

# Freedom of Information and Protection of Privacy

Policy & Procedures Manual

May 2015

0160-50

Office of the City Clerk  
1435 Water Street  
Kelowna, BC V1Y 1J4  
TEL 250 469-8610  
FAX 250 862-3349  
cityclerk@kelowna.ca

**kelowna.ca**



# Table of Contents

<b>TABLE OF CONTENTS</b> .....	<b>3</b>
<b>INTRODUCTION</b> .....	<b>6</b>
<b>THE <i>FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT</i></b> .....	<b>8</b>
WHAT IS FREEDOM OF INFORMATION? .....	8
INDIVIDUALS REQUESTING ANSWERS TO QUESTIONS (RATHER THAN REQUESTING COPIES OF RECORDS) WILL NOT BE TREATED AS A FORMAL REQUEST FOR INFORMATION. STAFF IS EXPECTED TO ASSIST SUCH INDIVIDUALS THROUGH ROUTINE DEPARTMENTAL PROCEDURES. ....	8
WHAT IS PROTECTION OF PRIVACY? .....	9
WHAT IS PERSONAL INFORMATION? .....	9
WHAT IS A RECORD? .....	10
“INCLUDES BOOKS, DOCUMENTS, MAPS, DRAWINGS, PHOTOGRAPHS, LETTERS, VOUCHERS, PAPERS AND ANY OTHER THING ON WHICH INFORMATION IS RECORDED OR STORED BY ANY MEANS WHETHER GRAPHIC, ELECTRONIC, MECHANICAL OR OTHERWISE.” .....	10
ALL RECORDS CREATED OR RECEIVED BY EMPLOYEES DURING THE COURSE OF THEIR WORK DUTIES OR DURING THE CONDUCT OF CITY BUSINESS BELONG TO THE CORPORATION, NOT THE INDIVIDUAL EMPLOYEE. ....	10
ALL CITY RECORDS MUST BE TREATED IN ACCORDANCE WITH THE CORPORATE RECORDS & INFORMATION MANAGEMENT (RIM) PROGRAM. ....	10
CORPORATE RECORDS MANAGEMENT PROGRAM AND THE <i>FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT</i> .....	11
<b>HANDLING REQUESTS FOR INFORMATION</b> .....	<b>12</b>
MAKING A REQUEST .....	12
POINTS TO REMEMBER... ..	13
REQUESTS FOR PERSONAL INFORMATION .....	13
REQUESTS FOR CORRECTION OF PERSONAL INFORMATION.....	14
TIMELINES.....	14
STANDARD REQUEST PROCESS: .....	15
<b>ROUTINELY AVAILABLE RECORDS</b> .....	<b>16</b>
<b>CORPORATE POLICIES AND PROCEDURES</b> .....	<b>18</b>
AERIAL PHOTOGRAPHS .....	18
AGREEMENTS .....	18
APPRAISALS.....	19
ASSESSMENT AND TAX ROLLS.....	19
BUILDING PERMITS AND PLANS .....	19
BUSINESS LICENSES.....	20

