
Service Agreement

*Regarding the provision of freedom of information services
between
Information Access Operations, Ministry of Citizens' Services (IAO)
and
Transportation Investment Corporation (TI Corp)*

Effective April 1, 2022 – March 31, 2025

1.0	BACKGROUND	3
2.0	PURPOSE	3
3.0	MODIFICATION OR DELETION OF SERVICES AND CHARGES	3
4.0	CHARGE-BACK PROCESS AND DOCUMENTATION	3
5.0	VERIFICATION AND AUDIT.....	3
6.0	JOINT PLANNING AND COOPERATION.....	4
7.0	SERVICES.....	4
8.0	NOTICE AND CANCELLATION.....	4
9.0	DISPUTE RESOLUTION	4
10.0	CONFIDENTIALITY AND DISCLOSURE.....	4
11.0	SECURITY OF DATA	5
12.0	DURATION OF AGREEMENT	5
	Attachment 1: Services to be Provided and Associated Charges (2022/23 - 2024/25)	6

1.0 BACKGROUND

Information Access Operations (IAO), Ministry of Citizens' Services currently provides Freedom of Information (FOI) services (as laid out in Appendix 1) to all ministries.

In limited circumstances, IAO also provides FOI services to broader public sector agencies under Agreement.

2.0 PURPOSE

The purpose of this agreement is to document the exchange of services between IAO and TI Corp whereby IAO will provide FOI services to TI Corp, in exchange for fees to cover employee salary and costs associated with the work.

Detailed descriptions of the services to be provided by IAO, and associated charges, are included in Attachment 1, which forms part of this agreement.

3.0 MODIFICATION OR DELETION OF SERVICES AND CHARGES

During the life of this agreement, it is expected that services provided by IAO will be modified, transitioned, deleted, or added. Changes to the services provided and their associated costing will be documented as amendments to Attachment 1.

The provided services and their related costs will be reviewed at the expiration of this service agreement and a new service agreement will be drafted.

4.0 CHARGE-BACK PROCESS AND DOCUMENTATION

IAO will send an invoice to TI Corp on a quarterly basis for services and costs as outlined in Attachment 1.

Payments can be made via electronic funds transfer (details below) with email notification sent to

s. 17

5.0 VERIFICATION AND AUDIT

TI Corp has the right to audit any additional supporting documentation of IAO not provided under Section 4.0 above.

6.0 JOINT PLANNING AND COOPERATION

IAO and TI Corp agree to plan and work together through the process of transitioning any service to ensure business continuity.

7.0 SERVICES

IAO undertakes to provide the services listed in Attachment 1.

The Schedule to Delegation Instrument (Attachment 2) sets out the positions to whom powers, duties and functions defined by the *Freedom of Information and Protection of Privacy Act* (FOIPPA) are delegated by the Head.

TI Corp and IAO agree to work in partnership in meeting the legislated deadlines imposed by FOIPPA.

8.0 NOTICE AND CANCELLATION

This agreement or any ongoing service as defined in Attachment 1 may be terminated with 60 days written notice to the other party.

9.0 DISPUTE RESOLUTION

Any disputes that may arise pertaining to this agreement, which cannot be resolved between the Executive Director, Information Access Operations and the Chief Information Officer, TI Corp, will be referred to the Assistant Deputy Minister and Chief Records Officer, Ministry of Citizens' Services and the President and Chief Executive Officer, TI Corp, for resolution.

10.0 CONFIDENTIALITY AND DISCLOSURE

The parties will ensure that information provided under this agreement is collected, retained, used and disclosed in a manner consistent with the provisions of FOIPPA and other relevant legislation. This agreement does not require or permit a contravention of any legislation.

11.0 SECURITY OF DATA

The parties agree that each will make all necessary arrangements to maintain the security, confidentiality and integrity of the data.

The parties agree that all data provided under this agreement will be used, stored and transmitted securely to ensure compliance with the confidentiality provisions of the legislation referenced in section 10.0 and to protect sensitive business information of the parties.

The parties will immediately advise each other of any circumstances, incidents or events, which have (or may in the future) jeopardize:

- Confidentiality of data or the privacy of individuals
- The security of any computer system or network used to access data

12.0 DURATION OF AGREEMENT

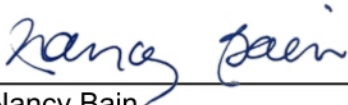
This agreement is effective April 1, 2022 to March 31, 2025.



