

Freedom of Information/Protection of Privacy Request Summary



FOIPPA

LEGISLATION:

Freedom of Information Protection of Privacy Act (FOIPPA)

Local Government Act (Part 3 Elections, & Part 8 references Community Charter)

Community Charter (sections 95, 96, 97)

Township of Spallumcheen Freedom of Information and Protection of Privacy Bylaw No. 2014, 2020

Township of Spallumcheen Fees and Charges Bylaw No. 2022, 2020 (Appendix 8, as amended from time to time)



PROCESS:

PROCESS (section 5 of FOIPPA):

(1) Complete Application Form and Submit to the Township with the applicable Application Fee (\$10)

- Applicant must make a written request that:
 1. Provides enough detail to enable an experienced employee with reasonable effort to identify the record sought,
 2. Provides written proof of the authority of the applicant to make the request (if acting on behalf of another person in accordance to regulations), and
 3. Is submitted to the authority who has custody and control of the requested documents.
- To receive information the applicant may ask for a copy of the record or ask to examine the record.

(2) Agree to Fees for creating the record (Fees and Charges Bylaw)

- If the applicant is excused from fees (under two (2) hours) there is no cost
- If there are fees associated with the record, prior to staff actioning the request, the applicant must agree in writing to pay the fees in accordance with the Township's Fees and Charges bylaw for creating the records. The fee estimate includes costs for staff addressing the following:
 - ⇒ Locating/Retrieving the Record
 - ⇒ Producing the Record
 - ⇒ Preparing the Record
 - ⇒ Disclosure & Handling
 - ⇒ Photocopying & Individual Photocopying/Scanning & USB Costs
- The fee estimate will reflect a conservative projection to account for the anticipated time and effort involved. While the estimate may be on the higher end, the final cost will not exceed it and will, in most cases, be lower. The estimate represents each department's best judgment based on available information.



(3) Review Completion

- Records will be released to the applicant along with an invoice reflecting the actual costs incurred.

****NOTE: Applicant considerations**

The Township of Spallumcheen, incorporated in 1892, maintains a substantial volume of records. Requests using broad terms such as “**all records**” or “**any information**” may require an extensive review, likely exceeding the three (3) hours of free search and preparation time allowed under FOIPPA. **Please ensure your request is very specific.**

TOWNSHIP DUTY (section 6 of FOIPPA):

The Township must:

- make every reasonable effort to assist and respond without delay openly, accurately and completely;
- must create a record if the record can be created using normal computer hardware/software & technical expertise; and
- ensure that creating the record would not unreasonably interfere with the operations of the public body.

TOWNSHIP TIME LIMIT (section 7 of FOIPPA):

Time limit is:

- Thirty (30) days, unless the Township has advised they need to extend the time limit due to extenuating circumstances such as a large volume of materials requested or if the request has been transferred to another public body.