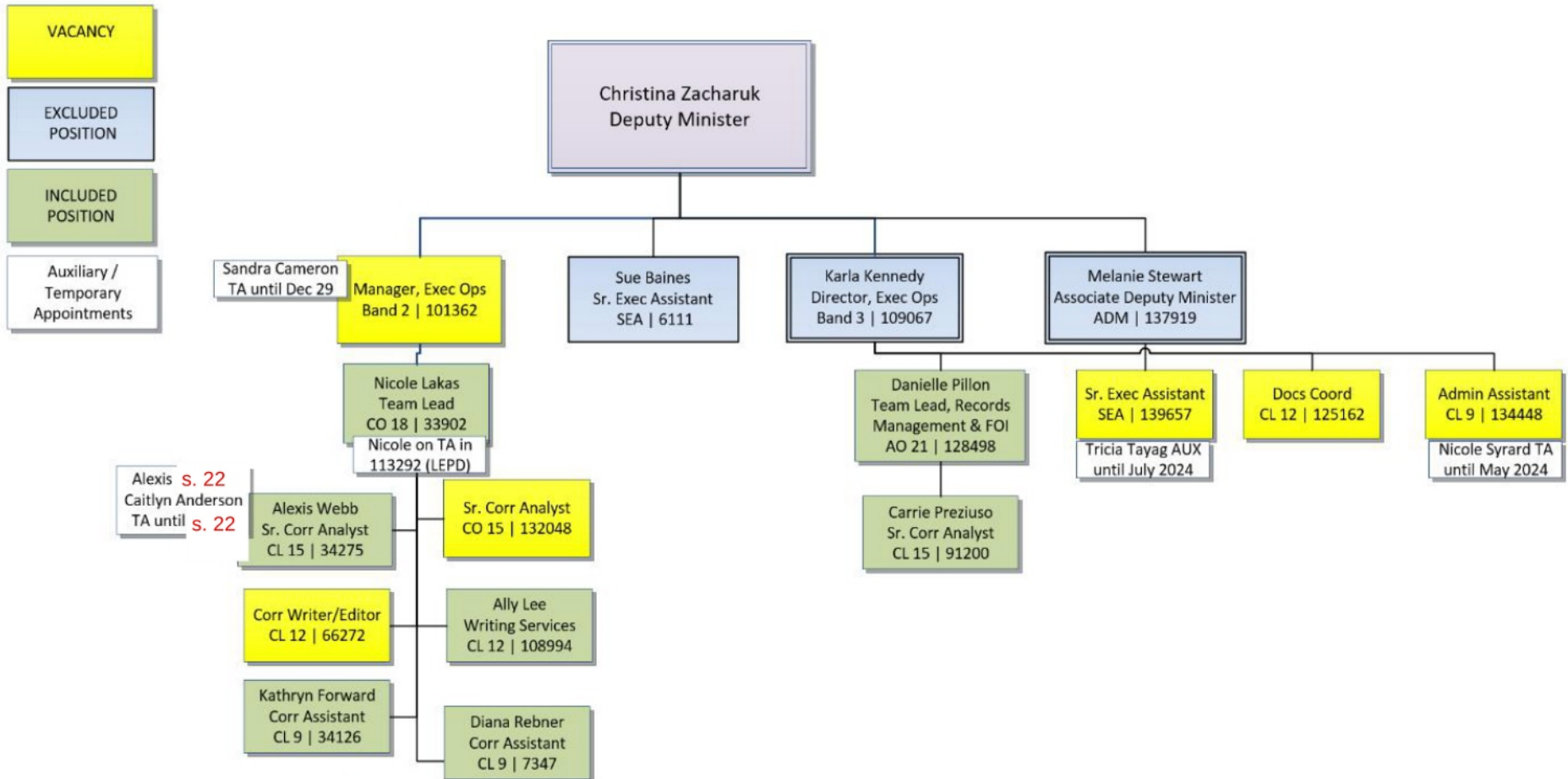


Deputy Minister's Office



**DELEGATION OF THE DUTIES, POWERS AND FUNCTIONS OF A MINISTER
AS HEAD OF A PUBLIC BODY UNDER THE *FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT***

