Managing Your Information Ecosystem

**Practical Advice for
Managing Government Information**

February 2023

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Information Ecosystem - Cost Model
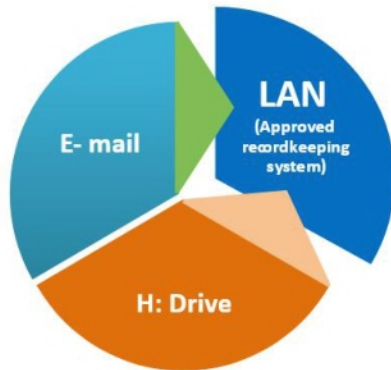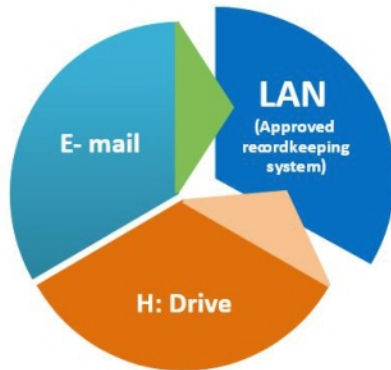
OCIO Cost Model

- Each IDIR account is allocated 1.5 GB for:
  - Email;
  - H: Drive; and the,
  - LAN – approved recordkeeping system for long term preservation and storage

- Additional s. 17 'GB/month for ecosystem storage over 1.5 GB

Electronic storage measured in Gigabytes (GB)
LAN = Local Area Network – shared file storage

Indirect Costs

Direct Costs

Indirect Costs – storage costs,
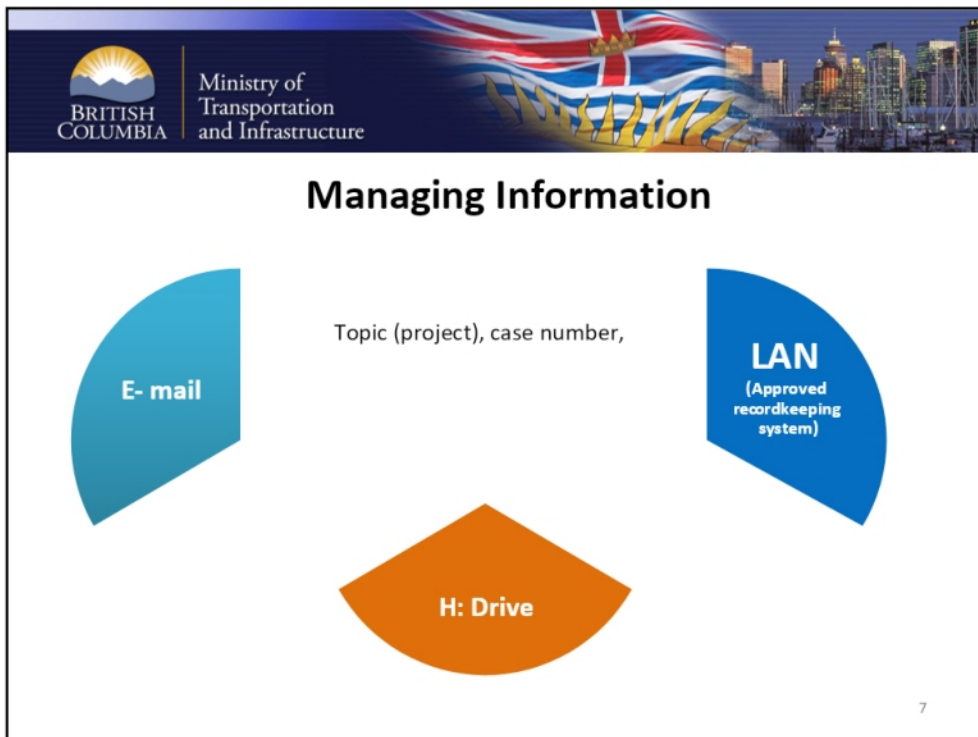
5

Case number, naming convention, directory/folder structure

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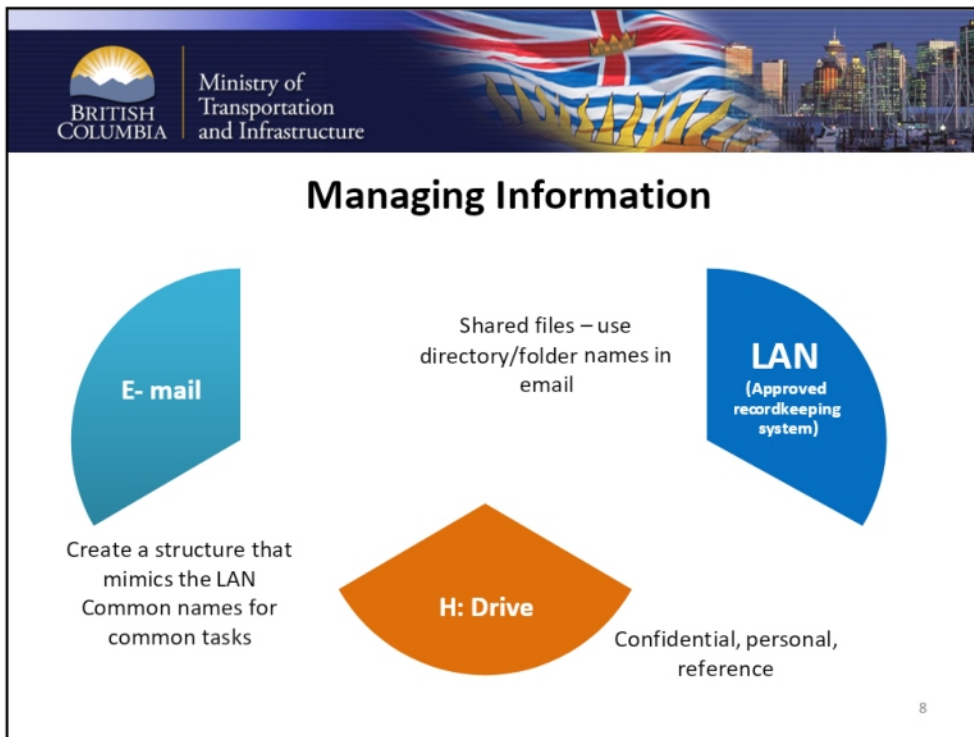
Case number, naming convention, directory/folder structure

Managing Information

Pie chart with segments: E-mail, LAN (Approved recordkeeping system), H: Drive
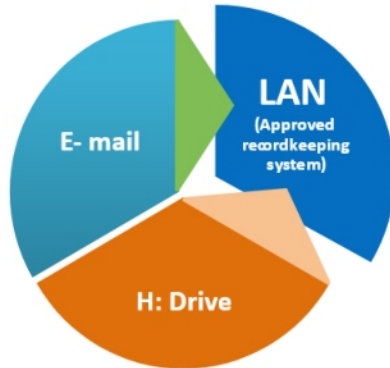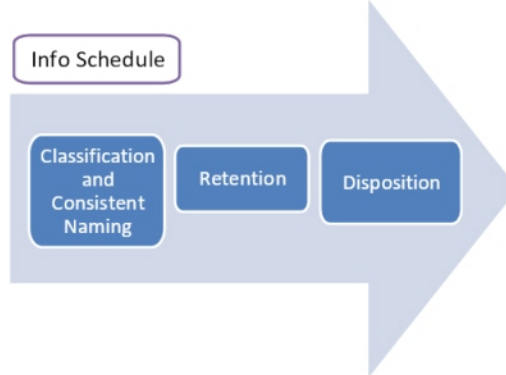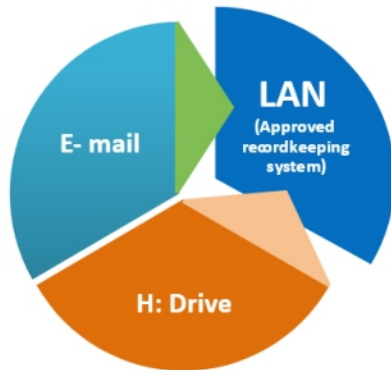
Sharepoint
Websites - TRANnet

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Purpose

During this session we will:

- Discuss some of the information management business drivers facing the Ministry; and,

- Walkthrough a process to review and update your LAN.

