not, you may hear, 'it depends.' Just because it is severed in one set of records does not mean it is severed in another for a different applicant or if the same request comes in at a later date. The more you process FOI requests and learn the nuances of the exceptions the easier it will become but severing will always be challenging.

- When you sever something or do not sever something you must be able to explain how it does or does not meet the criteria set out in that section of FOIPPA. You must be able to support your recommendation. You must be able to interpret and apply (or not apply) FOIPPA to the records. If a program area gives you a harms assessment you are required to verify that their harms recommendations in fact meet the criteria set out in FOIPPA.

- It is essential that you know the exceptions. Review them regularly:

  o Read FOIPPA sections 3, 12-22
  o Read the corresponding sections of the FOIPPA Policy and Procedures Manual (sections 3, 12-22)
  o Read the corresponding OIPC orders in the Sectional Index (sections 3, 12-22)

- You may encounter records that are not responsive to the FOI request, duplicate pages and blank pages. Please see the pages below this one for best practices.

- Reviewing records is a line by line examination of the records the public body has sent in response to the FOI request. It is often called redlining because we draw a red lined box around the information we wish to withhold. Records with these red boxes are often called redlines records or just redline.

- When reviewing a general FOI request the philosophy is to release general information and only sever information that is subject to certain limited and specific exceptions. When severing a personal FOI request the philosophy is to withhold personal information and only release if it is not an unreasonable invasion of personal privacy (as prescribed in section 22 of FOIPPA).

- When you are reviewing the records you are evaluating many things at once:

  o What did the public body recommend for harms?
    ▪ You must address whether you agree or disagree with their recommendations in the sign off form
  o What is the age of the records?
    ▪ Many exceptions have time limits therefore they will not apply if the record is over a certain age (time limit found in FOIPPA)
  o Are the records in the custody and/or control of another public body?
    ▪ If the public body has control but not custody then a consultation may be appropriate
  o Are the records within the scope and timeframe of the request?
    ▪ If no, respond to the applicant that the public body has no records within the scope and timeframe of the request
    ▪ If yes, proceed with reviewing the records
  o Are there blank or duplicate or not responsive pages in the package?
    ▪ In most cases these pages should be deleted from Document Management
  o Is there is any information that, if disclosed, may explicitly or implicitly reveal information that is subject to an exception? Would a reasonable person agree that releasing the record would reveal information that is subject to this exception?
    ▪ If yes, recommend severing and determine if additional exceptions also apply
    ▪ If no, recommend that the record be released
  o Would a third party or another public body be affected by release?
    ▪ If, on balance, a reasonable person would conclude that the interests of a third party or another public body will be affected, a consultation may be appropriate
  o Do the records contain information that makes it eligible for publication?
    ▪ If yes, recommend publication in the sign off form and record it in the Request Information tab of AXIS
    ▪ If no, send to Open Information for a publication exemption prior to sending for sign off (See Open Information Resources for the exemptions)

- Anything you redline in the records must be stamped with an exemption code.

  o Information stamped with sections 12-22 of FOIPPA is **severed** pursuant to FOIPPA

  o Information stamped with section 3 is **removed** pursuant to FOIPPA. Please remember this distinction when composing your response letter.

Prior to loading records into DM

July 15, 2020   2:52 PM

Following these best practices should minimize the probability of errors once the records are already in DM

- **If your records have been deduplicated through Intella, do not print to PDF, as this will result in issues when they are loaded into AXIS.**
- You may have to perform a combination of these tips
- ★ All of these tips alter the quality of the records so ensure you check the .pdf to ensure it is not degraded to the point that it is illegible

Print to PDF as an image using Adobe Dc
- See Print to .pdf as an image

Print to PDF using Adobe DC
- Even if the records are a .pdf, they may have been saved as a .pdf instead of 'printed to .pdf'
- Saving as a .pdf retains all the metadata and any other hidden information in the records that may cause you issues down the road
- You can also go through **Properties** and click **Default Set Up** and choose **Smallest File Size**
- You can also print in **grayscale**

Remove all blank pages before loading into AXIS using Adobe DC
- There are fewer steps using Adobe than once the records are in DM
- Once in AXIS, you have to select the page, remove review layer (if already created) and right click to delete (or do in batches)

Perform a 'Recognize text' using Adobe DC
- This will rotate and deskew the records and there are fewer steps at this stage than once the records are in DM
- Once in AXIS, you have to select the page, right click and rotate (or do in batches)

Reducing the size of the record packages using Adobe DC
- Save as Other - Reduced Sized PDF is one option
- Organize Pages - Split is another option
- Optimize PDF - Reduce File size is another option

Lowering the Resolution
- Select Print; in the print menu, set Adobe PDF as your printer and then click Properties
- On Default Settings drop-down menu, select "Smallest File Size"
- Click on the Paper/Quality tab of the properties menu and then click advanced
- On the Print Quality drop-down menu (which by default is usually 1200dpi), drop this all the way down to 144dpi or even 72dpi.
- Click OK for all these settings, print and save the new PDF (I usually add "reduced" or something to its name so I know which one it is)

How to handle different record formats

Large Maps, jpegs, PowerPoints, images
- You may want to consider putting them into their own section when creating your initial folder structure in Document Management
- If you don't run one of the reduce size options above the page will load extremely large and AXIS may not be able to handle it and sending it for sign off, printing from RL, save to disk from RL, moving to RF and publishing will take a long time

Excel Documents
- **If you are full disclosure and/or applicant requests in Excel format:**
  - Open the spreadsheet and hit "**File**", "**Info**", "**Check for Issues**" and the "**Document Inspector**" window will pop up. Just hit "**Inspect**" and "**Remove All**" for any information you do not want on the spreadsheet.
  - Load this copy into the Correspondence Log. Name appropriately.
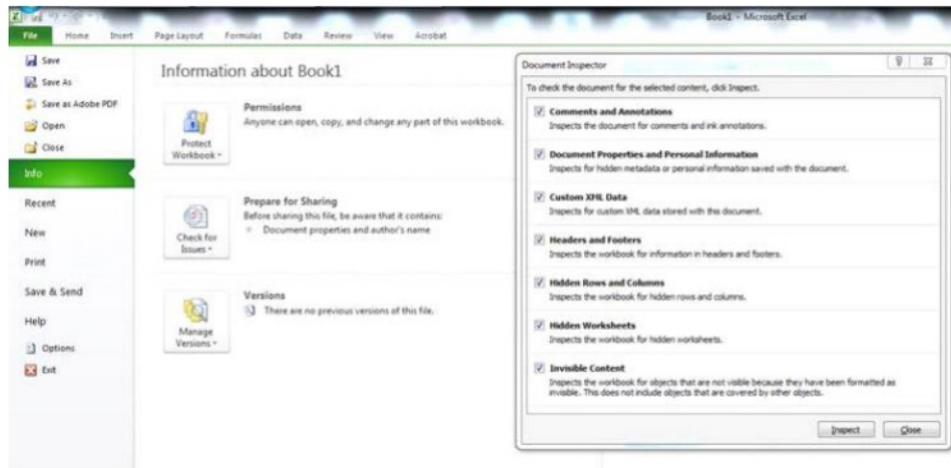
- If these are the only records: Load a placeholder into Document Management to create a workflow for Open Information.
  - □ A Word document with "This is a place holder for this file."
  - □ Move it along the workflow just like you would records: load to DM - Review Log - Request Folder - Reading Room (if publishable).
- Use the Excel records that you have in the Correspondence Log to send for sign off. You will also use this version of the records when sending to the applicant. If these are the only records in your package you would skip the Deliver Documents action.

- **If you need a Redline:**
  - Outside of AXIS you will need to do some amount of scaling and resizing of the columns and/or page size so that when you convert to a pdf you can see as much of the spreadsheet on as few pages as possible.
  - Once the new PDF looks as good as possible, you can now load to Document Management, move to the Review Log.

- **If the file is publish:**
  - Send the placeholder to the Reading Room as usual. This won't be the actual records that are published. However, something must be sent to the Reading Room in order to create a workflow.
  - Then send an email to Open Information stating the records are Excel documents that you sent the placeholder to the Reading Room. OI will know not to use the records that are in the Reading Room. Attach a copy of the Excel records to that email so Open Information has a copy of what really needs to be published.