Rhiana Begley
Executive Director, Information Access Operations
Ministry of Citizens' Services

February 23, 2022

Date



Nancy Bain
Executive Financial Officer
Transportation Investment Corporation

March 9, 2022

Date

Attachment 1: Services to be provided and Associated Charges

IAO will provide the following Services to TI Corp:

1.0 Freedom of Information Services

IAO will provide TI Corp with FOI services, including:

- Receiving, administration, tracking, responding to, and reporting on, freedom of information requests received by or on behalf of TI Corp.
- Freedom of Information training, at prior request of Chief Information Officer, TI Corp or Manager, Information Management, Access & Privacy, TI Corp.

Below is a breakdown of the services that IAO will offer with respect to formal FOI requests submitted to TI Corp:

- Receiving requests from applicants
- Determining that section 5 requirements have been met (i.e. they are legitimate FOI requests) or working with the applicant so that their request can meet the requirements of section 5
- Administering and receiving fee payments, including application fees.
- Communicating with the applicant as required to process the request (e.g. correspondence regarding acknowledgement of the request and timelines, fee-related correspondence, time extensions, transfers, response letters, etc.)
- Entering the requests into our FOI request processing/tracking/reporting system
- Sending TI Corp a call for records, advising that you have a request and asking that the records be sent to us with a harms assessment
- Taking time extensions permitted to be taken by the public body, where the circumstances warrant it
- Requesting OIPC approval for time extensions, where circumstances warrant it
- Issuing fee estimates on general FOI requests, where the circumstances warrant it
- Narrowing/clarifying requests where needed
- Making recommendations with respect to fee waiver requests (for TI Corp's approval unless that authority is delegated to IAO)
- Receiving the responsive records from TI Corp
- Consulting other public bodies or third parties, as/where required
- Reviewing the responsive records for severing required or permitted by FOIPPA
- Providing a red lined copy of the records with an FOI request approval form (i.e. a disclosure recommendation package) so that TI Corp can authorize the response
- Assisting/supporting TI Corp in dealing with the OIPC on complaints/reviews on files (where the process does not require legal counsel representation)

2.0 Costs for Services

TI Corp will reimburse IAO for costs for these services on the following basis:

Fees: \$2,000 per FOI request

Attachment 2: SCHEDULE TO DELEGATION INSTRUMENT

This Schedule sets out the positions to whom powers, duties, and functions of the head are delegated.

TRANSACTION	SECTION					
ORGANIZATION RESPONSIBLE		IAO		TI Corp		
POSITIONS THAT MAY EXERCISE DELEGATED AUTHORITY		IA	MA	COO	CEO	MIAP
INFORMATION RIGHTS						
Duty to assist applicants All duties and powers set out in this section	6	X	X	X	X	X
Time limit for responding All duties and powers set out in this section	7	X	X	X	X	X
Contents of response All duties and powers set out in this section	8	X	X	X	X	X
How access will be given All duties and powers set out in this section	9	X	X	X	X	X
Extending the time limit for responding All duties and powers set out in this section	10	X	X	X	X	X
Transferring a request All duties and powers set out in this section	11	X	X	X	X	X
EXCEPTIONS						
Cabinet and local public body confidences Must refuse to disclose to applicant	12(1)			X	X	
May refuse to disclose to applicant	12(3)			X	X	
Policy advice or recommendations All duties and powers set out in this section	13			X	X	
Legal Advice All duties and powers set out in this section	14			X	X	
Disclosure harmful to law enforcement All duties and powers set out in this section	15			X	X	
Disclosure harmful to intergovernmental relations or negotiations All duties and powers set out in this section	16			X	X	
Disclosure harmful to the financial or economic interests of a public body All duties and powers set out in this section	17			X	X	
Disclosure harmful to the conservation of heritage sites, etc. All duties and powers set out in this section	18			X	X	
Disclosure harmful to interests of an Indigenous people All duties and powers set out in this section	18.1			X	X	
Disclosure harmful to individual or public safety All duties and powers set out in this section	19			X	X	
Information that will be published or released within 60 days All duties and powers set out in this section	20			X	X	