Part of the Information Management and Records Strategy

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Information Management Business Drivers

2015 - OIPC Report–Access Denied: Record Retention and Disposal Practices of the British Columbia Government F15-03

2015 - Implementing Investigation Report F15-03 Recommendations to the Government of British Columbia

2016 – Introduction of the *Information Management Act* (IMA)

s. 19(1) - Head of the public body is responsible for the recordkeeping systems to manage and secure government information

2017 – Information Management and Records (IMR) Strategy

Aug-Nov. 2018 – Records staff and Project Lead hired

2019 - Documenting Government Decisions Directive

s. 19(1.1) IMA - Head of the public body is responsible for an appropriate system to create and manage an adequate record of government decisions

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There has been a progressive increase in the requirements for government to implement and sustain good recordkeeping practices. The IMA explicitly designated the head of the public body to be responsible for recordkeeping, securing and maintaining government information. This requirement was implied but not explicit prior to the introduction of the IMA.

The IMR Strategy defined the Ministry direction for assessing, planning and implementing improved information management and records practices. The Documenting Government Decisions Directive (supported by s. 19 (1.1) IMA) defined the components of an appropriate recordkeeping system and designated responsibility to the head of the public body

Continuing Business Drivers:

- ORCS Development
- Digitization
- New/Revised Central Agency policies
- Rising storage costs
- Economic/staff constraints
- Continued pressure to find, provide and use information efficiently

The Bottom Line
What we have always done, is no longer sufficient. We need to innovate, update and improve.

"Looks like you've got all the data — what's the holdup?"

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Storage Costs

Per User	LAN, H: Drive, Email	1.5 GB/user
Usage Cost	LAN, H: Drive, Email	s. 17 GB/month

H: Drive (only) Usage Costs - 2018

Users	Percent Usage	Cost
40 (3%)	26.5	s. 17
40 (3%)	11.9	
60 (4%)	12.8	
1265 (90%)	48.8	

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Storage above the 1.5 GB allocated to employees costs s. 17 GB/month or s. 17 GB/year

During the server update IMB closed over 75 abandoned SharePoint sites.

Recap – changing environment, legislative, policy and regulatory environment. Better infrastructure to support business operations.

ORCS Development

2019-04-23

Poll

How satisfied are you with how your LAN functions?
1 - **It's Awful** (e.g., I can never find anything so I keep everything on my H: drive)
2 - **Not Great** (e.g., it's a mess and sometimes we can't find things)
3 - **So-So** (e.g., it takes a long time to find information but we find it eventually)
4 - **Great** (e.g., whenever someone asks, I can find my information for them)
5 - **Fabulous** (e.g., anyone looking for information can easily find it on the LAN)

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Sedimentary accumulation without procedures to manage contents…

Storage costs can only increase every year for the lack of a path to destruction

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Get Set Up For Success

Well organized LAN:

- Reduces search, management and storage costs
- Prepares for ORCS implementation
- Incorporates classifications and closed dates that can be used to manage Ministry Information

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Process

	Analysis
Easy	LAN Map OCEANS Review

	Make Changes
Hard	Decide what to change Create a step-by-step update plan

	Maintain
Very Hard	Sustain the change

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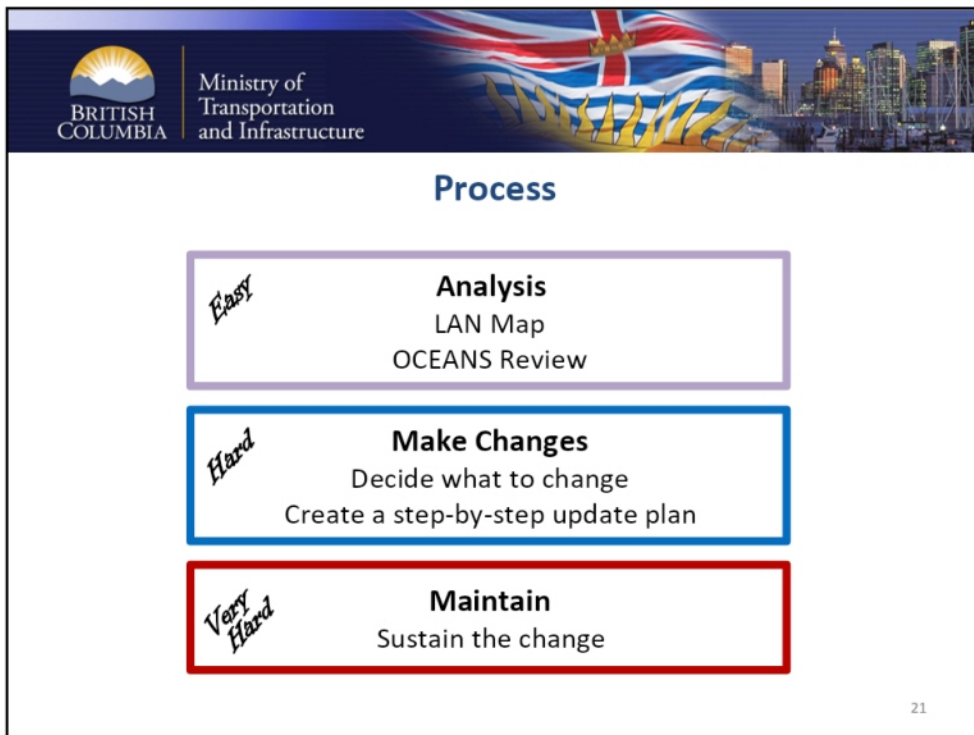
What we don't cover
Communicate with Staff
Proposed changes and change process
Circulate Draft
Prepare for the disruption
Choose a turnover date and make the change
All at once or phases
Test to make sure documents (not just folders) are accessible

How do you know if your LAN is well structured.