Loading into DM

July 15, 2020   3:38 PM

Tips for loading depending on **where the records are**

In the Correspondence Log

- Records processed by Intella are 'flattened' and can be loaded from the CL (no print to .pdf or any other adjustment required) - you do not need to save them to your desktop and then load to DM
  - Add/View/Search Documents
  - Choose **Load from Correspondence Log**
  - Choose the clean package of records
- If the records have not been run through Intella we recommend you do remove from the CL and save to desktop in order to run a print to .pdf, see Prior to loading records into DM

On your Desktop or Shared Drive

- If records are in an Outlook email or on the Shared Drive these must be saved to your desktop, see Prior to loading records into DM for the appropriate steps on handling the records
  - Add/View/Search Documents
  - Choose **Add Documents**

Already in Document Management (sharing records across multiple FOIs)

- There maybe situations where two or more FOI requests have the same responsive records - or shared records. You do not need to add those records into DM for each request - you can share them across multiple files.
  - Open the file that you want to load the shared the records into
  - Click Add/Search/View Documents. The Add/Search/View Documents screen will be displayed.
  - Click **Add Documents from DM**. The Add Documents screen will be displayed.
  - Enter the file number that has the records already loaded and Open. DM will be displayed.
  - Right click at the Folder level and add to the Review Log of the new file.
  - You will see that the folder name is of the original file.
  - ⭐ Consider the following to help you keep things organized:
    - ☐ Add a sticky note to the first page that these records are associated with XXX-XXXX-XXXX
    - ☐ Add a Note to the same effect
    - ☐ Have separate Review Layers if severing is different across the files and use the file number when naming the Review Layers

Tips when first **creating folders and sections** in DM

File Cabinet Drawers

- **FOI Analysts** should ONLY choose from GENERAL or PERSONAL cabinets
- **Open Information Analysts** should ONLY choose the CALENDARS, SUMMARIES of BRIEFING NOTES, DIRECTLY AWARDED CONTRACTS and ESTIMATE NOTES cabinets
- Match the year of the file to the year of the cabinet
- **Name the folder the FOI file number at minimum**
  - ⭐ DO NOT name folders 'redline' or 'records' as this prevents any ability to match the records to an FOI request when doing a search
- You can have multiple folders for a request - name them consistently
  - For example, personal files can have two spouses = one folder for each, keep the file number in the title and add name of each spouse
  - Each folder has its own Review Layer that will prompt you to load each time you move between folders

How to move a folder to a different file cabinet (if placed in the wrong one)

- Document Management
  - Search Folders
- Enter File Number by 'Folder name' after the asterisk
  - Search
- Select
  - Open Folders
- Once open, add review layer and select all boxes
  - Right click and select 'modify folder details'

- - Add word – 'duplicate' to the number (it cannot be moved with same number) then scroll down
    - Update
  - Right click on the folder you want to move and go down the list that appears
    - Move
  - In the small window that appears scroll to the appropriate File Cabinet Drawer
  - Scroll further down
    - Move Folder

Sections
  - Consider creating a section even when you have one package of records.
    - If a folder has no sections - pages are loaded directly, you cannot add a section in after, unless you go through DM, see tip below
      - □ If at least one section is present then new sections can always be created.
  - Create meaningful section names - maybe the name of the record type or program area that supplied the records
  - Do not upload records packages that exceed 1000 pages and/or 50 to 100 MB per section as this may cause a timeout issue.
  - Consider having large images or maps or pictures in their own section again to avoid timeout issues.

Adding new pages and sections to a folder already in the Review Log

- It is important to remember that new sections can only be created and added from the Document Management module NOT within the FOI file. To create a new Section follow the below steps:
  - Navigate to your Request
  - Go to Actions - Add/Search Documents from Document Management
  - Search for the active folder and open it
  - From DM you can then right click on the folder, and create as many new sections that are needed. At this time pages can be added as well, or they can be added later
  - Once the Sections are created right click on the folder, and select the Add Folder(s) to.. Review Log option
  - From the Select Folder(s) option at the bottom of the screen check the newly created sections to add them to your request's Review Log

Deleting pages, sections, and folders from Document Management and Review Log

- Pages, sections, and folders can only be deleted if they are not associated with other requests. If they are then you will receive a prompt letting you know that they are.
  - Right click on the folder and run the Document History Report to see which other requests a folder is associated with.
  - You will have to delete any consultation from the consultation log but the action is recorded in the Detailed Report
- When working in a folder, section, or pages they can only be added or deleted when a Review Layer is not loaded. If you try to add or remove pages with a Review Layer present then these options will not be available.
- By right clicking on a folder there is an Unload Review Layer option if one is loaded. You can tell by the Redline that goes through folders when they are on.
- Pages can be deleted one at a time by right clicking on individual pages, or multiple pages can be checked and deleted at once by right clicking on the corresponding section.
  - There have been reported issues of trying to delete a large number of pages - deleting a smaller number of pages resolves the issue
- Righting clicking on a Section will give an option to delete the entire section, and Right clicking on Folder will give an option to delete the entire folder and all of its contents.

How (and why) to add, remove or swap records during record review or sign-off
- You may discover records that are not responsive that may need to be from the records package or
- You may discover blank pages which you did not identify until you began reviewing the records or perhaps after you sent the records for sign-off and need to remove them or
- Your client Ministry may have found additional records that appear responsive to your request which you may need to add after you have begun reviewing records or during the sign-off process or
- A record may be of such low quality or resolution that you may need to request a better copy from your client Ministry / Program area to swap for the low quality record.
- There are some variables which may affect how you execute any of these functions (adding, removing or swapping records):
  - For instance, if you have sent any of your records for a consultation or for sign-off (the process we use for sign-off in AXIS is a 'consultation' according to how the system operates), you will have to delete the consultation from the consultation review log first then follow the tips below. The Detailed Report will still show you sent a consultation.
  - If you have not sent your records for consultation or sign off yet, unload the review layer, right click the section/folder and 'Add

pages' in the appropriate place
- The records you are swapping out are loaded using the normal loading records steps
  - ○ Deleting pages is the same process using the 'Delete pages'
  - ○ Swapping pages is the same process using the right click at the page level and 'insert pages'

Extracting, Fixing and Replacing a Page

- You may encounter a situation where you need to correct an issue with a page or a range of pages outside of AXIS (such as deskew, rotate or enhance) and then reinsert the page back in. To do this, take the following steps:
  - ○ Ensure there is no review layer loaded on the records
  - ○ Select the page or pages you need to extract, right click on the section or folder and select Save to Disk
    * If you have multiple pages to correct, extract them individually if they are not in sequential order, so that they can be replaced back in the proper location
  - ○ Select PDF Image as the output format at the top, but don't change anything else and hit OK
  - ○ Download the page(s) and then open them in Acrobat and make the necessary changes
  - ○ Save the PDF temporarily to your desktop and name it as the page number for easy reference
  - ○ Back in Document Management, right click on the page, hover over Insert Pages and select Replace

Insert Pages	▶	Before
Scan Pages	▶	After
Redact in Full		Replace
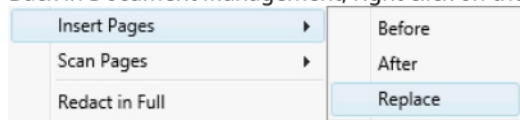
  - ○ Drag and drop the page or click on Attach Files and navigate to the PDF then select Add and the corrected page will be swapped in

Blank, duplicate, NR pages

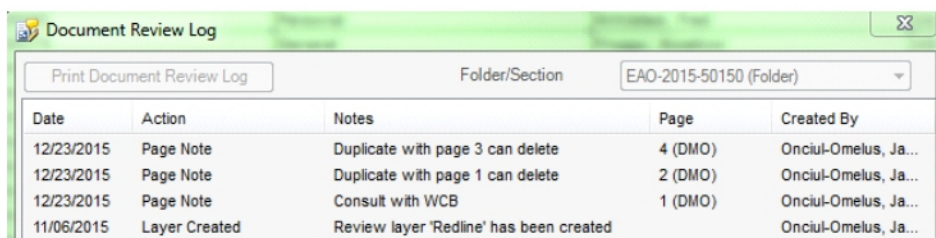May 4, 2020   4:15 PM

What is a blank page?