Ministry of Education

Instructions:

Under the *Freedom of Information and Protection of Privacy Act*, the “head” of a public body (in the case of a ministry, a minister) is assigned a number of duties, powers and functions. FOIPPA permits the head to delegate any of these duties, powers or functions to any person. It stipulates that this delegation must be in writing and may contain any conditions or restrictions the head of the public body considers appropriate.

This template is provided for use by ministers in making these delegations. A minister may modify the template as appropriate to set additional conditions or restrictions on any duty, power or function.

Where a person is delegated in Column 2 of the table below, that delegation does not limit the authority of individuals in positions directly above the listed positions to exercise any of the delegated powers, duties, or functions in their area of responsibility. Notwithstanding the delegations, the minister may exercise at any time any of the powers, duties, or functions conferred on them under FOIPPA.

A minister may delegate a duty, power or function to **any person**; Column 3 of the table below provides guidance on the position title to which ministries have historically delegated each duty, power or function.

Ministries may contact the Privacy Helpline at 250 356-1851 or Privacy.Helpline@gov.bc.ca if they have any questions about how to use this template.

DUTY, POWER OR FUNCTION OF THE MINISTER	POSITION TITLE MINISTRY OF EDUCATION	SUGGESTED LEVEL OF DELEGATION
FREEDOM OF INFORMATION (FOI)		
Section 6 – Duty to assist applicants The head of a public body must make every reasonable effort to assist FOI applicants and to respond openly, accurately, and without delay. The head also must create a record in limited, specified circumstances. Note: While fulfilling this duty is the responsibility of all employees, this person is accountable.	ADM(s) and/or EDs of applicable area, per the formal FOI process via Information Access Operations (IAO Access Manager) and via EDUC FOI Coordinator	<i>Assistant Deputy Minister</i>
Section 7 – Time limit for responding The head of a public body must respond to an FOI applicant within 30 business days of receiving a request unless; <ul style="list-style-type: none"> a) A valid extension is taken (see s. 10); b) The request is transferred to another public body (see s. 11); c) The head has requested the Commissioner authorize the public body to disregard a request that is frivolous or vexatious (see s. 43); d) The applicant has been issued a fee estimate; or e) The Commissioner has been requested to review any of the matters set out in 7(5) and (6) Note: While all persons involved in responding to a request must exercise diligence in this regard, this person is accountable.	ADM(s) and/or EDs of applicable area, per the formal FOI process via Information Access Operations (IAO Access Manager) and via EDUC FOI Coordinator	<i>Assistant Deputy Minister</i>
Section 8 – Contents of response The head of a public body must inform the applicant whether they are entitled to access a record, and provide details about how access will be given. If access is refused, the head of the public body must inform the applicant why, and provide contact information of an officer or employee of the public body who can answer the applicant's questions about the refusal. The head of a public body may refuse to confirm or deny the existence of a record if specified conditions are met (see s. 8(2)). Note: Information Access Operations staff will issue the response to the applicant that meets the legislated obligations. However, this person is accountable for making the decision to provide or refuse access, or to refuse to confirm or deny the existence of a record.	ADM(s) and/or EDs of applicable area, per the formal FOI process via Information Access Operations (IAO Access Manager) and via EDUC FOI Coordinator	<i>Assistant Deputy Minister</i>