CEMETERY RECORDS .....	20
CLOSED MEETINGS.....	21
COMMENTS ON PLANNING PROPOSALS.....	21
COMPLAINTS .....	21
CONTRACTS AND AGREEMENTS.....	22
COUNCIL RECORDS.....	23
DOG LICENSES.....	23
E-MAIL.....	23
EMPLOYEE FILES .....	24
FIRE INCIDENT REPORTS.....	24
INVOICES FROM LAWYERS .....	25
LICENSES AND PERMITS .....	25
LIST OF LICENSED BUSINESSES.....	26
MOTOR VEHICLE ACCIDENTS .....	26
PERMITS.....	26
PETITIONS.....	27
POLICE INVESTIGATIONS.....	27
PROPERTY INFORMATION .....	27
PROPERTY TAX OR UTILITY BILLING INFORMATION.....	28
RECREATION REGISTRATION RECORDS .....	29
RFP's – REQUESTS FOR PROPOSALS .....	29
SURVEYS – OF THE PUBLIC .....	30
SURVEYS – SITE SURVEY CERTIFICATES .....	30
TENDERS.....	30
TRAFFIC SYSTEM INFORMATION .....	31
UTILITY BILLING INFORMATION.....	31
VIDEO SURVEILLANCE .....	31
WORKSAFEBC (WORKERS' COMPENSATION BOARD) INVESTIGATIONS .....	31
<b>CHARGING FEES .....</b>	<b>32</b>
FEE ESTIMATES.....	33
SCHEDULE OF MAXIMUM FEES.....	34
<b>MANAGING PERSONAL INFORMATION AND FORMS.....</b>	<b>35</b>
COLLECTION OF PERSONAL INFORMATION .....	35
FORMS AND SURVEYS DESIGN .....	35
USE AND DISCLOSURE OF PERSONAL INFORMATION.....	36
SECURITY AND RETENTION OF PERSONAL INFORMATION.....	36

KEEPING INFORMATION CURRENT.....	37
<b>PERSONAL INFORMATION DIRECTORY .....</b>	<b>38</b>
<b>PERSONAL INFORMATION BANKS: .....</b>	<b>39</b>
AGRESSO .....	39
CAREER LINK SYSTEM.....	39
CENTRAL FILE INDEX (CFI) AND/OR ERIM SYSTEM.....	40
CEMETERY MANAGEMENT INQUIRY SYSTEM .....	40
CITY INSITES – EMPLOYEE PHONE LIST .....	41
CLASS – MEMBERSHIP, REGISTRATION AND RENTAL SYSTEM.....	41
DEVELOPMENT APPLICATION INQUIRY SYSTEM.....	42
HUMAN RESOURCES INFORMATION SYSTEM – PEOPLESOFT .....	42
HUMAN RESOURCES EMPLOYEE FILES.....	43
INFORMATION SHARING AGREEMENT – YM/YWCA OF THE CENTRAL OKANAGAN.....	43
PROPERTY INQUIRY SYSTEM .....	44
SERVICE REQUEST SYSTEM.....	44
T2 FLEX DATABASE SYSTEM (MTI SYSTEM) .....	45
<b>ADDITIONAL RESOURCES.....</b>	<b>46</b>
<b>ACCESS TO RECORDS REQUEST FORM .....</b>	<b>47</b>
<b>RECORDS RELEASE REFERENCE TABLE .....</b>	<b>48</b>

## Introduction

This policy manual is designed to provide both staff and the public with an overview of the *Freedom of Information and Protection of Privacy Act* and its application to City of Kelowna records.

Any questions regarding the *Freedom of Information and Protection of Privacy Act* or City of Kelowna policies with respect to the release of information may be directed to the City Clerk or Deputy City Clerk who have been designated 'Head' by the City of Kelowna Freedom of Information and Protection of Privacy Bylaw No. 9682, or to the Records and Information Coordinator who has been appointed by that same bylaw as the Information and Privacy Coordinator for the purposes of the Act, and is authorized to perform the duties and functions of the Head.

The Head and Coordinator can be reached as follows:

E-mail:	foi@kelowna.ca
Phone:	250 469-8645
Fax:	250 862-3315



---

# Chapter 1

## The *Freedom of Information and Protection of Privacy Act*

British Columbia's *Freedom of Information and Protection of Privacy Act* (the 'Act') has applied to local government since its enactment in November 1994. The Act represents the provincial government's legislative commitment to make public bodies more accountable to the public and to protect personal privacy.

The Act gives individuals the right to access information held by local government and protects privacy by placing restrictions on the collection and disclosure of personal information. The Act establishes a legislated set of rules governing what information can and cannot be released. The underlying principle is that ALL recorded information is available to the public, except for information that is subject to the specific and limited exceptions to disclosure set out in the Act.