LAN Map

Use Windows to create a LAN Map

```
C:\Windows\System32\cmd.exe
Microsoft Windows [Version 10.0.18363.1316]
(c) 2019 Microsoft Corporation. All rights reserved.

O:\IMB\Information Management>dir /b/ad/s >H:\ourlan.txt

O:\IMB\Information Management>_
```

```
ourlan.txt - Notepad
File Edit Format View Help
O:\IMB\Information Management\Admin
O:\IMB\Information Management\IMR & EDRMS Advisory and Issues (432-50)
O:\IMB\Information Management\IMR Projects & Plans (432-60)
O:\IMB\Information Management\LAN ReOrg Projects (432-60)
O:\IMB\Information Management\ORCs Development (432-40)
O:\IMB\Information Management\Records Management
O:\IMB\Information Management\References
O:\IMB\Information Management\Web Site Management (340-40)
O:\IMB\Information Management\Working Area (Transitory)
O:\IMB\Information Management\Admin\Briefing Notes (0280-20)
O:\IMB\Information Management\Admin\Contact Lists (00295-06)
O:\IMB\Information Management\Admin\Delegation of Authority (0265)
O:\IMB\Information Management\Admin\For Processing
O:\IMB\Information Management\Admin\HR Staffing (1665)
O:\IMB\Information Management\Admin\IM RM Committee (200-20)
```

(Send an email to me for step-by-step, easy instructions)

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Update the *.txt file to an Excel file to sort, filter and add formulas

LAN Map (Our LAN)

	Path Length	Directory Level (IMB\Info Mgmt=0)	Name
	A	**B**	**C**
2	35	1	O:\IMB\Information Management\Admin
43	70	1	O:\IMB\Information Management\IMR & EDRMS Advisory and Issues (432-50)
69	59	1	O:\IMB\Information Management\IMR Projects & Plans (432-60)
533	57	1	O:\IMB\Information Management\LAN ReOrg Projects (432-60)
683	55	1	O:\IMB\Information Management\ORCs Development (432-40)
688	48	1	O:\IMB\Information Management\Records Management
798	40	1	O:\IMB\Information Management\References
843	58	1	O:\IMB\Information Management\Web Site Management (340-40)
859	55	1	O:\IMB\Information Management\Working Area (Transitory)

Quantitative Measures

- 9 top level folders
- 1,111 folders/sub-folders
- 10 levels deep
- Words first then ARCS/ORCS
- 17 paths >230 characters - longest 278

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LAN Map (Complex Example)

Quantitative Measures

- 80 top level folders
- 7,147 folders/sub-folders
- 8 levels deep
- Arranged by ARCS/ORCS (?intuitive, ?transparent)
- Sorted using underscores (_) and $
- 23 paths >230 characters - longest 274

__0700-___ - Equipment and Supplies
__0705- Asset Management
__0880-01 - Vehicle Maintenance
__1070-20 - Local Minor Works and Services Contracts
__1560-___ - Occupational Health & Safety
__6880- Telecommunication Network Management
__6890- Radio Communication
__10220 - Transportation Systems
__11100 - Road and Weather Conditions
__11200 - Special Events & Oversize Loads
__15000 - Transportation Policy
__16220 - Highway Classification
__16500-01 - Highway System Planning
__16900-30 - Traffic Data Counts
__20050 - Highway Accidents and Incidents

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OCEAN(S) Review

Organization (LAN Sprawl)	How is it organized? Dated files? Structure supports processes? Descriptive?
Classification	Are folders/files classified (ARCS/ORCS). Have records been processed? TRIM'd?
Ergonomics	Who uses, what folders, how frequently? Is the organization intuitive, efficient (for who?)
Access	Groups/permissions to access folders/files. IMB Security project - SAD.
Naming	Are there consistent naming standards?
Sustainability	How are staff using the LAN? Staff support for changes? Is there a designated SPOC?

https://intranet.gov.bc.ca/assets/intranet/trannet/doing-business/security-privacy-and-information-management/information-and-records-management/managing-information-assets/preventing_lan_sprawl.pdf

Whiteboard

If you could change two things to improve your LAN, what would you do?

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Sedimentary accumulation without procedures to manage contents…

Storage costs can only increase every year for the lack of a path to destruction

Decide What to Change – Make a Plan

<u>Involve staff</u> - Each business area is unique and the 'solution' that works for one area may not work for another

- Define responsibilities for staff e.g., a SPOC
- Establish folders that reinforce business practices. e.g., approval processes
- Fix the low hanging fruit

Create the link between operational use and records mgmt:
\<Name\> \<ARCS/ORCS #\> \<Closed YYYYMM\>

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Create a Step-by-Step Plan

Scope - Decide how many levels to fix
- Level 1 - 80
- Level 2 – 1461
- Level 3 – 3221
- Level 4 – 1745

__0700-__ - Equipment and Supplies
__0705- Asset Management
__0880-01 - Vehicle Maintenance
__1070-20 - Local Minor Works and Services Contracts
__1560-__ - Occupational Health & Safety
__6880- Telecommunication Network Management
__6890- Radio Communication

Iterative process
- Low hanging fruit - Review names to identify duplication, directions, personal names/information. e.g., Project 1/Project 1 BNs/Project 1 Approved BNs/Project 1 DM Approved BNs instead of Project 1/BNs/Approved/DM

- Goal – concise, descriptive, reduce path lengths

- Determine if there was more than one place to store the same type of information e.g., 2 or more folders for approved briefing notes.

- Does the LAN structure support business processes e.g., referrals, approvals.

Can use a variety of tools. We have tried the spreadsheet as 1 big file , and using tabs.

Ministry of Transportation and Infrastructure

What You Have

Folder Name	Proposed Changes	Step	Records Management
__0146-__ - Agreement Negotiation & Management			
__0195-45 - B.C. Central Agency Circulars-Directives-Manuals			
__0220-20 - Conference & Event Files			
__0275-__ - Disaster Emergency Response Planning			
__0280-__ - Executive Services General			
__0292-__ - Information & Privacy - Freedom of Information			
__0295-00 - Communications General			
__0295-06 - Telephone Contact Lists			
__0350-01 - Legal General			
__0352-20 - Legal Requests for Records			

Proposed Changes - Folders 1-80

- Determine/Confirm Access (first 2 levels) and user view
- Describe the change to the old folder e.g., rename to… , move to …, delete
- For delete changes describe the Records Mgmt actions: dispose, review, transfer

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Ministry of Transportation and Infrastructure
BRITISH COLUMBIA

What You Want

Path Length	Directory Level (IMB\Info Mgmt=0)	Name	Status
35	1	O:\IMB\Information Management\Admin	Same
70	1	O:\IMB\Information Management\IMR & EDRMS Advisory and Issues (432-50)	New
59	1	O:\IMB\Information Management\IMR Projects & Plans (432-60)	Renamed
57	1	O:\IMB\Information Management\LAN ReOrg Projects (432-60)	Same
55	1	O:\IMB\Information Management\ORCs Development (432-40)	New
48	1	O:\IMB\Information Management\Records Management	Renamed
40	1	O:\IMB\Information Management\References	Same
58	1	O:\IMB\Information Management\Web Site Management (340-40)	New
55	1	O:\IMB\Information Management\Working Area (Transitory)	Renamed

Status
- What stayed the same, is new or was renamed.
- Use the Status (filter) to communicate proposed changes to staff

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Note Access restriction

LAN Names

Someone unfamiliar with the business area should be able to identify the content

#	LAN Path Description Phrases
937	paths contain "home drive"

	Date modified	Type	Size
DSC01137Tweak.jpg	2012-04-19 6:29 PM	JPG File	578 KB
DSC01225.jpg	2012-04-19 6:29 PM	JPG File	1,946 KB
DSC06673.jpg	2012-04-19 6:28 PM	JPG File	2,075 KB
IMG_4905.JPG	2012-06-08 12:03 ...	JPG File	2,907 KB
IMG_4908.JPG	2012-06-08 12:03 ...	JPG File	2,349 KB
IMG_4909.JPG	2012-06-08 12:03 ...	JPG File	2,570 KB
P1180098.JPG	2012-10-11 2:22 PM	JPG File	4,037 KB
P1180100.JPG	2012-10-11 2:22 PM	JPG File	5,241 KB

	paths contain "past employee"
93	paths contain "ex staff".