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Section 9 – How access will be given If access will be given, the head of a public body must comply with the following: <ul style="list-style-type: none"> a) If the record can be reasonably reproduced, either electronically or in hard copy, then it must be provided in the form requested by the applicant. b) Where the above is not possible, the applicant can also be permitted to examine the record. 	FOI Analyst	<i>FOI Analyst, Corporate Information and Records Management Office (CIRMO)</i>
Section 10 – Extending the time limit for responding The head of a public body may extend the timeline for responding to a request if specified criteria are met. If an extension has been taken, the applicant must be provided the reason and when the response can be expected.	Decision to take an extension: FOI Analyst	Decision to take an extension: <i>FOI Analyst, CIRMO</i>
	Requirement to inform applicant: FOI Analyst	Requirement to inform applicant: <i>FOI Analyst, CIRMO</i>
Section 11 – Transferring a request If the record was produced, obtained, or is under the control or custody of another public body, then the request can be transferred within the first 20 days. The head of the other public body must respond to the applicant no later than 30 days after the transferred request is received, unless the time limited is extended under section 10.	Decision to transfer: FOI Analyst	Decision to transfer: <i>FOI Analyst, CIRMO</i>
	Requirement to notify applicant: FOI Analyst	Requirement to notify applicant: <i>FOI Analyst, CIRMO</i>
Section 43 – Power to authorize a public body to disregard requests The head of a public body may ask the Commissioner for authorization to disregard requests that are frivolous or vexatious or would unreasonably interfere with operations of the public body due to their repetitious or systematic nature.	DM	<i>Deputy Minister</i>
FOI FEES		
Section 75(1) – Fees for services The head of a public body may require payment of fees for locating, retrieving, producing, preparing, shipping and handling, and/or providing a copy of the record.	FOI Analyst	<i>FOI Analyst, CIRMO</i>
Section 75 (4) – Fee estimate If an applicant is required to pay a fee for services, the head of the public body must provide a written fee estimate and may set amount of deposit required.	FOI Analyst	<i>FOI Analyst, CIRMO</i>
Section 75 (5) – Fee waiver 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 all or part of the fee.	ADM(s) of applicable area	<i>Assistant Deputy Minister</i>
Section 75 (5.1) – Fee waiver response The head of a public body must respond in writing to applicant's fee waiver request within 20 days.	FOI Analyst	<i>FOI Analyst, CIRMO</i>
EXCEPTIONS TO DISCLOSURE UNDER FOI		

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Section 12(1) – Cabinet confidences The head of a public body must refuse to disclose the substance of deliberations of the Executive council or any of its committees. This includes any advice, recommendations, policy considerations, draft legislation or regulations submitted or prepared for submission.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
Section 13 – Policy advice or recommendations The head of a public body may refuse to disclose information that would reveal advice or recommendations developed by or for a public body or a minister.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
Section 14 – Legal advice The head of a public body may refuse to disclose information subject to solicitor client privilege.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
Section 15 – Disclosure harmful to law enforcement The head of a public body may refuse to disclose information which could reasonably be expected to harm law enforcement.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
Section 16 – Disclosure harmful to intergovernmental relations or negotiations The head of a public body may refuse to disclose information that could reasonably be expected to harm relations between the government of B.C. and other governments or their agencies.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
Sections 17 – Disclosure harmful to the financial or economic interests of a public body The head of a public body may refuse to disclose information that could reasonably be expected to harm the financial or economic interests of a public body or the government of B.C.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
Section 18 – Disclosure harmful to the conservation of heritage sites, etc. The head of a public body may refuse to disclose information that could reasonably be expected to damage or interfere with the conservation of fossil sites, heritage sites, or endangered species.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
Section 19 – Disclosure harmful to individuals or public safety The head of a public body may refuse to disclose information which could reasonably be expected to threaten anyone else's safety, mental or physical health; interfere with public safety; or cause the applicant immediate and grave harm.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
Section 20 – Information that will be published or released in 60 days The head of a public body may refuse to disclose information that will be published or released to the public within 60 days of the receipt of the applicant's request, or that must be published or released to the public under an enactment.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>