**Information that is currently released by departments should continue to be made available except if the information is personal information.** The Act does not replace other procedures for public access, or limit access to information other than personal information currently available to the public. Staff is expected to incorporate the concepts and procedures of the Act into their normal service delivery.

City of Kelowna Bylaw No. 9682 – A bylaw for the administration of the *Freedom of Information and Protection of Privacy Act* was adopted by Council on November 6, 2006. A copy of the bylaw is available at [kelowna.ca](http://kelowna.ca).

### What is Freedom of Information?

The *Freedom of Information and Protection of Privacy Act* establishes a process by which any person may request access to records held by the City of Kelowna. Individuals also have the right to review their own personal information held by the City.

The general right of access to information is restricted by certain ***specified and limited exceptions***, necessary to protect a variety of needs of confidentiality and the right of individuals to privacy.

The Act also provides a review process whereby decisions relating to the disclosure or non-disclosure of information and other related issues, may be reviewed by the Information and Privacy Commissioner of British Columbia.

**Individuals requesting answers to questions (rather than requesting copies of records) will not be treated as a formal request for information. Staff is expected to assist such individuals through routine departmental procedures.**



## What is Protection of Privacy?

The Act protects the personal privacy of individuals by restricting the collection, use and disclosure of personal information. Disclosure of personal information, even to other public bodies, is strictly limited under Part 3 of the Act.

The City of Kelowna may only collect personal information:

- That it has clear authority to collect (i.e. expressly authorized under an Act or information is collected for the purposes of law enforcement), or
- Where collection is directly related to and is necessary for operating a program or activity of the City.

Personal information can be used only for the reasons it was originally obtained; multiple, and inconsistent uses of information are restricted by the Act.

The individual from whom the information is collected is entitled to know what the information will be used for and under what authority we are collecting it. ***If personal information is not needed, do not collect it.***

The security of personal information is one of the most important privacy-related issues that the City has to deal with. In accordance with Section 30 of the Act reasonable security arrangements must be established and maintained to protect personal information against unauthorized access, collection, use, disclosure or disposal.

It is recommended that all staff practice good privacy protection by:

- Using passwords on their computer;
- Locking computers when away from work station or desk;
- Using locks on cabinets;
- Turning monitors away from public view;
- Not leaving completed application forms and other records containing personal information in high traffic and/or public areas; and
- Destroying all personal and/or confidential information by shredding.

## What is Personal Information?

Personal information is simply defined as “recorded information about an identifiable individual.” Examples of personal information that cannot be disclosed by the City of Kelowna include but are not limited to the following:

- An individual’s name, home address, personal e-mail or telephone number;
- The individual’s race, national or ethnic origin, colour or religious or political beliefs or associations;
- An individual’s age, sex, sexual orientation, marital status or family status;
- An identifying number, symbol or other particular assigned to the individual (i.e. Social Insurance Number, driver’s license number, customer ID, etc.);

- Information about the individual's health care history, including a physical or mental disability;
- Information about the individual's education, financial, criminal or employment history;
- Anyone else's opinion about the individual (but not the identity of the opinion holder); you can know what is said about you, but not who said it.
- The individual's personal view or opinion, except if it is about someone else, belongs to the individual and is considered personal information; and
- Images of identifiable individuals captured by surveillance systems.

## What is a Record?

The definition of a "record" under the *Interpretation Act* applies to the interpretation of the *Freedom of Information and Protection of Privacy Act* as follows:

**"includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise."**

Records, then, include memos, letters, reports, e-mails, maps, calendars, post-it notes, annotations, doodles, etc. **Remember, if it is recorded, it is a record which may be subject to release under the Act.**

The information contained in records could be produced by a public body or received from other sources, such as third parties, service providers or other public bodies.