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Use Common Folder Names for Common Functions

Examples
- Admin
- Agreements
- Contracts
- Finance
- Human Resources
- Projects/Initiatives
- Records Management
- References
- Working Area (Transitory)

Include
- ARCS/ORCS #
- Closed Date

Replace
- People's names
- Personal Information
- Processing directions
- Acronyms

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How Do You Get There

Step	Description	Level	New Pathway	Records Management
		0		
		0		
		0		
		0		

Document the new path <Name><ARCS/ORCS#><CLOSED YYYYMM>

Describe what needs to happen (drop down list) – create new, rename, etc.

Define the sequence of steps – create, move, rename

Identify ongoing Records Mgmt tasks (if any)

Step	Step
1	9
2	45
3	10
4	44
5	43
6	11
7	12

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Filter on the Level – to isolate changes

British Columbia
Ministry of Transportation and Infrastructure

Very Hard

Maintain
Sustain the Change

- **Designate a SPOC and define the role**
- **Create a Document Control Plan** – naming conventions, how-to close files, managing the LAN, process to update the LAN, periodic reviews of the LAN and Access permissions
- **Staff Onboarding** - train new staff and follow up
- **Staff Offboarding** - transition plan

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Poll

What can you do to improve your LAN?

1. Create a LAN Map
2. Tackle 'low hanging fruit' like reviewing folder names
3. Designate a SPOC to manage the LAN
4. More than one of the above
5. Nothing – too much time/effort
6. Nothing - Our LAN functions well as it is

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Recap – changing environment, legislative, policy and regulatory environment. Better infrastructure to support business operations.

ORCS Development

Resources

IMR Strategy

Documenting Government Decisions

Keeping Government Information

Managing Information Assets

LAN Recordkeeping: Best Practices
Preventing LAN Sprawl

ORCS Development

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Freedom of Information
Training

Alyssa

1

Territorial Acknowledgement

Before we begin, I want to acknowledge that I am honored to live and work on the

territory of the lək̓ʷəŋən peoples (Songhees and Esquimalt Nations)

whose ancestral connection to this land continues to this day.

2

Alyssa

2

MTI FOI Team

- **Sarah Thibault**
  Senior Manager
  Information Management and FOI

- **Alyssa Tepper**
  Senior FOI Analyst

- **Nelly Ginoux**
  FOI Analyst

- **MTI FOI Requests Mailbox**
  MTIFOIrequests@gov.bc.ca

- **FOI TRANnet**

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(Nelly)
Our MTI FOI Team & email
- You will see "MTI FOI" referred to often throughout this training

- Alyssa and myself we are here to help/support you throughout the FOI process

- So please do not hesitate to reach out to us if you have any questions or concerns
  - You can call us
  - ...the easiest way to send us an email to our MTI FOI inbox

    On this slide, we have also included a link to our page FOI Trannet
  - On this page, you will find many useful ressources to help you throughout the FOI process
  - Please feel free to have a looked at them and to reach out to us if you have any questions

What is FOI?

- **Freedom of Information and Protection of Privacy Act** (FOIPPA), gives the public access to records held by the BC Government, it's contractors and other provincial Public Bodies, when those records are not routinely available outside of the FOI process.

- **Ministries & Government Contractors have a "duty to assist" applicants** we must make every reasonable effort to assist applicants in getting records they requested and to respond without delay to each applicant openly, accurately and completely.

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(Alyssa)
- **Not all requests for ministry records need to go through the FOI process**, for example records of highway webcam footage, traffic signal sequencing, weather data, etc are routinely released to enquirers outside of FOI

Opening an FOI Request

Information Access Operations (IAO)
Ministry of Citizens' Services
PO Box 9569
Stn Prov Govt
Victoria BC V8W 9K1

Email: FOI.Requests@gov.bc.ca

IAO Website

(Alyssa)
- IAO is the starting point for all FOI requests – they are the **liaison between the applicant and our Ministry** – the ministry does not speak with applicants directly
- If you receive a request from the general public that needs go through FOI, you can advise them contact IAO directly to submit their FOI request
    - If you are unsure if a request for records needs to go through FOI – contact us to discuss asap as **the legislated timeline for FOI begins the day the request is received by the public body**
- **Again, it's okay, even ENCOURAGED to provide records outside of the formal FOI process when you can:**
    - This can be done if there are **NO FOIPPA exceptions to disclosure** within in the records being provided
    - **HOWEVER**, if providing the records outside of FOI would take ministry staff a long time to provide – then the request should go through FOI where it is likely a fee for searching and preparing records will be issued

FOIPPA Legislated Timeline

- **30 Business Days**
  To provide records to applicants

  The countdown begins as soon as the FOI request is received by <u>any government office/public body</u>.

(Nelly)

- FOIPPA legislation mandates that **records be released to the applicant within 30 business days of receipt of a FOI request**.

- 30 business days … seems like such a long time, but it's really not! This is why it's **important to try your best to meet the due dates throughout the process**

- Bottom line is – we need your help so **we can avoid going overdue on FOI requests**

  - Even though the majority of requests are processed within the 30 days timeframe

- There are possible extensions which can be taken during certain points of the process:
  - For example, consultation extensions for records that have been authored by other ministries or other public bodies, as well as extensions for large volume of records

  - Extensions cannot generally be taken at the fee estimate stage
  - and employees being away or on vacation is not an applicable reason for missing due dates

FOI Process Overview

- **Step 1:** Provide Fee Estimate
- **Step 2:** Fee Estimate Issued
- **Step 3:** Gather Records
- **Step 4:** Harms Review
- **Step 5:** Final Review & Sign Off

(Nelly)
- This slide is an overview of the steps involved in processing FOI's

- **Most employees are only involved in the first 3 Steps – this training touches on all 5 steps so you have the full picture**

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STEP 1: Provide Fee Estimate

- IAO sends New FOI Request to MTI FOI

- MTI FOI forwards request to FOI Coordinator and provides the fee estimate due date

- FOI Coordinator forwards request to program area(s)

- FOI Coordinator provides MTI FOI with a combined fee estimate from all appropriate program area(s)

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(Alyssa)

- The fee estimate is your **best guess** for estimated search and preparation time and estimated number of pages

- FIRST: Ask yourself, *do you understand what the applicant is asking for?*

  If it isn't clear let us know asap. If necessary we can seek further clarification from the applicant

- This is also one of the **best times for the applicant to potentially narrow the wording or date range of their request** in order to reduce or eliminate the fee but still get the records they are looking for and also potentially save the ministry time in finding/preparing responsive records.

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STEP 1: Fee Estimate Template

1. Will you have responsive records? Yes or No _____
   If No, why? _____

2. Estimate **Search and Prep** time in hours:

   - **Search** _____ (Note: Estimate time spent to search for and gather responsive records. Search time also includes estimated time spent flagging any duplicate records from your package)
   - **Prep** _____ (Note: Prep time is estimated for paper-based/microfiche records only as it includes scanning and converting all records types into one .pdf)

   Note: if search + prep equals more than 3 hours, rationale and narrowing options are required. Please provide below:

3. For Paper-based records estimated number of **pages**? (5, 50, 500) _____
   For Electronic records: estimated number of **files**? (5, 50, 500) _____

4. Are you aware of any other program areas or other public bodies (i.e. other Ministry's, Municipalities, etc.) that should be advised of this FOI? If yes, please advise _____

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(Alyssa)
- This slide is what "Fee Estimate" portion of the "New FOI" email looks like…
- Again, this is your **best guess** – do not do a through search, and do not gather records at this stage
- It's important that **you provide your best guess fee estimate by the due date – otherwise this can have negative impacts on meeting the legislated due date and files could go overdue as a result**
- **FEE RATIONALE:** Over 3 hours estimated search/prep, the rationale is required to provide to IAO/the applicant
   - We go more into the fee rationale on the next slide
- The **time spent doing the harms assessment should not be included** in the fee estimate – **applicant's do not pay a fee for us to withhold records**
- If a fee is warranted, MTI FOI advises program area and submits fee estimate IAO
- **Last bullet** – if you know of other ministry program areas or other public bodies (i.e. municipalities for instance) that might also have responsive records please let your FOI Coordinator know who in turn will let MTI FOI know when they provide the fee estimate.
   - Please **do not forward the request directly to other Divisions/Program Areas** as we track and do follow ups for each program area.

