

Instructions for FOI Divisional Contacts

Role of the Divisional Contact:

When a new FOI Request is received, our FOI office directs the “Call for Records” (CFR) to the Divisional Contact. The Divisional Contact is responsible for circulating the CFR within their Division to the appropriate individuals. They also liaise with our office on behalf of their Division if there are any questions or concerns raised by staff relating to the FOI request.

Search for Records:

- ✓ The search for records must include all records within the custody or control of the Division (emails, LAN, hardcopy records, Executive’s records, all individuals’ personal folders, “confidential” records, contractor records, any electronic filing systems such as TRIM and CLIFF and off-site storage).
When conducting an off-site storage search there should be some reasonable grounds to do so – some belief that responsive records MAY be found. In most circumstances a search of off-site records will not be necessary. The same goes for ‘contractor’ records – there should be a belief they hold responsive records.
- ✓ Please ensure staff note where they searched (ie. emails, LAN, CLIFF, etc.).
- ✓ Please ensure program area staff understand that if they estimate a search **will take longer than 3 hours to gather and prepare records for our office** – they are to notify the Divisional Coordinator immediately who will then advise our office. When a search to gather records is estimated to take more than 3 hours, we may have a ‘Fee Estimate’ issued to the applicant requesting they make an attempt (if possible) to narrow the scope of the request. We would seek additional details from you at such time.
- ✓ If you know that another program area may have responsive records and you have not seen them noted on the ‘Call For Records’ email - please advise our office and we will follow up.
- ✓ Search ‘Deleted Items’ folder.
- ✗ DO NOT search for records outside the Ministry except with specific contractors as necessary.

Submitting Records to our Office:

- ✓ Please ensure that records gathered are “responsive to the wording of the request”. Eg. Do the records fall within the date range requested? Do the records contain information the applicant is seeking?
- ✓ Please ensure any duplicates have been removed.
- ✓ Please ensure all records have been scanned into one clean un-marked pdf.
- ✓ Please ensure that sensitive material (ie. Harms) has been identified by subject matter experts.
- ✓ Please provide the completed ‘Call For Records’ to our team mailbox at: FOI.Inbox@gov.bc.ca

Harms:

Harms generally refers to any information contained within a record that, if it is released, would cause harm to the ministry and/or government. **“Harms” may be provided to us in one of 3 ways:**

1. A marked copy of responsive records (highlighting specific portions – may also include electronic sticky notes with relevant information). *If a ‘marked’ copy of a pdf is provided – please ensure a clean copy is also provided.* We are not able to process records that have been ‘marked’;
2. A general overview of sensitivities in the response email to us, eg. “...contains information of a confidential and on-going matter under negotiation with ...”, “This information/item relates to work the ministry is contemplating ...” This relates to a Cabinet Submission currently being prepared for Cabinet...”; OR
3. Providing the name of the subject matter expert who we may contact to discuss the relevant harms with after our office has had a chance to review the records provided to us.

*The best approach to identify harms is generally determined as a result of the type of request and the records that have been gathered. Where there are only a few records, the review for harms may be a simple act, whereas if the volume of records accounted for several hundred or even thousands of records it would likely be easier to submit them first to us for an initial review.

Overview of Harms: Freedom of Information and Protection of Privacy Act

Section 12: Cabinet Confidences

This section requires a provincial government public body to withhold information that would reveal Cabinet confidences. This section also allows local public bodies to withhold information that was discussed at closed-door (in camera) meetings. ***If information is being flagged as coming under this section – we must know: What is the Status of this item, ie. where is it at in the Cabinet process.**

Section 13: Advice or Recommendations

This section allows a public body to withhold advice or recommendations, a proposed courses of action and quite often – draft materials.

Section 14: Legal Advice

This section allows a public body to withhold communications between itself and its legal counsel.

Section 15: Law Enforcement

Public bodies may withhold information that would harm a law enforcement matter. Ministries will often withhold locations attended (personal safety) and I.T. specifications that could compromise security.

Section 16: Intergovernmental Relations

Matters which could harm the relations between B.C.'s levels of government and governments from other provinces and jurisdictions may be withheld under this section.

Section 17: Financial or Economic Harm

This section allows public bodies to withhold information which, if released, would cause financial or economic harm to the public body or to the government.

Section 21: Harm to Business Interests

Public bodies are often in possession of commercial or financial information of outside businesses and must withhold that information from an applicant if releasing it would cause harm to the business. To apply s21, a three-part test must be met in order to appropriately apply the section.

Section 22: Harm to Personal Privacy

Your personal information belongs to you, and except in very limited circumstances, public bodies must not release your information to anyone but you.