**All records created or received by employees during the course of their work duties or during the conduct of City business belong to the corporation, not the individual employee.**

**All City records must be treated in accordance with the Corporate Records & Information Management (RIM) Program.**

## Corporate Records Management Program and the *Freedom of Information and Protection of Privacy Act*

The records classification system and retention/disposition schedule as defined within the Corporate Records and Information Management (RIM) Program provides staff with specific information on the classification, retention and disposition of City records.

All departments, branches and sections throughout the City of Kelowna are expected to participate in the corporate RIM Program. Adherence to the standardized RIM system ensures consistent records classification and enables staff to quickly and easily search for and retrieve records from the central file system; both active and archived files. Full participation in the RIM Program dramatically decreases the search and retrieval time required to respond to FOI requests; particularly for the individual in the affected department tasked with the search process.

Disposition of records in accordance with the RIM Program retention/disposition schedule ensures that the City retains records only for the time required to meet legal and operational needs, thus minimizing records storage costs. The annual destruction of records, in accordance with the retention/disposition schedule, ensures that the Office of the City Clerk, Records Management Unit can effectively manage records throughout their lifecycle. The RIM Program is designed to both facilitate access to records as required under the *Freedom of Information and Protection of Privacy Act* and to provide verification that a record has been dealt with appropriately at final disposition.

When the City receives a request for records, those records become subject to a 'legal hold', meaning that the disposition of those records is suspended until such time that the matter has been completely dealt with. If the City receives a request for records that have been prepared for destruction, but have not yet been destroyed, the records are subject to and must be included in the response subject to the exceptions under the *Act*.

---

# Chapter 2

## Handling Requests for Information

### Making a Request

Before a formal written request for a record is made it should be established that the record being searched for is not “routinely available”.

**Routine requests** – Requests for information that is easily accessible and not subject to the *Freedom of Information and Protection of Privacy Act*. A fee may be charged for this information, as set out in the *Fees and Charges Bylaw No. 9381* or other applicable City bylaw. The request can be verbal and does not require the involvement of the FOI Coordinator.

**Information requests** – Requests for information that is generally routinely available but requires an information review of the records, usually by a departmental supervisor or the FOI Coordinator. This can also be a request for records that are not readily to hand, such as records stored in semi-active or archived files. As with routine requests, applicable fees may be charged, as set out in *Fees and Charges Bylaw No. 9381*. These requests should be responded to within a time frame that is reasonable for the size of the request or the location of the records.

**Formal requests** – Requests for records that are neither routinely available, nor available through more informal procedures. Formal requests under the *Act* must be made in writing. A form for this purpose is available, but a letter, fax or e-mail is also acceptable. Formal requests are to be directed to the FOI Coordinator as soon as received, as the *Act* stipulates a deadline for response.

Staff may direct an applicant to the FOI Coordinator for assistance with making a request. Wherever possible, staff should assist an applicant in preparing a written request. Assistance may include helping an applicant to define the request as specifically as possible. A form entitled ‘Request for Access to Records’ under the *Act* and information about the process is available on the City of Kelowna website for reference.

**Just because an applicant provides a request in writing, or makes a request for records “pursuant to the *Freedom of Information and Protection of Privacy Act*,” does not make it a formal request. If the information is routinely available staff should provide it to the applicant routinely.**

## Points to Remember...

- Any staff member, of any department, can accept a written request for information.
- Requests can be submitted in the form of a letter, e-mail, fax or by using the form on the last page of this Manual (and available at Kelowna.ca) but must be made in writing.
- It is not necessary for applicants to quote the *Act* to obtain access to records.
- It is not necessary for applicants to provide their contact information when making an FOI request. However, it enables the FOI Coordinator to better assist the applicant with their request.
- The *Act* does not apply to requests for answers to questions, only to requests for copies of, or access to, records.
- Requestors should be encouraged to be as specific as possible in wording their request to enable the City to effectively respond to the request.
- Written requests for records that are not normally routinely available must be forwarded immediately to the FOI Coordinator for response. The FOI Coordinator will be in contact with staff to receive copies of responsive records once an acknowledgement letter has been sent to the requestor.
- Section 6 of the *Act*, Duty to assist applicant states:
  - “(1) The head of a public body must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
  - (2) Moreover, the head of a public body must create a record for an applicant if
    - the record can be created from a machine readable record in the custody or under the control of the public body using its normal computer hardware and software and technical expertise, and
    - creating the record would not unreasonably interfere with the operations of the public body.”
- If the records require severing prior to disclosure, the request must be processed as a formal request for information.