STEP 2: Fee Estimate issued

NOTE: Only if MTI FOI advises <u>**no fee**</u> (i.e. 3 hours or less to search), go to STEP 3 and provide responsive records by the records due date provided in the new FOI request. Otherwise <u>STOP</u>

- MTI FOI sends fee estimate to IAO

- IAO sends fee estimate to applicant and puts the request ON HOLD until the fee deposit is paid or applicant applies for fee waiver, narrows request, or abandons request

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(Alyssa)

- **Sometimes Step 2 can be skipped!** We will advise the FOI Coordinator "no fee" and re-confirm the original records/harms due date.

- <u>**Do not gather records**</u> **at this stage in the process!** Provide your fee estimate to your division FOI Coordinator then stop and wait for confirmation that:

  a) no fee will be issued and records/harms are due by the due date on the "New FOI email"; or

  b) the applicant paid the fee and records/harms due, generally within a week of being notified that the fee was paid

- Remember: **MTI FOI receives fee estimates from all ministry divisions** that may hold responsive records and this can impact whether a fee will be issued or not. This means even if your program areas fee estimate is under 3 hours for search/prep, there **may be other program areas or Divisions that are also providing fee estimates and a fee may still be issued to the applicant**

STEP 3: Gather Records

- If a fee was issued, IAO advises MTI FOI once applicant has paid the fee deposit

- MTI FOI advises **FOI Coordinator** that fee deposit paid and they advise Program Area(s) to gather records – new records due date is provided

- Program Area(s) gathers the responsive records and sends to **FOI Coordinator**

- **FOI Coordinator** sends responsive records to MTI FOI by records due date

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(Alyssa)
- If a fee is issued, the request is on hold until IAO informs us that the applicant has paid the fee. We will then advise the FOI Coordinator that the fee is paid and provide the new 'records due date'
- Remember to track your actual time to search and prepare records (this is only required when a fee is issued).
- The FOI Coordinator provides responsive **records MTI FOI** by the records due date – we are still on the legislated timeline!
- The **ministry <u>must respond to all aspects of a request</u>** – ensure records responsive to all parts of the request, and within the date range are provided.

  - If no records are found for a particular portion of the request; when you submit your records package, also include an explanation of why no records were found for certain portions of the request so this info can be passed on to the applicant

- It's important to ONLY provide records that **respond to the applicants' FOI request wording (scope of a request)**. Look carefully at the request **wording and the date range** of the request to ensure records being provided are responsive. Records must not be altered in any way

- If paper records need to be scanned/digitized, ensure they are legible

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What is a Record?

(Alyssa)
- A **RECORD** is <u>any information recorded or stored by any means whether in hard copy or in electronic format</u>
- The types of records represented in this slide are all subject to a FOI (**regardless of subject matter**)
- For example, we receive FOI requests for: briefing notes, surveys, technical drawings, journal notebooks, text messages, e-mails, voicemails, invoices, Request for Proposal documents and contracts, etc , ... we've even had FOI requests for FOI processing files!!
- Recently we have been receiving requests for **meeting recordings** as well! Meeting recordings that are saved and held at the time the FOI is received are considered responsive if the request wording asks for them
- When a request wording asks for **"correspondence" that is generally interpreted to include responsive emails as well as letters and memos**
- **Voice mails** if saved, and if responsive: transcribe it and include a note that it is a transcribed voicemail (include the date/time of the voicemail in your note)
- **Sticky Notes/Post-it Notes** - once something is "on file", it cannot be removed, that includes sticky notes, make a copy of those – just ensure they are copied separately and do not cover information on a page of responsive records they are attached to

STEP 4: Harms Assessment

- MTI FOI will provide combined records to FOI Coordinator for program area(s) harms review

- Once the program area(s) complete the harms review, MTI FOI reviews the harms assessment and sends the records to IAO for review

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(Alyssa)

- Harms Cheat sheet provided, please refer. There are **twelve** Exceptions to disclosure, you do not need to know the section number which applies, if you provide background rationale, Nelly and I can determine which section is most appropriate.

- MTI FOI reviews your harms assessment

- If we have questions on the harms provided, we will follow up for further clarification with the person who completed the harms It is important to provide as

(Nelly)

- Ministry staff reviews records and identify **'Harms'** that could result from disclosure, i.e., disclosure of the records could significantly harm the ministry's position, or a third party's interest on a given topic

- MTI FOI send you back a combined copy records:

  - You are going to proceed to a line-by-line review of these records…

  - And along the way highlight or outline harmful information (like on the example)

  - Then add a comment next to the highlighted part AND provide a specific rationale as to why information is harmful if released

- **You do not need to include the specific FOIPPA section** #'s, just the background of why you feel it is a harm if released

STEP 5: Final Review and Sign Off

- MTI FOI sends the redlined records and approval form to the **FOI Coordinator** (and SCPD ADM for potentially sensitive topics) for final review and sign off

- Once signed **FOI Coordinator** sends to MTI FOI

- MTI FOI sends signed approval form to IAO - IAO forwards final records package to applicant

(Alyssa)

- Ministry staff manage their internal review and sign off process

- If amendments to the redline records are identified (i.e additional severing or sometimes severing can be removed), contact MTI FOI immediately so than any necessary changes to the redline can be made – do not delay

- Remember – we need your help in meeting the legislated timeline!

  - Ensure there is a specific delegate to sign off available at all times – if you aren't available who is?

- **Our Goal is to Close the file on time** and with **defendable FOIPPA exceptions applied**

Sample: Redline Records

s.12 – Cabinet and Local Public Body Confidences (mandatory) 15 year time limit   s.12
This section is intended to prevent harm to the government that is presumed to occur if the substance of deliberations is revealed before or too soon after the issues were considered or before the issues are ready for public review. Premature disclosure of Cabinet deliberations inhibits the ability of Cabinet members to debate issues openly and freely, thereby reducing the effectiveness of Cabinet's decision making role. Needs to go to OOP for application and we must answer (1) before cabinet as ongoing issue? Or is submission being prepared? Provide dates if known (2) Decision made? (3) Decision public?

s.13 – Policy Advice or Recommendations 10 year time limit
Section 13 serves to protect the open and frank discussion of policy issues within the Public Service and may be applied to information that was developed by or for a Ministry or Minister.

s.14 – Legal Advice   s.14
This section prevents the disclosure of records that contain communications between a legal advisor and his/her client. The right to lawyer/client confidentiality may only be waived by the client.

s.15 – Disclosure Harmful to Law Enforcement
Section 15 prevents the dissemination of records that could reasonably be expected to harm law enforcement. This section is not applicable to routine inspection reports, statistical prosecution information, or reports on the effectiveness of a law enforcement program.