- A blank page is devoid of content and **should be deleted** from the package:
  - You can delete them prior to loading into AXIS or
  - As you are reviewing you can delete (will have to unload review layer before you can delete).
- Pages that may appear blank but are not and therefore should remain in the package:
  - A page with a page number but no text,
  - A page with a single word on it or the signature block from the email on the prior page,
  - A page stamped "This page intentionally left blank."

What is a duplicate page?

- A duplicate page is an additional page exactly like another, especially through having been copied.
- Be careful with attachments to emails. For example, attachments forwarded, or shared multiple times have a different context when shared with legal when seeking legal advice.

What to do in AXIS

1. If you keep duplicate pages and send for sign off/applicant:
   a. Ensure your severing is consistent, or
   b. Redact the page in full (duplicate is listed) **and** mark the page with the duplicate review flag.
      ⭐ i. Redacting MUST be done to ensure the duplicate page is never accidentally sent to the applicant. Relying on just the review flag is a security risk.
      ⭐ ii. This will create pages stamped "page X is removed as duplicate" in the package.
   c. Consider noting the number of duplicates in your Sign form.

2. If you do keep duplicates but do not send duplicate pages for sign off/applicant:
   a. Redact the page in full (duplicate is listed) **and** mark the page with the duplicate review flag.
      ⭐ i. Redacting MUST be done to ensure the duplicate page is never accidentally sent to the applicant. Relying on just the review flag is a security risk.
   b. When you send for sign off and to the applicant exclude the pages with the duplicate review flag by unchecking the duplicate review flag box.
      ⭐ i. This will exclude the page from the package and the page numbering will skip it.

3. If you delete duplicate pages:
   a. If you have no Review Layer:
      i. Right click on the page and delete.
   b. If you have a Review Layer:
      i. Right click folder – Unload review layer.
      ii. Right click on the page and delete.
   c. How to best track duplicate pages:
      i. Use the Document Review Log to track duplicate pages, link the note to the page. Keep the Document Review Log open and unload the Review Layer. Mark each box for each page number that you have noted as a duplicate. From the example below I would check the box for page 2 and 4 and delete:

      ii. You could also track duplicate pages on paper.
      iii. Do not use Review Flags or Comment Boxes or Sticky Notes to track duplicate pages if you intend on deleting them because they are part of the Review Layer and will disappear when you unload it.
   d. Deleted pages are permanently gone from DM. If you need them again open the All Records in the CL, find the pages and insert back into the records.

NR pages
s.13; s.14

- OIPC Orders:
  - F14-27
  - F14-31
  - F14-32

Rotate, de-skew, image quality

July 23, 2020   2:27 PM

★ To rotate or de-skew pages, **you must first unload your review layer**

Rotate Pages

- To rotate individual pages, use the buttons on the right hand side of the tool bar (top two buttons)

  ○ Save the change by clicking the **Save Review Layer** button in the top tool bar

  ○ Once the page is saved, you can load your review layer and continue reviewing the records.

- To **rotate several pages** at once, select the pages you want to rotate by checking the boxes next to each page needing to be rotated

  ○ Go to the section level of the records and right click on the section

  ○ From the drop down menu that appears, select '**Image Operations'** and then choose '**Rotate**', and then choose left or right

  ○ A new window will open, with the radio button '**selection**' already selected. Click '**OK**' and the pages will be rotated and a confirmation message will appear on your screen. You can also choose to rotate all the pages in this manner. You can now load your review layer and continue reviewing the records.

Flip Pages

- The **Flip** function operates in much the same way (the three middle buttons)

Deskew Pages

- The **Deskew** function operates in much the same way (the bottom two buttons)

Improving the image quality (Change DPI)

- When you get a page that has poor image quality, the '**change DPI**' option can be used to improve the legibility of the text on the page

- Although this operation can be completed on several pages at the same time, it is best to do this on a page to page basis, as each page may need a different DPI setting to attain optimum improvement

- Select the page you want to improve the quality of and right click with the mouse

  ○ From the drop down menu, select '**Image operations**' and '**Change DPI**'

  ○ In the change DPI window that opens, select the DPI you want from the drop down options in the '**Select DPI**' field (75 is the lowest resolution and 300 is the highest).
  Click '**OK**'
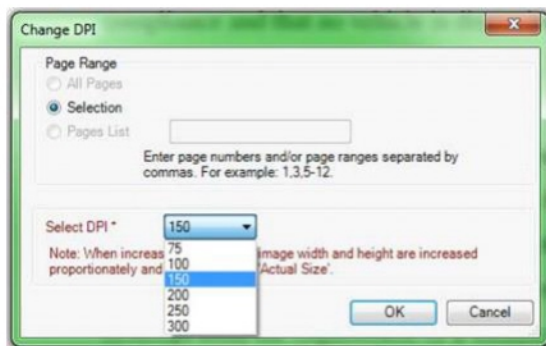
  ○ Once you are finished, you can load your review layer and continue reviewing the records.

Page numbering

July 15, 2020   3:39 PM

- There are several stages where you can add page numbering but if you set it within DM you don't have to at the other stages:
  - Right click at folder level
  - Modify Folder details
  - Bates Information
    - **Prefix = Page** (make sure you enter a space after page or the page number will butt up against the word page)
    - **Suffix = Request number** (make sure you enter a space before the request number or it will butt up against the page number).
      - If you have multiple sections put something after the request # because the suffix has to be unique for each section, in my example, I am adding S1, S2 etc. after the request number
    - Check radial button on **Batch start # enter 1** when you have multiple sections/folders (this ensures the complete package is numbered consecutively and not numbered by section/folder)

- You can also add page numbering anytime you export the records (print, save to disk, send/save for consultation, Document Delivery, Publish to the Reading Room)
  - Follow same instructions for the Bates Information as above

Review Objects

July 23, 2020   10:55 AM

Your Review Layer is any combination of the following Review Objects
- You must add one of these items to the records to prompt the system to save your review layer
- Your review layer can be named simply 'Redline' or you can add other identifiers such as the last 5 digits of the FOI request or some other meaningful name
- You will be prompted to load review layer each time the file is opened
- **Do not have more than one review layer**. If someone has to work on your file there is no way to tell which review layer is the correct one
  - Exception = OIPC review layers, S14 layer for OIPC files, see OIPC - Reconsideration of Severing

Redaction Boxes

- **Double click on a word** to draw the box or **click the redaction tool** in the left hand tool bar and draw to around the work or information

- **Adjust the size of the FOIPPA stamp** inside the box if it is too large or too small
  - After you have inserted the redaction code, right click on the redaction box and select "Font"

- **Redact in Full**
  - Can be done on a single page, a whole section or an entire folder
  - Right click at the level you want to redact in full
  - Ensure you save the review layer using the Review Layer button in the task bar

- **Remove severing**
  - If you want to remove severing on a page, right click on just the page
  - If you want to remove severing on a section, right click on the section
  - If you want to remove severing on the whole package, right click on the file folder
  - If you want to remove severing on certain pages, check their boxes and then right click on any one

  - Once you right click on one of the above options, click **Apply Review Template**
    - Apply the **Blank Redaction** review template
    - Check which page combo from the options
    - You can also change the Review Flag here
    - Click **Apply Review Template**

  - All your redactions will be gone - move to next page to save these changes

FOIPPA Palette versus Open Information Palette
- FOI Analysts must use the FOIPPA palette
- The Open Information Analysts must use the Open Information Only palette

Redaction Comments

- This is a comment you can add to a redaction box
  - It will appear above the redaction box - ensure it is enabled (choose Review Comments in **Show** drop down)
  - In the Document Tree it highlights the page that has a redaction comment on it
  - You can see all the Redaction Comments summarized in the **Document Review Log**
  - The peer reviewer can use this instead of an email, sticky notes or comment boxes