## Requests for Personal Information

The *Act* guarantees an individual the right to see his/her own personal information held by the City of Kelowna. However, the *Act* restricts persons from getting access to personal information about another individual without the individual's consent.

Please note that a property file, for example, may contain personal information, but the file itself is not the homeowner's personal information.

## Requests for Correction of Personal Information

Incorrect personal information can have serious consequences for an individual. For example, incorrect personal information could result in the denial of benefits associated with a disability claim or the refusal of employment opportunities.

Public bodies must make every reasonable effort to ensure that personal information in their custody is accurate and complete. If someone's personal information changes, that person may make a request to the public body to correct the information in their files. A public body must provide the corrected information to any individual or company to whom recorded information was disclosed within the preceding year. This means that a careful record must be kept of individuals to whom recorded personal information is disclosed. Consequently, it is important to establish a protocol that only required personal information, information relating directly to and necessary for an operating program or activity of the City, is collected.

Applicants may request the correction of their personal information, either verbally or in writing.

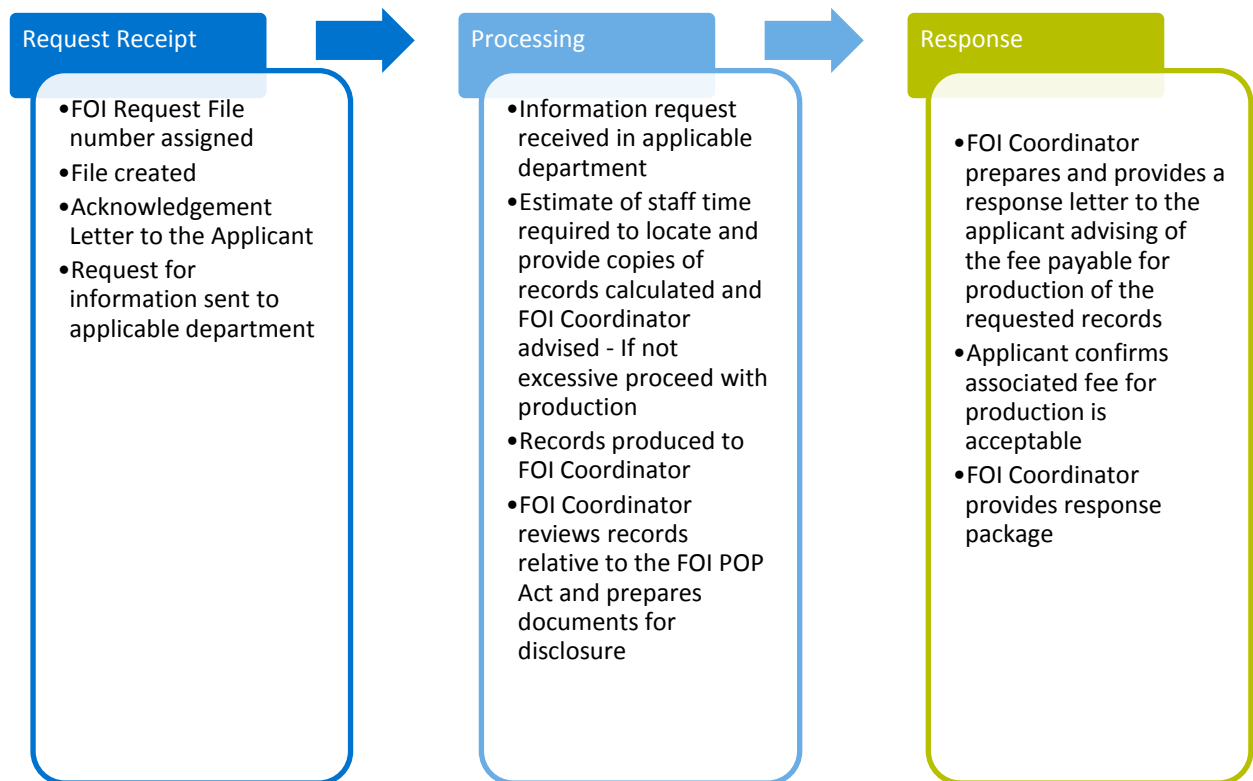
## Timelines

The *Freedom of Information and Protection of Privacy Act* generally requires that a response be provided to the applicant within 30 business days of receipt of the request. The term "day" is defined in the Act as "not including a holiday or a Saturday." In the *Interpretation Act*, the definition of "holiday" includes Sundays, and statutory holidays. The combined effect of these definitions is that weekends and holidays are not included in the calculation of time limits under the *Freedom of Information and Protection of Privacy Act*.

Occasionally it might be necessary to extend the timeline by an additional 30 business days. Should this situation arise, the FOI Coordinator will advise the applicant of the time extension in advance.

## Standard Request Process:

This is the standard process for a simple *Freedom of Information and Protection of Privacy Act* request where no 'Third Party Notice' is required and the number of records requested is not large. Where 'Third Party Notice' is required or the number of records requested is very large, the process and timeline to accomplishing the process will be extended as appropriate.



---

