

7.6.i Policy**FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY**

Trust Council: September 9, 1994

Amended: December 9, 1995

Amended: December 5, 2003

A. PURPOSE

For the purposes of administering the principles of the *Freedom of Information and Protection of Privacy Act* (the Act), the Islands Trust adopts the Ministry of Government Services Freedom of Information and Protection of Privacy Policy and Procedure Manual, to be used in conjunction with the Islands Trust's Freedom of Information and Protection of Privacy bylaws, resolutions and procedures, adopted by Trust Council, Executive Committee, and all Local Trust Committees.

The Ministry of Government Services Freedom of Information and Protection of Privacy Policy and Procedure Manual is intended to assist staff in meeting their responsibilities under the Act. It provides policies that interpret and offer guidance on the intent of the legislation to assist in implementing and administering the Act.

B. REFERENCES

1. *Freedom of Information and Protection of Privacy Act*
2. Trust Council and Local Trust Committee Freedom of Information and Protection of Privacy Bylaws
3. Trust Fund Board and Executive Committee Freedom of Information and Protection of Privacy Resolutions
4. Freedom of Information and Protection of Privacy Procedures
5. Ministry of Government Services Freedom of Information and Protection of Privacy Policy and Procedures Manual

C. DETAILS**1. Confidentiality of Applicants Making a Request for Information**

- a. All FOI requests must be in writing and received by the Deputy Secretary either in person, by mail or by fax. E-mailed requests will not be accepted. In a case where another staff person or local trustee receives a written FOI request, that request must be immediately forwarded to the Deputy Secretary.
- b. The personal information of a requester must not be disclosed, unless disclosure is necessary to:
 - i) further the search for records to satisfy the request;
 - ii) obtain necessary information to compile a summary during the mediation procedure; or
 - iii) obtain necessary information to compile documentation supporting the head's decision in a formal inquiry or judicial review.
- c. The personal information of a requester must not be disclosed to the Ombudsman's Office, unless disclosure is requested under the *Ombudsman's Act*.

2. Agenda Packages and Protection of Privacy

Information in an agenda binder of a regular Local Trust Committee meeting becomes public information once it is brought into the public forum.

- a. Any correspondence addressed to a Local Trustee, a Local Trust Committee or Trust staff, and is NOT marked confidential may be included in an agenda binder.
- b. Any personal information in correspondence marked "confidential" and is addressed to any of the above should not be included in the agenda binder.
- c. Any personal information (ie. something identifying an individual including name, address and phone number) in correspondence from the general public NOT addressed to a Trustee, a Local Trust Committee, or Trust staff should not be included in an agenda binder. Note that personal information about an employee's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff may be disclosed.
- d. Personal information on any application form that does not relate to the property affected by the application should not be included in agenda binders. This includes an individual's phone number and address if the

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address is different than the address of the property affected (ie. Sever the applicant's "c/o address" or "alternative address" besides that of property).

- e. Any personal information in correspondence which has been compiled as part of an investigation into a possible violation of law (ie. bylaw infraction), except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.

3. Retention and Collection of Personal Information

- a. The Islands Trust may not collect personal information unless:
 - i) the collection is authorized under an act;
 - ii) the information is collected for the purposes of law enforcement; or
 - iii) the information relates directly to and is necessary for an operating program or activity of the Islands Trust (eg. collecting personal information from a rezoning applicant).
- b. All recorded information collected by the Islands Trust and containing personal information must be retained by the Islands Trust for one year if the information collected is used to make a decision about a person that directly affects that person.
- c. The methods of collecting and retaining personal information include audio, visual, and written.

4. Requests for Documents vs. Requests for Research and Opinions

- a. Requests under the *Freedom of Information and Protection of Privacy Act* are limited to requests for records (ie. any form of recorded information) in the custody or under the control of the Islands Trust. Requests under the Act are responded to per Freedom of Information and Protection of Privacy Procedures. Staff will make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
- b. Requests for research and opinions, and requests for answers to inquiries do not fall under the provisions of the *Freedom of Information and Protection of Privacy Act*. When staff receive a request of this nature, they will assist the applicant by:
 - i) reviewing the correspondence;
 - ii) responding when it is possible to do so; and
 - iii) providing the applicant with available existing information.

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