- Right click on a redaction box, choose **Comments** from the drop down

- To **move** the Redaction Comment
  - Turn off any redaction tool you have enabled by clicking on the 'No Review Tool' icon in the MD Toolbar
  - Hover your cursor over the comment and left click once
  - Holding the left click you can now drag the comment
  - Please note that the comment needs to clearly indicate which redaction box it is referring to so be careful in how far you move it away. Clicking on the Redaction Comment will identify which redaction box it is referring to with the small white editing

boxes around the perimeter

- To **edit/delete** a Redaction Comment:
  - Right click on the redaction box
  - Choose comment
  - Edit/delete the comment
  - Deleted Redaction Comments remain in the Document Review Log even if you deleted them on the page. The message changes to:

Notes

Comments for the redaction code(s) 's.13' have been removed

- The Redaction comments do not show up when you Print, Send/Save for Consultation, Save to Disk or Deliver Documents.
  - When you move the package to the request folder, the yellow highlight is gone from the Document Tree and the redaction box notes are not viewable on the page

Sticky Notes

- It is a review object that you can add to a page

- In the left hand tool bar, click the Sticky Note button, draw the sticky note on the page (you cannot draw it outside of the page)

- Click on the Arrow icon (No Review Tool) to turn it off

- To delete the sticky note, right click on the sticky note and delete

- To edit the sticky note, right click on the sticky note, edit the text, and click OK

- To move the sticky note, click on the No Review Tool icon in the toolbar, click on the sticky note and either move it or resize it by clicking on the small boxes

- The appearance of the sticky note is set in your Preferences on your Home Page
  - You can also adjust its appearance by right clicking on it once you have drawn it
  - This changes the text colour, font and size and the colour and outline colour of the sticky note

- If you leave the sticky note covering the page, your peer reviewer will have to move it. It is best to place in an open spot.
  - If you intend on leaving the sticky note for anyone outside of IAO to see they will not be able to move it so do not put it over any text or images.

- Whether you Print, Send/Save for Consultation, Save to Disk or Deliver Documents, AXIS defaults to not send the sticky note - the box is not checked in those windows.
  - If you want the records to have the sticky note on them, you have to check the box in those windows

- There is no report for Sticky Notes. There is no spot where they are summarized in a single area. They do not show up in the Document Review Log. The sticky note is only found on the page you placed it. You must open that page to read it.

Comment Boxes

- This is a redaction tool you can add to a page

- In the left hand tool bar, click the Comments icon to draw the comments box and click on the Arrow icon (No Review Tool) to turn it off

- All of the details about sticky notes are the same for comments.

- Technically speaking there is no difference between the two. They behave the same, you can make them look the same and you could use them for the same purpose, however... do not use them for the same purpose and make them look different from each other (set up in Preferences or right click the object).

- Sticky notes and comments can be included on the records and sent to the applicant, the public body for sign off, a public body for consultation or a third party. For this reason you must choose to use them differently. Your team may have already decided on

their use. Talk to your Team Lead/Manager.
- For example: Comments could be used for notes for your peer reviewer. Sticky Notes could be for the public body when you send for sign off. This would allow you to send one and not the other.

- The Online Manual states: Sticky Notes differ from Comments in that Sticky Notes are intended for internal use and are not normally displayed on the "final" or "printed" version of the redacted document.

Review Flags

⭐ Do not leave a 'Not Reviewed' flag on a page if you are on the **MCFD Personals Team** or **Social Tech Team**
- Once you have loaded all the records into DM, change all the review flags to 'Release'
  - □ As you start your review and apply severing, the review flag will change according to the disclosure
  - □ Or you can change it per page to the right review flag
  - □ This is faster (less clicks) than changing the review flag per page
  - □ Use the Document Status report to check if you have left any 'Not Reviewed' review flags

- A review flag is not a severing tool. If you need a page fully withheld you must use the severing tool.

- If you put a review object on the page, the review flag will change to match it. But a review flag can be changed and not reflect your actual severing. For example, you can fully redact the page and the review flag can say Release.

- If you want to keep Duplicate and/or Not Relevant records in your package but not send them to the applicant, mark them with the appropriate Review Flag and exclude them when delivering
  - These pages must be withheld in full using the Duplicate and/or Not Relevant stamp to ensure they are not delivered to the applicant

- You can assign a review flag one page at a time or by checking each box and assigning them as a group
  - Right click at the level you want (page, section or folder)
  - Review Flag
  - Choose the right option

- You may also find out in Sign-off that additional pages are Duplicate or NR and cannot delete them from your Review Log as they have been sent for Consultation/Sign-off - use the withhold in full and review flag to exclude them

- In the Close window, the system will count and report on review flags that have been changed from 'Not reviewed.' That means if you leave 'Not reviewed' review flags, these pages will not be counted in the Number of pages reviewed. This is okay as the BIAS Team pulls a different number from the system to count how many pages are in a request.

- **Review Flag definitions**:

Disclosed in Part	This page contains some information that is withheld under FOIPPA and some that is disclosed.
Disclosed in Part after Consultation	A consultation with another public body has confirmed that this page contains some information that is withheld under FOIPPA and released.
Duplicate	This page is an exact duplicate of another page in the records.
For Consultation	This page is marked for consultation with another public body.
Left off Here	The FOI Analyst reviewed records up to this page.
Not Relevant	This page is not responsive to the FOI request.
Not reviewed	MCFD Personals Team and Social Tech Team: This page has not been reviewed. All other teams: This page is full disclosure.
Release	This page is full disclosure.
Release after Consultation	A consultation has confirmed this page is full disclosure.
Released in Full	This page is full disclosure.
Withheld	This page is fully withheld.
Withheld after Consultation	A consultation has confirmed this page is fully withheld under FOIPPA.

Document History Report

- Provides a list of all requests to which the selected document has been added

- Provides a detailed record of when the document was added to the Request Folder, Consultation Review Log, or PAL Reading Room

Document Status Report

- Provides a list of all the pages and the section of FOIPPA applied and the Review Flag

- Click on the Switch to Interactive Mode to see all the pages in one screen rather than one page at a time

Document Review Log

- The Document Review Log is like an electronic notepad for the folder

- It can stay open in a separate window on your second screen while you review records.

- Each note can be linked to a page, section or folder so that when you click on the note in DRL it will open that page.

- It can be printed or emailed or saved to disk.

- It tracks the author of the note and date and time.

- It will also track your review status: in progress or complete.

- Redaction comments show up here too. They also remain if you deleted them from the page but change to 'this has been removed.'

- This does not show any annotation to a page, a comment or sticky note.

- It is not sent out to the applicant, the client public body or consultation party unless you choose to save it to disk and send it.

Document Review Actions Report

- Found inside the Review Layers button on the top tool bar

- Consists of all actions performed on a Folder/Section/Page while reviewing the documents for release

- Once the review actions are performed and the review layer is saved, the list of all saved review actions can be obtained by printing or exporting this report

PEER REVIEW

July 10, 2020   8:48 AM
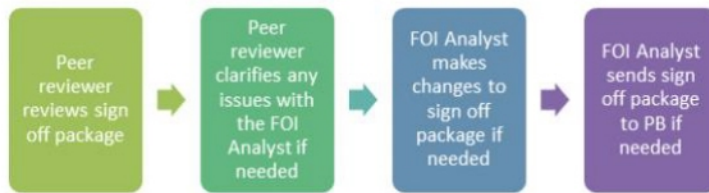
Peer review is when the sign off package (FOI records and/or sign form and/or response letter) is reviewed by another person on the FOI team (often Team Lead). They are looking for consistent and appropriate severing, that the harms assessment has been addressed (if it exists), that consultation(s) have happened (if applicable), that fees have been managed (if applicable), that transfer(s) have happened (if applicable), that third party notification has happened (if applicable) and that there is a publication recommendation (if applicable).

Not all teams have peer review, not all files are peer reviewed and not all teams do peer review the same way. Talk to your Team Lead/Manager about the peer review process.

What to do in AXIS

- All material can be left in AXIS as your peer reviewer has access to it all

- There are two **current actions**: Peer Review and Peer Review Complete that can be used to signal this action

- The sign off form has two areas for a peer reviewer to sign and date to indicate to the client ministry that the peer review is complete

- Most teams send an email to the peer review to indicate a file is ready for peer review

SIGN OFF

May 4, 2020   3:59 PM

Sign off is when the recommended FOI response is sent to the designated authority for approval for release. The FOI response could be just the response letter (for example, the NRR letter) or records and the response letter. The designated authority could be the public body or the FOI Analyst depending on the team and FOI request. Your Team Lead/Manager will advise you who does sign off for your files.