# Chapter 3

## Routinely Available Records

The following list identifies some of the most common record types that are routinely available to the public at the City of Kelowna. The list should be used to help determine whether or not a particular record can be released routinely or whether a more formal review is required. It is by no means an exhaustive listing; it is meant only as a guide.

**Copies of routinely available records may be provided at a cost in accordance with the *Miscellaneous Fees and Charges Bylaw No. 9381*, or any other applicable bylaw.**

Examples of routinely available records include:

- Annual Reports
- Brochures
- Budgets (Operating or Capital)
- Building Permits (Except personal information supplied in support of the application)
- Building Plans (Exterior views and site plans only)
- Bylaws
- Council agendas and minutes (Except from meetings closed to the public)
- Council Committee agendas and minutes (Except from meetings closed to the public)
- Licenses (Except personal information supplied in support of the application)
- Maps
- Policies/Manuals
- Official Community Plans
- Permits (Except personal information supplied in support of the application)
- Public Hearing agendas and minutes
- Records published to the City's website
- Staff reports supporting items on Council agendas (Except from meetings closed to the public)
- Statistical Information
- Traffic counts

**Reviews and FOI requests are handled by the Office of the City Clerk. Any requests for records not available routinely should be made in writing and directed to the FOI Coordinator.**



Fees may apply to the provision of records requested under the *Act* as per City of Kelowna *Freedom of Information and Protection of Privacy Bylaw No. 9682*. See Chapter 5 for more information about fees.

---

# Chapter 4

## Corporate Policies and Procedures

Standardized policies and procedures apply to records requested under the *Freedom of Information and Protection of Privacy Act* as outlined in this chapter by record type. These policies reflect provisions of the Act as well as the corporate/administrative policies of the City of Kelowna. Please direct any questions regarding this information to the Office of the City Clerk.

### Accident Incident Near Miss Reports

Accident Incident Near Miss Reports are considered confidential and must not be released routinely. Requests for copies of Accident Incident Near Miss Reports must be directed to the FOI Coordinator.

Accident Incident Near Miss Reports will contain personal information, including medical information, about the individual subject to the Report, and the name and contact information of witnesses. The relationship between the requestor and those identified on the form will be taken into account when making any considerations to release, and third party written consent may be required depending upon the circumstances of a request.