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(Nelly)

As Alyssa mentioned, at the sign off stage, you will receive 2 documents:
Here are an example of the redline
= your marked records/harms copy records without the rationale.
= Display only FOIPPA sections applied on the information identified as harmful

Sample: Applicant's Redacted Records

s.12

s.13 – Policy Advice or Recommendations 10 year time limit
Section 13 serves to protect the open and frank discussion of policy issues within the Public Service and may be applied to information that was developed by or for a Ministry or Minister.

s.14

s.15 – Disclosure Harmful to Law Enforcement
Section 15 prevents the dissemination of records that could reasonably be expected to harm law enforcement. This section is not applicable to routine inspection reports, statistical prosecution information, or reports on the effectiveness of a law enforcement program.

(Nelly)
- This is what the records look like that the applicant receives with exceptions applied

- Be mindful :
    - Do a line by line review
    - & Redact only which is necessary – we want to remain as open and transparent as possible AND only apply DEFENDABLE harms.

(Nelly)

The 2nd document is the sign off form:

- Program Areas sign on the first line of the red section under "Ministry Representative/Director"
  - Ensure you include the full name, title and program area of the person signing
- Some records package require SCPD ADM final review/approval after the program area has approved.
  - SCPD ADM signs on the "Ministry Executive" line.

FOI Consultation Requests

- The Ministry regularly receives requests for consultations on FOI requests from other public bodies (i.e. other Ministries, Transport Canada, Municipalities, etc.)
  - Consultations do not follow the typical FOI process
    - Do not gather records
  - MOTI only provides a harms assessment, noting any concerns with the release information our ministry has authored

(Alyssa)

- **Important to provide our Ministry's harms assessment by the due date to ensure our severing recommendations are included:**
  - otherwise if we are late, as the other public body is also on a legislated timeline, they may close their request without our harms recommendations, and information that should have been withheld would be released
- Often with consultations, not all of the records were generated by MoTI – they are included to provide context and assist in our consultation
- If you feel another Division or Public Body should also receive the consultation request – let us know asap!
  - Do not forward the email directly to another program area or public body
  - Let your FOI Coordinator know and MTI FOI will forward the consult request – as we track responses and follow up

Additional Questions

FREEDOM OF INFORMATION TRAINING

TERRITORIAL ACKNOWLEDGEMENT

Before we begin, I want to acknowledge that I am honoured to live and work on the

territory of the lək̓ʷəŋən peoples (Songhees and Esquimalt Nations) and the

W̱SÁNEĆ peoples (Tsartlip, Pauquachin, Tsawout, Tseycum and Malahat Nations)

whose ancestral connection to this land continues to this day.

MTI FOI TEAM

BRENT GROVER

**Manager,
Privacy, Records and
Information Management
(Ministry Privacy Officer)**

RACHELLE HARTLEY

Senior FOIPP Analyst

ALYSSA TEPPER

Information Analyst

FOI TRANNET SITE

FOI TRANnet

MTI FOI REQUESTS MAILBOX

s. 17

… use this shared Email / Inbox for
ALL FOI Related communications ☺

WHAT IS FOI?

FOIPPA

Freedom of Information and Protection of Privacy Act (FOIPPA), gives the public access to records held by the BC Government, it's contractors and other provincial Public Bodies, when those records are not routinely available outside of the FOI process.

DUTY TO ASSIST

Ministries & Government Contractors have a "duty to assist" applicants we must make every reasonable effort to assist applicants in getting records they requested and to respond without delay to each applicant openly, accurately and completely.

OPENING AN FOI REQUEST:
FOI STARTING POINT FOR APPLICANTS

Information Access Operations (IAO)

Ministry of Citizens' Services
PO Box 9569
Stn Prov Govt
Victoria BC V8W 9K1

Email: FOI.Requests@gov.bc.ca

IAO Website

NEW FOI APPLICATION FEE

A non-refundable **application fee of $10 is now required for all General FOI requests, for <u>every public body </u>included in the request**. Indigenous Governing Entities (IGE)* are not required to pay application fees.

<u>* Indigenous Governing Entity</u> "means an Indigenous entity that exercises governmental functions and includes but is not limited to an Indigenous governing body as defined in the Declaration on the Rights of Indigenous Peoples Act."

No application fee for a <u>Personal FOI Requests</u>
(records about you)

TRANSPARENCY OF GOVERNMENT

Open Information

Open Information provides access to publicly available government documents and other regularly released information.

➢ This includes access to proactively released government records (i.e. Estimates notes, travel expenses, and calendars for Ministers and Deputy Ministers, etc).

➢ Government has made a commitment to improve/enhance proactive disclosures.

FOIPPA LEGISLATED TIMELINE

30 BUSINESS DAYS
TO PROVIDE RECORDS TO APPLICANTS

The countdown begins as soon as the FOI request is received by <u>any government office/public body</u>.

FOI ON-TIME TRACKING

FOI Requests monitoring/tracking:

- **IAO/MTI FOI** – weekly reports and status updates

- **Ministry** – daily monitoring

- **FOI Statistics** updated quarterly on the **Open Data** site

- **OIPC Report Card** on Timeliness

- **Media reports** on how well the government meets the requirements of its own legislation

- **On Time Results** provided to Deputy Ministers' Council

What Can Be FOI'd?

Everything!

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WHAT IS A RECORD?

MANAGING GOVERNMENT INFORMATION

Reduce the number of records to be searched in responding to FOI requests by managing your information:

Classify it using an Information Schedule e.g., ARCS/ORCS (IMA);
Lawfully destroy information that is no longer of value;
Reduce long term storage costs, search/processing efforts and government liability.

Be smart – manage records appropriately and <u>create</u> appropriate records of government's business activities.

BRITISH COLUMBIA | Ministry of Transportation and Infrastructure

IT BEGINS WITH GOOD RECORDS MANAGEMENT

MINISTRY RECORDS MANAGEMENT TEAM

BRENT GROVER

**Manager,
Privacy, Records and
Information Management
(Ministry Privacy Officer)**

RECORDS MAILBOX

s. 17

... use this shared Email /
Inbox for **ALL** Records
Related communications ☺

DEB HOY

Records Officer

INFORMATION & RECORDS MANAGEMENT TRANNET SITE

Info & Records TRANnet

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MOTI FOI PROCESS

FOI PROCESS OVERVIEW

STEP 1
New Request /
Provide Fee Estimate

STEP 2
Fee Estimate
Issued (or not)

STEP 3
Gather Records &
Provide Harms

STEP 4
Harms Review &
Redlining

STEP 5
Final Review &
Sign Off

NEW FOI – PROVIDE FEE ESTIMATE

STEP 1

- ☐ IAO sends New FOI Request to MTI FOI
- ☐ MTI FOI forwards request to **FOI Coordinator** and provide the fee estimate due date
- ☐ **FOI Coordinator** forwards request to Program Area(s)
- ☐ **FOI Coordinator** provides MTI FOI with a **combined fee estimate** from all appropriate Program Area(s) advising the estimated time to search and prepare records and approximate number of pages

FEE ESTIMATE TO FOI COORDINATOR

1. Will you have responsive records? Yes or No _____

2. If No, why? If Yes? Estimate Search and Prep time in hours? (best guess**)

   a) **Search** _____ (Note: Estimate time spent to search for and gather responsive records. Search time also includes estimated time spent removing any duplicate records from your package)

   b) **Prep** _____ (Note: Prep time includes scanning paper-based/microfiche records and converting all records types into one.pdf)

   **** Note: if search + prep equals more than 3 hours, rationale is required.** Please provide rationale below (i.e. how many employees searching, where will you search [i.e. emails, LAN, off-site, EDRMS, etc.], are records paper-based or electronic or a combination, etc?