Disclosure harmful to business interests of a third party All duties and powers set out in this section	21			X	X	
Disclosure harmful to personal privacy All duties and powers set out in this section	22			X	X	
Disclosure of information relating to abortion services Must refuse to disclose information to applicant	22.1(2)			X	X	
NOTICES TO THIRD PARTIES						
Notifying the third party All duties and powers set out in this section	23	X	X			
Time limit and notice of decision All duties and powers set out in this section	24	X	X			
PUBLIC INTEREST PARAMOUNT						
Information must be disclosed if in the public interest All duties and powers set out in this section	25			X	X	
OFFICE AND POWERS OF INFORMATION AND PRIVACY COMMISSIONER						
Power to authorize a public body to disregard requests Ask the commissioner to disregard requests	43			X	X	
Powers of commissioner in conducting investigations, audits or inquiries Require commissioner to view document at site	44(4)			X	X	
REVIEWS & COMPLAINTS						
Burden of proof Prove an applicant has no right of access to a record	57(1)	X	X	X	X	X
Duty to comply with orders Must comply with order of commissioner	59(1) and 59(1.1)	X	X	X	X	X
GENERAL PROVISIONS						
Policy manuals available without request All duties and powers set out in this section	70			X	X	X
Records available without request All duties and powers set out in this section	71			X	X	X
Fees Require payment of fee	75(1)	X	X	X	X	X
Provide fee estimate and set amount of deposit required	75(4)	X	X			X
Excuse all or part of fee	75(5)		X	X	X	
Must respond in writing within 20 days	75(5.1)		X			X

DEFINITIONS:

IAO – Information Access Operations.

TI Corp maintains custody or control of records subject to FOIPPA.

“Position that may exercise delegated authority” - All positions in a specified organization (IAO or TI Corp) that may exercise delegated authority pursuant to a specific section or subsection of FOIPPA. The specific determination of who will exercise that discretion in regard to any particular record, program, system or legislation will be in accordance with the FOIPPA Policy and Procedures Manual and with consideration of any other specific guidance provided by IAO or the Office of the Chief Information Officer (OCIO).

IA – IAO Analyst (FOI Analyst, Senior FOI Analyst, FOI Specialist, or FOI Team Lead) in IAO with assigned responsibility for processing and analyzing requests for records and activities of ministries that are subject to FOIPPA.

MA – Manager, Access to Information in IAO with responsibility for directing the provision of specific services to a ministry or group of ministries.

COO – Chief Operating Officer, TI Corp

CEO – Chief Executive Officer, TI Corp

MIAP – Manager, Information Management, Access & Privacy, TI Corp

***** End of Agreement *****

Records and Information Management Policy

Freedom of Information and Protection of Privacy Policy

2024



1

ti corp.

Welcome and thank you for joining me.

TICconnect

The TI Corp Board of Directors review policies yearly.

Updated policy documents are on our intranet site via **Quick links** or at:

<https://intranet.gov.bc.ca/ticonnect/communications/policies>

Quick links

[About TI Corp](#)
[Annual reports and plans](#)
[Facilities](#)
[Policies](#)
[Project controls](#)

Tools

[My Time and Pay](#)
[Learning HUB](#)
[Performance Development Platform \(PDP\)](#)
[MyPerformance](#)
[SharePoint](#)
[iExpense / CFS](#)

Agenda

- **Introduction**
- **Information Management Act**
 - Key Points
 - Policy
- **Freedom of Information and Protection of Privacy Act**
 - Key Points
 - Policy
 - FOI Request Process
- **Additional Resources**
- **Questions**



Introduction

- Policies communicate corporate expectations or address challenges
- TI Corp was specifically included within the scope of the:
 - *Information Management Act*; and,
 - *Freedom of Information and Protection of Privacy Act*.
- The goal is to manage information consistently to instill trust and credibility in our handling of the information in our care

4

ti corp.

Information is a critical resource and needs to be managed to maximize its value for British Columbians

We will be talking about policy in terms of legislation ??? -

Government direction for managing information throughout its lifecycle is set by legislation.

Information Management Act



- **Government Information** - recorded information created or received in connection with government business
- Head of the public body is responsible for ensuring that there is an appropriate system for managing and securing government information
- Information must be retained unless disposal is authorized using an **Information Schedule** (e.g., ARCS, ORCS, Special Schedules)
- Chief Records Officer can issue Directives – e.g., Documenting Government Decisions Directive

5

ti corp.