Here are some differences:

- CFD and MSD personal FOI requests have no sign off form and they are not sent to the public body for sign off

- PSS has a very specific sign off form and it is sent to the public body for sign off

- CLB very rarely is sent to the public body for sign off with a sign off form

- All the other public bodies for both general and personal FOI request use the same sign form and they are sent to the public body for sign off

What to do in AXIS

- **Customize for Pending** the **G – Sign form**
  - Some teams have a different sign off form
  - There is also a calendar sign form and an OIPC sign form
  - When you complete the sign form consider documenting
    - Have you listed all the exceptions to disclosure?
    - Have you addressed the public body's harms assessment?
    - Have you completed any necessary consultations (includes third party notification)?
    - Have you addressed any fee and/or fee waiver issues?
    - Have you taken extensions where applicable and notified the applicant?
    - Have you addressed publication?

- **Customize for Final Response** the **Response letter**
  - Most response letters are categorized on the type of disclosure
  - Personal response letters are also categorized by disclosure and applicant type

- Have sign off package **peer reviewed** (if required)

- Send sign off package to public body for approval
  - Based on your team, you may send straight out of AXIS, load to shared drive, load to SharePoint

  - From the Review Log do a **send/save for consultation review** of the records
    - Choose the Office of Primary Interest (your sign off contact)
    - Choose pages with appropriate Review Flags (if your team uses them)
    - Choose Save to Local Disk (put on desktop)
      - Once on desktop you can move to Shared Drive or SharePoint
    - File Name = Redline XXX-XXXX-XXXXX (file number)
    - Format = PDF Image
    - Fill mode = Transparent
    - Add page numbers (if you haven't already)
  - Save the records from the temp cache window onto your desktop (or shared drive or SharePoint)

- **Correspondence Log**
  - Download the response letter and save to your desktop
    - Once on desktop you can move to Shared Drive or SharePoint
  - Open the response letter on your desktop and delete all the applicant information if required

- **Send Correspondence**
  - If you use a Shared Drive or SharePoint to send the three documents (sign form, draft response letter and redline records) skip to sending the email template
    - Add from: Correspondence Log: Sign Form
    - Attach from Disk: the records and response letter (sitting on your desktop, one at a time)
  - Email template: **G - Sign off cover email template**
    - Customize based on your team's preferences
  - Copy and paste in the email addresses for your sign off contacts

  You will now see:
  - **A Word copy of your response letter and sign off form that are both Pending. This is ideal because if you have any changes to make you can go back and do those changes easily.**
  - **An email of your sign off package sent to the public body.**

- **Current Action**: Sign – Sent
  - If you send a reminder change it to: *Sign – Reminder*
  - If you have to make revisions, change it to *Sign – Sent Revised*
  - Once you get approval, change it to *Sign – Approved*

- **Set alert** to monitor due date
  - Use Outlook or AXIS
  - Some teams have a reminder email template in AXIS
  - Talk to your Team Lad/Manager if you believe the file is going to go overdue

Troubleshooting

- **My letter/form is greyed out**

  - If you discover that the letter/form that you wanted to send is greyed out after attempting to send it and it failed, there is no way to recover it – it is corrupted and you will need to start again. By following these procedures you will not encounter this issue.

- **My email failed**

  - Check your My Jobs and see what the error is

    - Too big? Incorrect email address?

  - Resubmit if necessary

FINAL ACTIONS

July 14, 2020   4:01 PM

What to do in AXIS

- **Final Actions**
  - If the disposition is correct, click **Save** and close the file
  - If the disposition is blank or says "DO NOT USE" or is incorrect, double click on the request description and choose one of the following:

    - **Abandoned:** Applicant does not respond to communication regarding the request, where a response is required in order to complete processing, and the request is closed.

    - **Access Denied:** Exceptions to disclosure in accordance with FOIPPA apply to all records that were requested – this includes section 20.

    - **Annotated:** On Correction requests only – An applicant requests correction and the public body determines that no correction will be made. In this circumstance the public body MUST annotate the information with the correction that was requested but not made.

    - **Correction:** On Correction requests only – An applicant requests that a correction be made to their personal records and the public body corrects it. (If no correction is made, the request must be annotated and IAO uses Annotated).

    - **Full Disclosure:** All information within the scope of FOIPPA is released in full – no exceptions to disclosure under FOIPPA have been applied to the responsive records. Information deemed not responsive and removed and information that falls under section 3 of FOIPPA does not impact the request being considered full disclosure.

    - **No Responsive Records Exist/Located:** No responsive records exist or were located in response to the request. Can be used on requests sent to one public body or sent to multiple public bodies and no coordination is required.

    - **Outside Scope of Act:** Requested records are not within the scope of FOIPPA – they fall under section 3, or are covered by other legislation that has a FOIPPA override.

    - **Partial Disclosure**: A portion of the records contain mandatory and/or discretionary severing in accordance with FOIPPA.

    - **Records in another Ministry/Organization**: The request has gone to more than one ministry (and requires coordination) and responsive records are located in one of the other IAO action offices (this does not include public bodies outside of the ones IAO provides FOI services to). Do not use in cases where an FOI request has gone to multiple public bodies and no coordination is required – use 'No Responsive Records Exist/Located instead. For detailed information on coordination versus no coordination click here.

    - **Refuse to Confirm or Deny**: The public body refuses to confirm or deny the existence of a record containing information described in section 15 or personal information as the disclosure of its existence would be an unreasonable invasion of personal information.

    - **Resolved by Inquiry**: On OIPC requests only – The request goes through the mediation stage and is resolved by Inquiry and an Order is issued.

    - **Resolved by Judicial Review:** On OIPC requests only – The request goes through the mediation stage, Inquiry and an Order is issued but the public body decides to challenge the Order and is resolved by Judicial Review.

    - **Resolved in Mediation:** On OIPC requests only - The request is resolved during the mediation stage.

    - **Routinely Releasable:** Information can be provided to the applicant without the need for an FOI request under FOIPPA.

    - **Transferred:** Request has been transferred to another public body to respond as the public body to which it was directed does not have custody or control of the requested records or the other public body has the greater interest in commonly held records.

    - **Withdrawn:** The applicant has provided IAO with formal written or email permission to withdraw the request – they do not

wish to continue with the FOI request.

DOCUMENT DELIVERY

April 28, 2020   3:37 PM
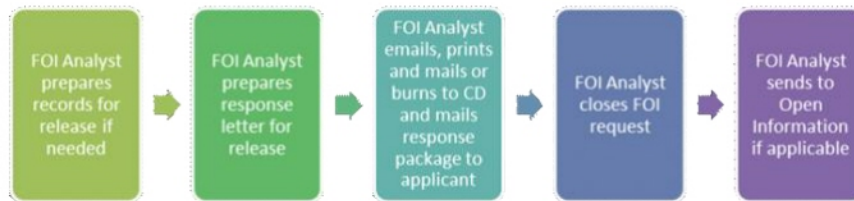
This is the last time you can make changes or check to see that the response package is ready to be released to the applicant. It is a good idea to double check:

- Is it going to the right applicant?
- Is the email or mailing address correct?
- Is it in the format the applicant requested (see Request Information tab of AXIS)
- Is the response letter free of errors?
- Do the records have all the appropriate severing?
- Are the pages numbered and stamped with the file number?
- Have you closed the file correctly?
- Have you sent it to Open Information if it is a general request?

IAO has additional guidelines if you are burning the records to an encrypted CD using Adobe and whether or not you mail and how you mail records.