3. Volume: Estimated number of pages? (5, 50, 500) _____

4. Are you aware of any other program areas or other public bodies (i.e. other Ministry's, Municipalities, etc) that may also hold responsive records? If yes, please advise _____

TIPS FOR ESTIMATING SEARCH & PREP TIMES

➢ How many employees will need to search, gather and prepare responsive records

➢ Searching for paper-based records & electronic files

➢ Retrieving paper-based records and microfiche

➢ Retrieving email records (Outlook) or on the LAN

➢ Reviewing/retrieving records from databases and EDRMS

IMPORTANT: **DO NOT include time spent reviewing records for harms** in your fee estimate

FILE ON HOLD: FEE ESTIMATE WITH IAO

STEP 2

Go directly to Step 3 (Gather Records and Provide Harms) if MTI FOI advises "no fee"

NOTE: Only if MTI FOI advises **no fee** (i.e. 3 hours or less to search), go to STEP 3 and provide responsive records along with harms assessment by records due date provided in the new FOI request. Otherwise STOP

❑ MTI FOI sends fee estimate to IAO

❑ IAO sends fee estimate to applicant and puts the request ON HOLD until the fee deposit is paid or applicant applies for fee waiver, narrows request, or abandons request

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AFTER YOU PROVIDE YOUR FEE ESTIMATE TO THE SCR FOI COORDINATOR

STOP

There may be enough to 'issue a fee'

DO NOT gather records at the fee estimate stage as file <u>may go on HOLD</u>

WAIT

MTI FOI advises the FOI Coordinator if a fee will be issued/file put on HOLD

OR

If no fee is issued, the original records/harms due date applies

MTI FOI will confirm!

NEXT STEPS

Once the fee is paid MTI FOI informs the FOI Coordinator of the NEW records/harms due date

Go directly to STEP 3 (Gathering ☺)

OR

If no fee is issued, go directly to STEP 3

GATHER RECORDS AND PROVIDE HARMS

STEP 3

If MTI FOI advises "no fee" at Step 2: records and harms are due by date provided

- ❑ If a fee was issued, IAO advises MTI FOI once applicant has paid the fee deposit
- ❑ MTI FOI advises **FOI Coordinator** that fee deposit paid and they advise Program Area(s) to gather records and provide harms assessment – new records due date is provided
- ❑ Program Area(s) gather the responsive records and sends to **FOI Coordinator**
- ❑ **FOI Coordinator** sends responsive records and harms to MTI FOI by records due date

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TRANSITORY RECORDS

- Definition: Records of temporary usefulness, needing to be saved for only a limited period of time.

- Transitory records can be deleted when their business usefulness ends.

- **Records that document decisions are <u>not</u> transitory.**

- Transitory records that still exist when an FOI request is received are considered responsive records and must be provided.

- More information on BC Government Policy regarding Transitory Records can be found here: Transitory Information (schedule 102901) - Province of British Columbia (gov.bc.ca)

DRAFT VERSIONS OF RECORDS

DRAFT

- Technically draft documents are considered transitory.

- However, drafts are responsive to an FOI request if they match the parameters of the request and are in our 'custody' (still saved) at the time the request is received.

- As all government bodies have an obligation to document decisions, so it is understood that at times draft versions are intentionally saved as they document the progression of a project/decision.
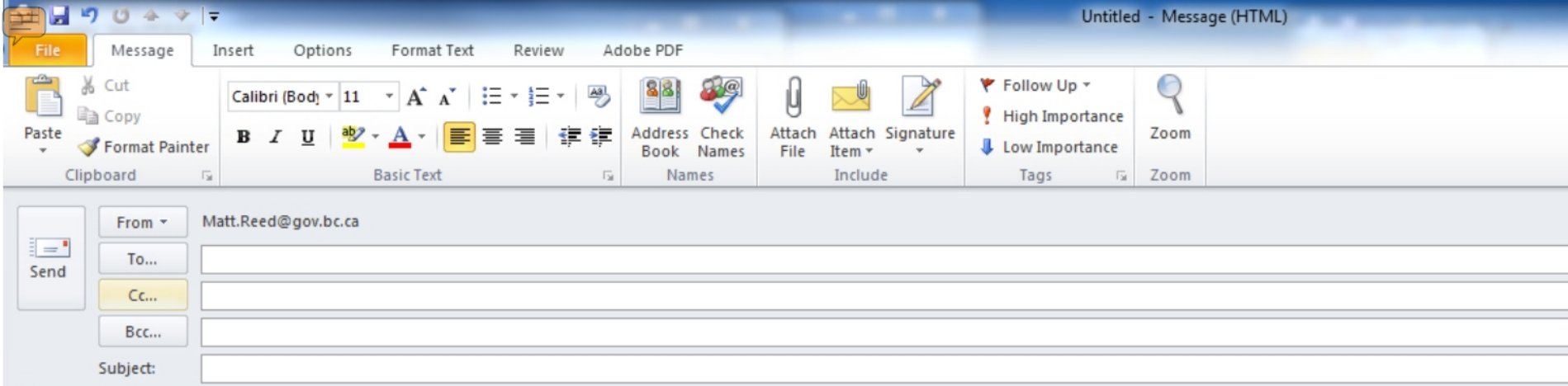
GOVERNMENT RECORDS - EMAIL

- Email messages are records; they need to be managed and saved appropriately (generally, according to their content)

- Some emails may be transitory and if so, can be deleted.

- Best Practice: keep your emails to one specific topic and make sure your communication is professional

HARMS: EXCEPTIONS TO DISCLOSURE UNDER FOIPPA

➢ Under FOIPPA legislation, there are **11 specific exceptions to the disclosure of information** that can be applied to information within records.

➢ Exceptions may also be referred to as "Harms" or "Harms concerns", "severing", "redactions" – interchangeable lingo

➢ You – **as the subject matter experts on the records are asked to review responsive records and provide a "Harms Assessment"** to identify harms concerns that align with specific FOIPPA exceptions

➢ Refer to the ministry **Harms Information Sheet** for specific info on FOIPPA Exceptions along with tips and tricks when doing harms assessments for FOI requests.

OVERVIEW OF EXCEPTIONS TO DISCLOSURE

FOIPPA Exceptions to Disclosure Matrix: Mandatory & Discretionary Harms

s.12: Cabinet confidence *not applicable if info is 15+ years old*	**s.13: Policy advice or recommendations** *not applicable if info is 10+ years old*	**s.14: Legal advice**
s.21: Disclosure harmful to business interests of a third party	**s.15: Disclosure harmful to law enforcement**	**s.16: Disclosure harmful to intergovernmental relations or negotiations**
	s.17: Disclosure harmful to financial or economic interests of a public body	**s.18: Disclosure harmful to the conservation of heritage sites, etc.**
		s.18.1 Disclosure harmful to the interest of an Indigenous people (NEW)
s.22: Disclosure harmful to personal privacy	**s.19: Disclosure harmful to individual or public safety**	**s.20: Information that will be published or released within 60 days**
Mandatory Exceptions (ministry **must withhold** the information to which the exception applies)		
Discretionary Exceptions (ministry has discretion to disclose or withhold information to which the exception applies, after due consideration of the factors)		

CHECKLISTS WHEN PROVIDING RECORDS AND HARMS

PROGRAM AREAS CHECKLIST:

☑ Only provide records **within date range**

☑ Only provide records that are **responsive to request wording**

☑ Combine all records into one .pdf "clean" copy

☑ **Remove all blank pages and duplicate records, and ensure all records are legible** (if not legible, rescan and replace)

☑ Provide a **"harms" copy of the records with specific harms highlighted and harms rationale comments added** as to why the information is harmful if released

☑ Provide **actual search and prep time**

FOI COORDINATORS CHECKLIST:

☑ Ensure **all of the criteria of the Program Area(s) Checklist is completed**

☑ Ensure any **duplicate records provided between program areas are removed**

☑ Provide a **combined "harms" copy of the records with specific harms highlighted and harms rationale comments added** as to why the information is harmful if released

☑ Provide the total **combined actual search and prep time**

HARMS ASSESSMENT FROM PROGRAM AREAS

➢ Ensure a **clean, unmarked copy of the records** are saved and provided to your FOI Coordinator.