Information includes the variants - Data, information, records, knowledge, metadata

Information – data, records are essential to government, to meeting our obligations, to documenting the history of the province

In 2016, the *Information Management Act* was enacted and it changed the landscape for records and information management

The *Information Management Act* defines responsibilities for information - not records

In 2021, TI Corp the *Freedom of Information and Protection of Privacy Act* was amended

Except for personal information about themselves, applicants must now pay \$10 for each information request

Chief Records Officer - Documenting Government Decisions (DGD)

Directive – issued by the Chief Records Officer under the authority of the IMA. Defines requirements for documenting and retaining consequential decisions and the characteristics of an appropriate recordkeeping system

TI Corp

- MOTI Crown Agency that is a subsidiary to a Crown Agency (BCTFA)

Project Agreements

- Contracts with the Province will require contractors to comply with government legislation and policy.
- Contractors typically are required to manage information as if it were being managed by the Province.
- One difference between contract and legislative the records retention categories in use:
 - Records of Value – Permanent Value
 - Expedient from the project perspective but lawful disposition is defined in legislation

Policy

1. Government information must be managed throughout its lifecycle (creation, use, retention and lawful disposition) to enable long term accessibility and preservation.
2. Employees are responsible for creating, classifying, retaining and lawfully disposing of government information in accordance with legislation.



6

ti corp.

Documenting government directives – documenting government decisions that impact people, their rights, and finances

FOIPPA – finding

IMA – retention and disposal

Freedom of Information and Protection of Privacy Act

Part 1 Introduction

Part 2 Information Rights and How to Access Them

Part 3 Protection of Privacy

**Part 4 Office and Powers of the Information Privacy
Commissioner (OIPC)**

Part 5 Reviews and Complaints

Part 6 General Provisions

Schedule 1 Definitions

Schedule 2 Public Bodies



FOI Key Points

Personal Information – recorded information about an identifiable individual ...

Part 2 Sections

Information Access Rights (s. 4 – 11)

- s. 6 Duty to Assist
- s. 7 Time Limit for Responding

Exceptions to the Release of Requested Information (s. 12 – 25)

- s. 12 – 22 (Harms)
- E.g., Cabinet, Legal, Policy Advice, Financial, Intergovernmental Relations, Indigenous Interests

8

ti corp.

Personal info – includes employees, always do a Privacy Impact Assessment

Role of the Office of the Information and Privacy Commissioner (OIPC)-
Regulator that ensures that Government including TI Corp meets the
requirements of FOIPPA

Role of the Information Access Operations

Harms – strict interpretation of legislation

Harms Assessment Sheet – MOTI site or I can send out

FOIPPA Policy and Procedures Manual ([BC Government site](#))

Section 6 - Duty to assist applicants

- [Overview](#)



Overview

- [Section Reference](#)
- [Policy](#)
- [Summary](#)
- [Interpretation](#)
- [Sectional Index of Commissioner's Orders](#)
- [Return to Manual Table of Contents](#)

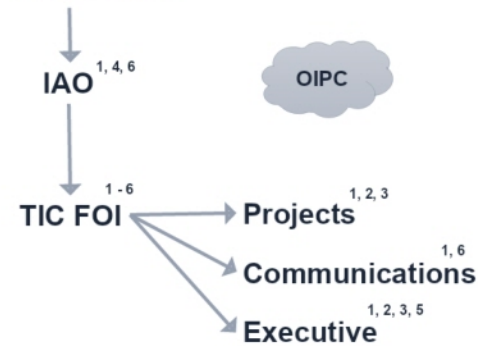
Section 6 establishes a duty for the head of a public body to assist applicants and to respond openly, accurately, completely and without delay.

It also sets out the circumstances in which a public body is required to create a new record to respond to an access request.

FOIPPA policy mirrors the legislation and includes requirements for requesting government information and handling personal information. FOIPPA comprehensively describes information access rights and requirements for the protection of personal information.

FOI Request Process

FOI Request



Activities (30 days)

1. Request is received (\$10 fee)
2. Gather Records
3. Review content for Harms - legislated exceptions to releasing information
4. Line-by-line review by Information Access Operations (IAO)
5. Executive sign off
6. Applicant receives response package by the **Legislated Due Date**

Additional Resources



FOI@ticorp.ca

Learning Hub

IM 117 Information Management: Managing government information, privacy, access to information and security

FOIPPA: Access

FOIPPA: Foundations – Privacy and Access in BC

BC Information Privacy Certificate Program

Questions?

Thank you



transportation
investment
corporation