Why use Document Delivery versus another method

- It will produce the best quality version of the records versus printing or save to disk from the Request folder
- It also will auto-populate the number of pages delivered count in certain areas of the system (close window, reports)
- If you have to go back and look at the records, viewing them from document delivery is easier and faster than entering through DM or the request folder
- You will not have to load a copy of the Response records/or email back into the CL
- You can print a release package from the Request folder but it is not recommended:
  - It will produce a lower quality package
  - AXIS doesn't record that it was delivered like it does when you use Document Delivery
  - If you have to send the package again (when file is closed) there are more steps

Things to note

- You can have your Response Letter already created and sitting as Pending in your Correspondence Log or you can draft it while you Deliver Documents
- You will have moved your records to the Request Folder **remember to apply the review layer** and set your FINAL ACTIONS

What to do in AXIS

1. **Load the review layer and move records** from the Review Log **to the Request folder**

2. **Deliver Documents - Deliver Documents**

3. Check the box(es) at the file folder level that must be delivered
   a. You can Deliver Documents from two different spots:
      i. Via the Deliver Documents button on the top menu bar OR via right click at the folder level and choose Deliver Documents
   b. You can also just deliver specific pages by checking those boxes and choosing 'selection' on the Select Pages window

4. **Document Delivery Type** = final

5. **Final Response letter** options
   a. You can pick up the pending Final Response letter you created:
      i. Check box = Include final response letter
      ii. Check radial button 'Select Default Pending Final Response Letter' will be available to choose

b. If you didn't complete a final response letter, you can create it now
        c. Skip this step and deliver the final response letter through CL

6. Do not include **review objects** unless they are intended for the applicant

7. **Other options** - check these boxes
        a. Include fully redacted pages
        b. Hide redaction borders
        c. Black and white: in order to reduce the size of the package

8. **Include Document Review Flags**
        a. Uncheck 'Not Relevant' and 'Duplicate' if your team uses them
        b. If your team uses other review flags follow the team's process

9. **Delivery Mode**
        a. Secure File Transfer: records are sent to a temp folder, move to your desktop, then load to the SFTS
        b. CD - Post: records are sent to a temp folder, move to your desktop, then encrypt and burn to a CD
        c. Post - mail: records are sent to a temp folder, open and print
        d. Email: send the records through AXIS

10. **Output format** = PDF image

11. Set **page numbering** if not already done

12. **Deliver Documents - Download**
        a. If delivering through SFTS, printing or burning to CD use these instructions:
                i. A window at bottom of screen opens - click **Open**
               ii. A File Explorer Window open - click **Extract All** (DO NOT open the document from here and save)
              iii. Select Destination Window opens - click **Browse**
                   1) For fastest download **choose your C: drive** but remember to delete this once you are done (create a 'download' folder in C: - Users - Your Username the first time and save it to this folder thereafter)
               iv. **Extract** (you will not get a message that it is done)
                v. Navigate to that folder on your C: Drive and from here **open the .PDF** and do a **Save as Reduced File Size** and save it
                   1) If someone else is delivering the package then move it from your C: drive to the folder on the LAN your team uses
                   2) Reduced File Size will impact the quality of the records so check it to ensure it is still legible
               vi. This is the copy you can load to the SFTS or print or burn to encrypted CD
              vii. Delete the records from your C: drive
        b. If delivering through email: it will send directly

Troubleshooting

- Did your records deliver in multiple .pdfs and not one?
    - AXIS Support is not sure why this happens
    - First, check your **Preferences - Document - Default Delivery/Save** is set to **Single PDF**
    - The do a **Sign out** and **Click here to sign back in**
    - Deliver the documents again and this seems to clear up the issue
    - You can delete the first Delivery from the DD Log

- Is the process taking a long time?
    - Close down other applications like MS Teams or other high memory users
    - Let it sit and download or save - don't try to do other tasks
    - Are you connected to your 5 Ghz wi-fi?

CLOSING A FILE

April 28, 2020   2:34 PM

When you can close a request

- An **general or personal request** can be closed when:
  - The public body has responded to the FOI request and the response is compliant with Section 8 of FOIPPA and Section 8 of FOIPPA Policy and Procedures Manual or
  - The public body has requested information/clarification/authorization/fees from the applicant by a certain due date and they have not responded by that due date or
  - The applicant has advised, in writing, that they wish to withdraw the request.

- A **consultation** can be closed when:
  - You have responded to the public body's request for consultation, or
  - The receiving public body responds with their views on disclosure to the requesting public body.

- An **OIPC review request** can be closed when:
  - The OIPC advises, in writing by letter, that they have closed the review request on their end. They may verbally tell you or in an email but wait for the letter and close it on the date as indicated in the letter.

- A **correction request** can be closed when:
  - The public body has made the correction or annotation to the records and advised the applicant.

Before you close a request

- Ensure **all records, decision making documents, and correspondence are loaded to the Correspondence Log** and you have used the approved naming conventions.
  - All copies on the LAN or your desktop or Outlook are transitory and must be destroyed. Do not keep duplicate material outside of AXIS as the request is incomplete and does not adhere to records management standards.

- Ensure you have **closed all logs** – all logs must zero out before you can close the request.

- Ensure you have **resolved all fee issues**:
  - Fee estimates, payments, refunds and waivers are documented.
  - If the request was abandoned leave the invoice on the request.
  - Do not leave a Balance Due except for an Abandoned request.
  - If there is a fee balance due, don't release records until fee balance is paid or waived by public body (please see the How To – Fees in AXIS Support for the full fee process).

- Ensure you have **entered a subject code** if it is a personal request.

- Ensure you have **entered a publication status** if a general request and **do not publish reason** if the request is do not publish:
  - Ensure you have sent the request to the Reading Room and Open Information can publish.
  - Ensure you have sent the request for exemption to Open Information if the request is Do Not Publish.

- Ensure you have **used an approved disposition** (Final Actions):
  - AXIS lists pre-canned options that you must NOT use, they will say "DO NOT USE"
  - You cannot close a request without a disposition.

- Records cannot remain in the Review Log they must be moved to the Request Folder

- Occasionally, AXIS will prompt you for an overdue comment when you are closing the request even when the file is on time.
  - Choose 'Other' and add the Note that the request is not overdue

What to do in AXIS

- **Close Request**

- If the request is **on time**
  - Read all the items in red as you may need to action them prior to closing the request

- Update the **Closed Date** to the date you sent the response to the applicant
- Update the Current Status to
  - If the request is Full or Partial Disclosure, choose:
    - SFTS or emailed: **Response – Sent – Electronic**
    - Mailed (print or CD): **Response – Sent – Hardcopy**
  - If the request is all other Dispositions, choose: **Closed**
- Update the **No of Pages Released** and **No of Pages Reviewed** if required

- If the request is **overdue**
  - Same choices as above with the addition of
  - Add Reason for Delay: **Other**
  - Add **Note**:
    - **IAO Issue** Use when requests are delayed because of IAO workload issues.
    - **Consultation delay** Use when request was delayed due to external consultation.
    - **Sign-off delay** Use when request was delayed due to sign-off time.
    - **Record gathering delay** Use when request was delayed because records were slow coming from program area.

Actions you can perform even if the request is closed

- View the contents of the request.
- Add documents to the Correspondence Log
- Add a Note.
- Assign the request.
- Deliver records again.
- View the redline records through the Document Management button in the left hand options and follow the prompts to open the records.
- Send the records for publication.
- Open an OIPC Review request by following the OIPC Review Request Workflow.

Abandon and Withdrawn

April 28, 2020   2:09 PM

Files closed as Abandoned

What to do when the applicant doesn't respond to a section 5 clarification
- See On hold pending S.5

What to do when the applicant doesn't respond to a fee estimate
- See Fee estimate and scroll down to "If the applicant does not respond and file closes as Abandoned"

What to do when there are records in the Review Log and you need to close the file as Abandoned or Withdrawn

Option 1: Recommended
- Move the records to the Request Folder
- Make a note on the file that the records were NOT delivered to the applicant
- Use the appropriate Final Action
- Close the file
- ⭐ This option will capture the page count in reporting
  This option ensures the records are given a retention schedule and retained and/or destroyed appropriately

Options 2: NOT Recommended
- Move the records back into DM
- Make a note on the file that the records are in DM and give the name of the folder in case they need to be found
- Use the appropriate Final Action
- Close the file
- ⭐ This option will NOT capture the page count in reporting
  The records may be easily forgotten about unless the Notes are reviewed
  These records will remain in AXIS indefinitely as they are not part of any retention schedule

Files closed as Withdrawn
- Need written confirmation from applicant and load into CL, use Subject Code Withdrawn
- If CFR has been sent complete it as "Other" and add note that file was withdrawn

PUBLICATION

July 10, 2020   4:13 PM

Open Information helps citizens of B.C. track the use of public funds and learn more about the way government does business. The website is one of the ways that the government is ensuring openness and transparency in its operations.