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Section 21 – Disclosure harmful to business interests of a third party The head of a public body must refuse to disclose trade secrets, commercial, financial, labour relations or scientific information of or about a third party; that was supplied in confidence; and disclosure of which could reasonably be expected to cause specified harm.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
Section 22 – Disclosure harmful to personal privacy The head of a public body must refuse to disclose information that would be an unreasonable invasion of a third party's personal privacy.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
Section 22.1 (2) – Disclosure of information relating to abortion services The head of a public body must refuse to disclose information that relates to the provision of abortion services.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
THIRD-PARTY NOTICE UNDER FOI		
Section 23 – Notifying the third party The head of a public body must give a third party written notice when it intends to give access to a record containing information that it has reason to believe might be excepted from disclosure under s. 21 or 22 and may give a third-party notice when it intends to refuse access to information pursuant to s. 21 or s. 22.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>FOI Analyst, CIRMO</i>
Section 24 – Time limit and notice of decision The head of a public body must decide within 30 days after notice is given under section 23 to give access to all or part of a record, provide the applicant and the third party with written notice of the decision and tell the third party of the right to request a review.	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
DISCLOSURE OF INFORMATION IN THE PUBLIC INTEREST		
Section 25 – Information must be disclosed if in the public interest The head of a public body must disclose information about a risk of significant harm to environment or to health or safety of the public or a group of people, or disclosure of which is clearly in the public interest.	DM Ministry Privacy Officer CIRMO OIPC, BC	<i>Deputy Minister</i>
DISCLOSURE OF INFORMATION WITHOUT AN FOI REQUEST		
Section 70 – Policy manuals available without request The head of a public body must make available manuals, instructions, guidelines, or substantive rules or policy statements adopted by public body.	ED(s) of applicable area	<i>Executive Director</i>
Section 71 – Records available without request The head of a public body must establish categories of records available to the public without a request for access under the Act.	ED(s) of applicable area	<i>Executive Director</i>
PRIVACY PROTECTION		

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Section 29 – Right to request correction of personal information The head of a public body must correct or annotate applicant's personal information on request.	ED(s) of applicable area	<i>Executive Director</i>
Section 30.2 (2) – Obligation to report foreign demand for disclosure The head of a public body must notify the minister responsible for this Act if a foreign demand for disclosure is received or unauthorized disclosure of personal information has occurred in response to a foreign demand for disclosure.	DM ADM Ministry Privacy Officer Via CIRMO	<i>Assistant Deputy Minister</i>
Section 30.5 (2) – Notification of unauthorized disclosure The head must be notified by an employee, officer, or director of a public body, or an employee or associate of a service provider, if there has been an unauthorized disclosure of personal information that is in the custody or under the control of the public body.	MCIO Ministry Privacy Officer Via CIRMO (IIMP)	<i>Ministry Chief Information Officer in accordance with the Information Incident Management Policy</i>
Section 33.1 (1)(m) – Disclosure inside or outside Canada For the purposes of authorizing disclosure inside or outside Canada, the head of the public body may determine that there are compelling circumstances affecting anyone's personal health or safety.	DM	<i>Deputy Minister</i>
Section 69 (5) – Privacy Impact Assessments The head of a public body must conduct a privacy impact assessment (PIA) in accordance with directions of the Minister responsible for FOIPPA.	Where Personal Information is involved: ADM(s) of applicable area Ministry Privacy Officer	Where Personal Information is involved: <i>Assistant Deputy Minister</i>
	Where no Personal Information is involved: ED(s) of applicable area Ministry Privacy Officer	Where no Personal Information is involved: <i>Executive Director</i>
GENERAL		
Section 44 (4) – Examination of a record by the Commissioner If a public body is required by the commissioner to produce a record and it is not practicable to make a copy, the head of the public body may require the commissioner to examine the original at its site.	ADM(s) of applicable area	<i>Assistant Deputy Minister</i>
Section 69 (4) – Correcting errors in Personal Information Directory The head of a public body must correct any errors or omissions in personal information directory that relates to ministry and provide corrected information to Minister responsible for this Act.	Ministry Privacy Officer	<i>Assistant Deputy Minister</i>
Section 69 (5.5) – Notifying Commissioner of data-linking initiatives or common or integrated programs or activities The head of a public body must notify commissioner of data-linking initiative or common or integrated program or activity.	Ministry Privacy Officer	<i>Executive Director</i> *Note: CIRMO staff should liaise on communications with the Office of