➢ On a **Harms <u>copy</u> of the records** Highlight or yellow box harmful information in a "marked or harms" **<u>copy of the records</u>**.

➢ Add a comment next to the highlighted/boxed information in the .pdf and **provide specific rationale/background information as to why information is harmful if released**.

   ▪ (i.e how this info could harm government if released?)

   Legal Advice

➢ **We understand that providing harms recommendations is not always straight forward so please reach out to <u>MTI FOI</u> with any questions**

EMBARRASSMENT IS NOT A HARM

I AM NOW CUTTING ALL MY RUDE REMARKS ABOUT THE PATIENT FROM HER FILE.
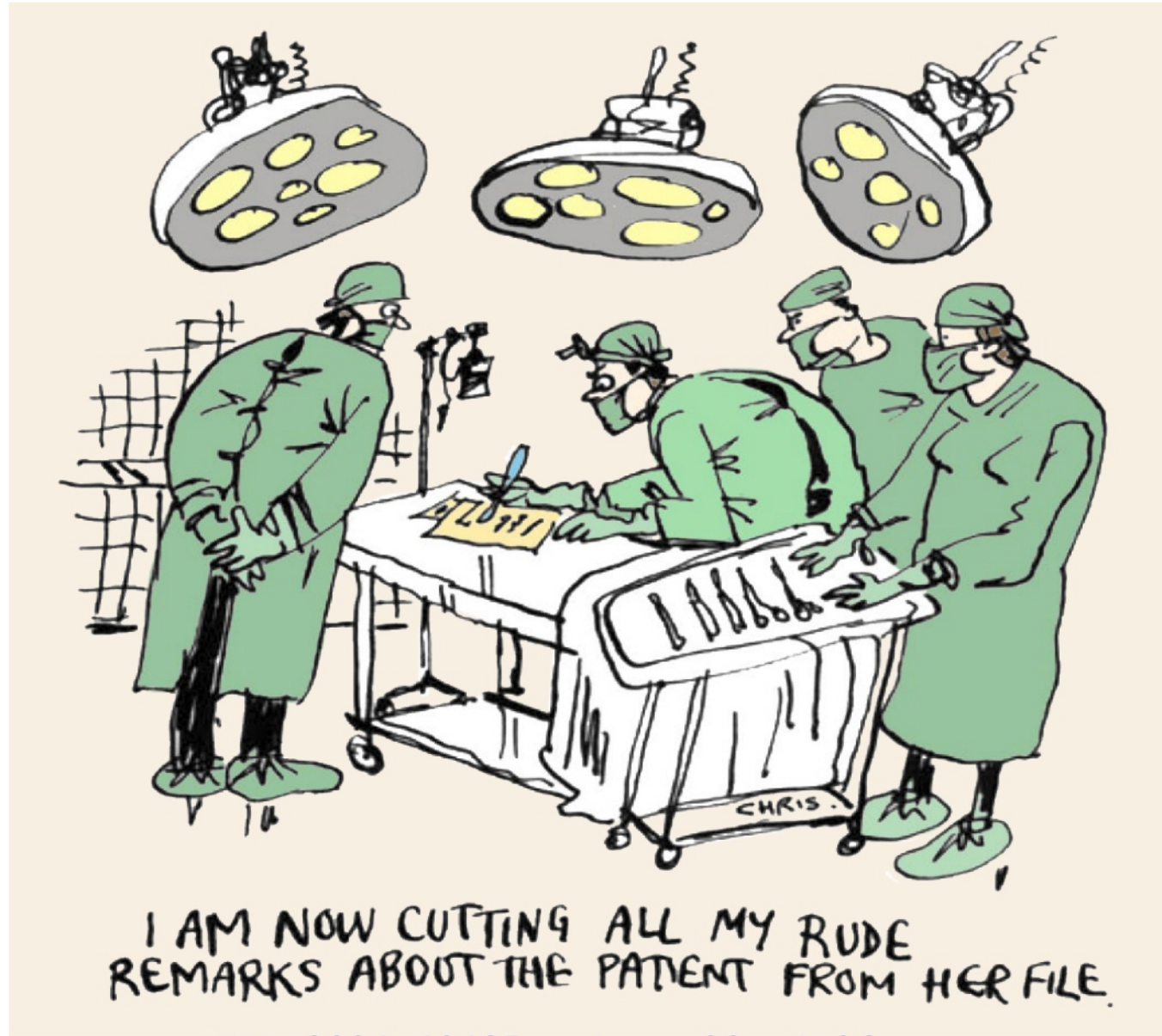
IAO HARMS REVIEW & REDLINING

STEP 4

- ❑ MTI FOI reviews records and sends them (with ministry harms assessment) to IAO
- ❑ IAO applies severing (redlines) and provides recommendations regarding FOIPPA and returns the redlined records and approval form to MTI FOI
- ❑ MTI FOI reviews the redlined records

FINAL REVIEW & SIGN OFF

STEP 5

- MTI FOI sends the redlined records and approval form to the **FOI Coordinator** (and Associate DM for potentially sensitive topics) for final review and sign off
- Once signed **FOI Coordinator** sends to MTI FOI
- MTI FOI sends signed approval form to IAO - IAO forwards final records package to applicant

SAMPLE:
REDLINED RECORDS

s.12 – Cabinet and Local Public Body Confidences (mandatory) `15 year time limit`

s.12

This section is intended to prevent harm to the government that is presumed to occur if the substance of deliberations is revealed before or too soon after the issues were considered or before the issues are ready for public review. Premature disclosure of Cabinet deliberations inhibits the ability of Cabinet members to debate issues openly and freely, thereby reducing the effectiveness of Cabinet's decision making role. Needs to go to OOP for application and we must answer (1) before cabinet as ongoing issue? Or is submission being prepared? Provide dates if known (2) Decision made? (3) Decision public?

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Section 15 prevents the dissemination of records that could reasonably be expected to harm law enforcement. This section is not applicable to routine inspection reports, statistical prosecution information, or reports on the effectiveness of a law enforcement program.

SAMPLE: APPLICANT'S REDACTED RECORDS

s.12

s.13 – Policy Advice or Recommendations   10 year time limit
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FOI APPROVAL FORM

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FOI CONSULTATION REQUESTS

The Ministry regularly receives requests for consultations on FOI requests from other public bodies (i.e. other Ministries, Transport Canada, Municipalities, etc.)

- Consultations do not follow the typical FOI process
  - do not gather records
- MoTI only provides a **harms assessment**, noting any concerns with the release information our ministry has authored

THANK YOU!

ADDITIONAL QUESTIONS?