Please read the Open Information and Open Data Policy.

Based on this policy, IAO has operational requirements:

- All general FOI requests are eligible for publication to the Open Information website unless they meet the exemption criteria.
- All general FOI requests must have a publication status and exemption reason (if exempt) entered into AXIS for reporting purposes.
- On May 30, 2016 the disclosure of records released in response to a Freedom of Information (FOI) request was formalized per Ministerial Directive 06-2016, which also included updated exemption criteria language.

Please read Proactive Disclosure Directives.

Please read FOI Analyst Publication Guidelines.

The OIPC has written a report on BC's Open Information policy:

- Evaluating the Government of British Columbia's Open Government Initiative (2013)

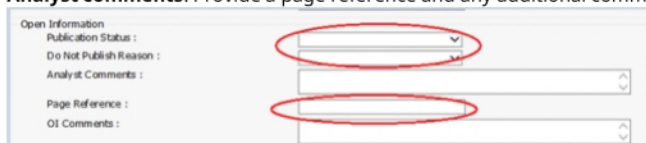# Set Publication Status or Exempt

June 19, 2020   4:24 PM

★ **FOI analysts will set the publication status for EVERY GENERAL FOI request before sending for sign off**

- IAO reports on publication and the status must be set
  - Open Information sends reports out on a regular basis if this information is missing from AXIS
- **The exceptions are for**:
  - Consultations
  - Personal requests
  - Personal review files
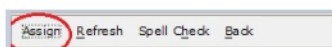 - CLBC files
  - IIO files

★ Send all files that are **Do Not Publish** WITH a **disposition of partial and full disclosure** to Open Information **before** sending for sign off

What to do in AXIS

- **Request Information** tab

- **Open Information** section

- **Publication Status**
  - Publish, or

  - Do Not Publish
    - Do not Publish Reason - **send to OI for exemption**
      - □ **Another Government's Information**: The applicant is another government and the records contain that government's information.
      - □ **Business Information**: The applicant is a business and the records contains their business information.
      - □ **First Nations Information**: The applicant is a First Nations group and the records contains their information.
      - □ **Personal Information**: The applicant is an individual and the records contain their personal information.
    - **Analyst comments**: Provide a page reference and any additional comments for clarity

    - **Current Action**: OI exemption Requested
    - **Assign request** to Open Information Queue (**check send email box**) as primary

      - □ Open Information will advise on whether it is approved or not within 24hrs
        - ◆ **Current Action**: OI Exemption Approved or OI Exemption Denied
        - ◆ Open Information Analyst will re-assign the file back to the FOI Analyst as the primary

- **Federal Copyright**

  - Effective October 1, 2016 records (or portions of records) unable to be published due to federal copyright legislation will be redacted prior to publication by the Open Information team.

  - Under the **Do not Publish Reason: Federal Copyright**: The package contains records that are covered by federal copyright.
    - FOI Analysts do not set this status
    - Send for publication
    - At time of publication review the OI Analyst will set this, redact the copyrighted information and publish minus copyright
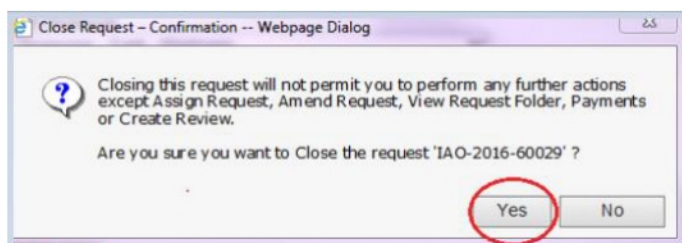
Publish a General Request

July 10, 2020   4:22 PM

What to do in AXIS

⭐ **All requests sent to the PAL reading room should have a blue Folder Status of PUBLISHED.**

- When you're closing a General FOI request that is eligible for publication, a pop up window will ask
    - "Would you like to add documents to the Reading Room?" = **Yes**

- **Step 1** - Document Management Opens
    - Check the box on all folders/sections that need to be published
    - Right click on file # folder - Add to Folder - Reading Room
    - Create New folder
        - Folder Name = FOI File number *DO NOT ADD SPACES AT FRONT OR END OF FILE NUMBER*
        - Ensure the Reading Room File Cabinet = Published General Requests
        - Submit for Publishing
    - Close Document Management

- **Step 2** - From top task bar, Document Management
    - Search/Publish - Reading Room
    - Folder Name = FOI File number
    - Click on it from the list
    - **Publish**
    - Document Management opens again
        - folder details – add page/file numbers and choose **Publish to Reading Room**- PDF Image
        - Check the box on all folders/sections that need to be published
        - Right click on file # folder - Publish to Reading Room

- **Step 3** - Customize the package - it should be customized the exact same way you sent to the applicant
    - Output format = PDF image
    - Do not include any review objects
    - Check the box = Hide Redaction Borders **and** Black and White
    - If you use review flags check them
    - Set page numbers (follow standardized prefix and c vsuffix settings)
    - Publish
    - **Close** PAL Reading Room

Troubleshooting

- Fix the name of the workflow
    - Document Management - Search/Publish - Reading Room
    - Folder Name = FOI File number
    - Search
    - Click on it from the list
        - Edit Folder

- □ Fix the number here if this is the issue OR
  - ▪ View Folders (to open in from DM)
    - □ Modify Folder Details and fix the number here
- ○ Click Publish and proceed to publish the records again
- ○ Confirm with OI that they see the workflow in the Tracker

- **Changing a Request from "Published" to "Submitted for Publishing" in the PAL Reading Room**
  - ○ Document Management Tab - Search/Publish – Reading Room
  - ○ Folder Name = FOI File number
  - ○ Search
  - ○ Click on the request to select it and hit **Unpublish**
  - ○ The following prompt will come up: **CLICK NO**
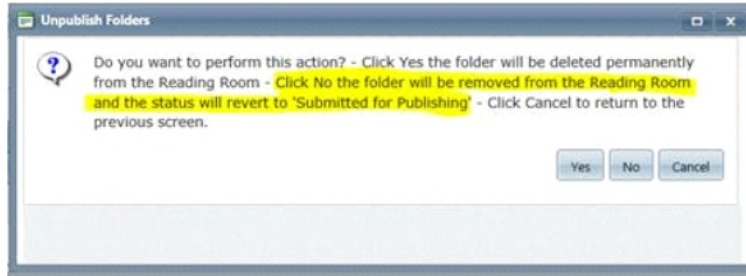
- ○ The folder will automatically change to "Submitted for Publishing"

Publish a revised response package

August 6, 2020   11:51 AM

Are you an analyst that is trying to send a revised records package for publication on the Open Information website? Open Information is here to help! But there are some additional steps for analysts to do as well!

Option #1: You have published your original records, but you want to publish revised response records, because of changes made without any formal OIPC involvement

- E.g. You have added new records to your original package, the ministry did an informal reconsideration of severing on your original package, you are updating severing following a breach, etc.
- In these examples, all work has been done in the original request # in AXIS.

Things for the Analyst to Do:

1. Make sure the "Revised Response Letter" is uploaded in the Correspondence Log of the original FOI request.
2. Make sure a revised response package has also been saved to the Correspondence Log.
3. Go into the PAL Reading Room and delete your original response package
4. Publish your revised records to the PAL Reading Room.
5. Email Open Information at Open.InfoGroup@gov.bc.ca . State when the revised records were sent to the applicant, and that revised records and the revised letter are ready for publishing

Option #2: You have published your original records, but you want to publish revised response records, because of a formal OIPC review/complaint

- In these examples, revised records and severing have been done in a NEW review/complaint file in AXIS.
- E.g. XXX-2019-9XXX-R or XXX-2019-9XXX-C
- ***NEVER SUBMIT RECORDS FOR PUBLICATION DIRECTLY FROM YOUR AXIS REVIEW FILE***
- Open Information cannot publish a workflow with a suffix such as "-C" "-R"
- If you do this by accident, please delete the review file package from the PAL Reading Room, before completing the following steps for publication.