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		<i>the Information and Privacy Commissioner</i>
Section 69.1 (4) – Health information banks The head of a public body that is a healthcare body must (a) provide to the minister responsible for this Act information about health information banks of health care bodies and (b) correct as soon as possible any errors or omissions in the portion of the personal information directory that relates to the health care body, and provide the corrected information to the minister responsible for this Act.	N/A	N/A
RECOVERY AND RETURN OF PERSONAL INFORMATION		
Section 73.1 – Recovery of personal information The head of a public body may issue written notice demanding that a person or entity return personal information, securely destroy the information or respond in writing to declare they are authorized by law to possess this information.	ADM or ED of program area, per the Information Incident Management Policy and advice from CIRMO Privacy Investigations Unit Manager	<i>Deputy Minister</i> <i>With advice from Legal Services Branch and CIRMO staff</i>
Section 73.2 – Court order for return of personal information The head of a public body may ask the Attorney General to petition the superior court for an order requiring return of personal information.	DM/ADM/ED	<i>Deputy Minister</i>
INFORMATION SHARING AGREEMENTS		
Section 69 (5.7) – Information-sharing agreements The head of a public body must prepare an information-sharing agreement in accordance with directions of Minister responsible for this Act.	ADM(s) and EDs of all Divisions, per Ministry Privacy Officer	<i>Executive Director</i>
FOIPPA REGULATION		
Section 7 (1) – Disclosure of information relating to mental or physical health to a medical professional The head of a public body may disclose information relating to the mental or physical health of an individual to a health professional for an opinion on whether disclosure of the information could reasonably be expected to result in grave and immediate harm to the individual's safety or mental or physical health.	N/A	N/A
Section 7 (3) – Requiring a health professional to enter into a confidentiality agreement or examine records on public body's premises The head of a public body may require a health professional to whom information is disclosed under this section to do either or both of the following: a) enter into a confidentiality agreement; b) examine the record containing the information on the public body's premises.	N/A	N/A

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<p>Section 7 (5) – Recommendation for accompaniment while viewing a record containing mental or physical health information</p> <p>The head of a public body may recommend that an applicant who makes a request for access to a record containing information relating to the applicant's mental or physical health should not examine the record until a health professional or a member of the applicant's family is present to assist the applicant in understanding the information in the record.</p>	N/A	N/A
<p>12 (a)(i) Signing written agreement that confirms a common or integrated program or activity</p> <p>The head of each public body or agency must sign the written agreement that meets the requirements of section 12 of the regulation.</p>	ADM(s) of applicable area, per Ministry Privacy Officer (Privacy Impact Assessments and Integrated Program Agreements)	<i>Assistant Deputy Minister</i>

Pursuant to section 66 of the *Freedom of Information and Protection of Privacy Act* (the Act), I hereby delegate my powers, duties and functions as head of the public body to the persons who hold the positions, and to the extent, set out in the Schedule above, subject to the following conditions:

- (a) that the persons to whom my powers, duties or functions are delegated are bound in the exercise of those powers, duties or functions by the jurisdictional, legislative and administrative limitations to which I am subject;
- (b) that the powers, duties or functions delegated to any person may also be exercised by another person who holds the person's position in an acting capacity to which he or she has been duly appointed;
- (c) that, notwithstanding the delegation of my powers, duties or functions, I may exercise at any time any of the powers, duties or functions delegated.

This delegation is effective on and from the date shown below and shall remain in effect until revoked. This delegation may be revoked or amended.

Honourable Jennifer Whiteside
Minister of Education



April 21, 2021

Name and position title of the head of the
public body

Signature

Date