Things for the Analyst to Do:

1. Make sure the "Revised Response Letter" is uploaded in the Correspondence Log of the original FOI request, rather than the review file.
2. Make sure a revised response package has also been saved to the Correspondence Log.
3. Email Open Information at Open.InfoGroup@gov.bc.ca. State when the revised records were sent to the applicant, and that revised records and the revised letter are ready for publishing.
4. Open Information will manually swap these revised records into your pre-existing PAL Reading Room submission from your original FOI request.

Publish records outside of DM

July 13, 2020   12:00 PM

Publish a Response letter only

When the response to the FOI request is within the response letter, that response letter should be published to Open Information. You will need to put a "placeholder record" into AXIS.

- **Publication Status**
  - Publication status = Publish
  - (optional step) Analyst Comments = record/information supplied in response letter

- Send for sign off (if required)

- Email response letter to applicant

- Final Actions = NRR

- Create Word document with your file number as the text and save to desktop
  - Load into DM following standard process (this creates a placeholder in DM that when moved to the Reading Room will trigger an OI workflow)
  - Move to Request Folder

- Deliver Documents
  - Do not check the file # folder, do not check any pages
  - Right click on file # folder
  - Choose "yes" to AXIS pop-up question "Do you want to perform delivery of final response letter without responsive records"
  - Check "final response letter" and "select default/pending final response letter" (this letter should already be in your pending correspondence since a draft copy was included in the sign-off package)
  - Deliver documents

- **Current action** = Response – Sent – Electronic

- **Close request**

- **Publish** "placeholder" document by following the 3 step process in Publish a General Request

Publish records in DM and more in the CL

When there are large maps or pictures or Excel documents loaded into CL and not DM

- Send the DM package to the Reading Room following the usual steps.

- Send a follow up email to Open.InfoGroup@gov.bc.ca advising them that there is a second package of records in CL.
  - Give them the name of that package.

- In 'Analyst Comments' add "additional records in CL"

AMEND A FILE

April 27, 2020   3:37 PM

★ **Amending a file re-opens it. The clock continues until you complete your edits and close it again.**

Why would you Amend a file

Once you have closed a file you may be alerted by Open Information, the Super Users or your Team Lead/Manager that information that IAO reports on needs to be fixed on a closed file such as:

- The **request description**
- The **final disposition**
- The **publication status**
- The **subject code**

What to do in AXIS

1. Locate the file in AXIS - note the closed date as you will need this to close the file later
2. More Actions
3. Amend Request
4. Add a note to explain what you are amending
5. Request Information
6. From here make whatever change you need to the information on the Request Information tab
7. Save
8. Close Request
9. Enter Close Date to be the same as the Original Closed Date
10. Save

Amend the severing

April 27, 2020   3:53 PM

★ **Amending a file re-opens it. The clock continues until you complete your edits and close it again.**

Why would you Amend the severing on a file

Once you have closed a file you may be alerted by Open Information, the Super Users or your Team Lead/Manager that the severing needs to be fixed on a closed file and a new package sent to OI and/or the applicant.

Steps to Take in AXIS

- If the package was published to the Reading Room you will first have to unpublish it

- Amend and put a note on what you are fixing

- You will also have to delete the original document delivery

- Open the records from the request folder and move the records back to the review log

- Open the records from the review log and make the necessary changes to the review layer

  - If records need to be peer reviewed follow team procedures

  - If file needs to be sent for sign off again, follow normal sign off procedures

- Move the record into the request folder

- Make the changes to the response letter if required

- Perform Final Actions following normal procedures

  - Ensure final disposition date matches the first time it was set

- Deliver documents following normal procedures

- Close the file

  - Enter/select Close Date to be the same as the Original Closed Date and Save
    - You may also need to update the Current Action if not set with appropriate option
    - You may also need to update your number of pages released
    - If the file was closed as overdue you will be prompted to enter a reason from the drop down menu, choose accordingly

- Answer Yes to send to Reading Room if you need to publish again. Follow normal Publication procedures. Answer No if the request was not eligible

Additional records found after file is closed

April 27, 2020   4:21 PM

★ **Amending a file re-opens it. The clock continues until you complete your edits and close it again.**

What to do when additional records are found after you closed the file

- There are four options on what to do with additional records found after an FOI request is closed in AXIS. The option you choose will depend on a number of things:
  - how soon you receive records after the file is closed
  - what the ministry wants/agrees to
  - what the applicant wants/agrees to, etc.
- Please talk to your Team Lead/Manager on choosing the best option for the file:

    a. **Open a new file**

    b. **Do not process (load or do not load records to correspondence log)**

    c. **Process records outside of AXIS**

        i. Amend the file once you are ready to load all material into the Correspondence Log
        ii. Use clear naming conventions of everything you load into CL
        iii. You can keep the original close date or choose to move it to your second release
        iv. This option avoids having the clock tick which runs the risk of the file appearing overdue while you are trying to complete it
        v. You do not delete any action from the system however; the system will only paint half a picture of the file. For example a portion of the records are missing from Document Management, if you did another consult or sign off it is not in the Consultation Log, if you delivered a second package it is not in the Delivery Log
        vi. This may not be the best option if you have to republish. See How Tos: PUBLISH – Loading a placeholder for Open Information
        vii. Use Adobe/Redax for the records
        viii. Use Outlook for all correspondence
        ix. Use the Corkboard for all templates

    d. **Amend file immediately and process the records inside AXIS**

        i. The file may appear overdue while you are processing
        ii. This option guarantees the additional records are in Document Management with the other records
        iii. All actions taken on the file are where they are supposed to be and are tracked
        iv. You can keep the original close date or choose to move it to your second release
        v. Maybe you don't need to do sign off or peer review
        vi. The following instructions are for this process

Steps to take in AXIS

- If the package was published to the Reading Room you will first have to unpublish it

- Amend and put a note on what you are fixing

- You will also have to delete the original document delivery

- Open the records from the request folder and move the records back to the review log

- You can move the first set of records from Request Folder back into Review Log if you wanted to or you could leave them in the Request Folder

- Right click at folder level – No to loading Review Layer – Create a new Section
  - ★ If you did not create a section the first time round you will not be able to create one now to place these new records in. You will have to create a second **folder**. Use the file number name with Part 2, for example MOE-2015-50123 Part 2.

- Add the new pages to the section/folder

- Review as needed
    - Modify the existing review layer if you created a new section
    - Create a new review layer if you created a new folder

- Right click folder – No do not add Review Layer – Add folder to Review Log
    - Add new folder to Review Log (do not check the other folders) – Yes you are sure you want to add the folders – OK – Your choice on updating Current Action

- Close Document Management using the task bar button

- Actions – View Document in Review Log
    - Expand the tree to open a page – Yes to load Review layer
    - Load existing Review Layer

- If records need to be peer reviewed follow team procedures

- If file needs to be sent for sign off again, follow normal sign off procedures

- Move the record into the request folder

- Make the changes to the response letter if required

- Perform Final Actions following normal procedures

    - Ensure final disposition date matches the first time it was set

- Deliver documents following normal procedures

- Close the file

    - Enter/select Close Date to be the same as the Original Closed Date and Save
        - You may also need to update the Current Action if not set with appropriate option
        - You may also need to update your number of pages released
        - If the file was closed as overdue you will be prompted to enter a reason from the drop down menu, choose accordingly

- Answer Yes to send to Reading Room if you need to publish again. Follow normal Publication procedures. Answer No if the request was not eligible

Deliver Documents again

July 3, 2020   4:32 PM

★ **Amending a file re-opens it. The clock continues until you complete your edits and close it again.**

Why would you Amend the file

- If the applicant did not pick up their package or they request a reprint you can deliver them again

Steps to take in AXIS

1. Locate the file in AXIS - note the closed date as you will need this to close the file later

2. More Actions

3. Amend Request

4. Add a note to explain what you are amending

5. Deliver Documents - Deliver Documents

6. Click ok on the window that pops up (this allows you to have 2 deliveries)

7. Follow same process to deliver the records.

8. Close the file with the original close date.