### Aerial Photographs

Aerial photographs are routinely available on City external web site dating back to 2000.

The City does have aerial photographs from earlier dates; due to their fragile nature and historical significance they are not available routinely. Requests for staff to review may be subject to a "Researching Historical Information" fee, as set out in Miscellaneous Fees and Charges Bylaw No. 9381.

The Province maintains an extensive aerial photograph database that may be accessed via GeoBC: <http://geobc.gov.bc.ca/>. The Kelowna Museum and Archives is another source of historical photographs.

### Agreements

See 'Contracts and Agreements'.

## Appraisals

Land appraisals commissioned or received by the City are not routinely available to the public. Requests for appraisals are to be forwarded to the FOI Coordinator for response.

## Assessment and Tax Rolls

The Assessment Roll is not available at City Hall for public viewing, as it is not a City record. The Assessment Roll can be viewed at the BC Assessment Office at 202 – 1500 Hardy Street in Kelowna.

Property Tax Roll information may be searched on the City's website. No property owner information is included.

Individuals wishing to obtain property owner information should visit the BC Assessment Office, use the BC OnLine service or contact the Land Title Office in Kamloops for assistance.

## Building Permits and Plans

Issued building permits are routinely available to any interested party. The application and supporting materials for the building permit are not routinely available and should ordinarily be subject to a formal FOI request. However, it is not uncommon for neighbours to be interested in developments within their neighbourhood and, within the limits of common sense, every effort should be made to provide them with information other than personal information.

Where a request is made to view building plans, access should be provided to plans showing site layout and any exterior elevations. These plans may be viewed, but not copied as they are protected by copyright law. Copies of such plans will only be provided upon receipt of a written release from the owner and the professional that created the plans or as part of an FOI request. The federal Copyright Act provides for the copying of copyright materials as part of an access request. However, copyright restrictions still apply to the use of the copied plan by the applicant or by any other person. Any released plan must be stamped with the appropriate "Copyright Act Information" stamp.

For security reasons, the City will not make available those plans showing interiors of a building, unless the plans have been considered as part of a development application at an open meeting of Council or written permission from the owner has been obtained.

## Business Licenses

A business is not considered an individual and therefore does not have privacy rights under the Act. [Most](#) issued business license information is routinely available to the public. Copies of current business licenses can be printed and released to the public. However, the City of Kelowna does not maintain a hardcopy of business licenses from previous years.

The following business license information contained within the Business License System (database containing all business license related information) may be released in the form of a Business Licence Summary Report – FOI to the public upon request:

- Business License number
- Business License type code
- Location
- Business Name
- Mailing Address
- Business Phone number
- Description of Business

Additional information regarding license details ('Details' tab), fee payment ('Fees' tab) and license restrictions ('Restrictions' tab) can also be routinely disclosed. The release of business license information must NOT disclose any additional personal information supplied in support of the license application. Therefore, information on the 'Name and Contacts', 'Additional Mailing Address' and 'Remarks' tabs can only be released to the license holder. Such personal information may include phone numbers and/or the applicant's home address (if different from business address) and must be severed from any information disclosed in accordance with Section 22(1) of the *Freedom of Information and Protection of Privacy Act*. For home-based businesses, the applicant's home address is considered public information because it is the location of the business.

Issued business license information that is routinely available may be provided in electronic or printout form for a fee.

For information relating to other types of licenses, see *Licenses* below.

## Cemetery Records

The City acknowledges that personal information collected by the Kelowna Memorial Cemetery is of value to relatives and to genealogical and historical researchers.

Copies of issued cemetery licenses, burial permits, and plaque permits are routinely available to the public. The following information can be routinely provided upon request:

- the name of the person to whom the license or permit was issued
- the date the license or permit was issued
- the location of the plot or grave
- the name of service provider (Funeral Home)
- the value of the license or permit

Requests for copies of cemetery licenses or permits for interments within the past twenty (20) years that contain personal information supplied in support of the application, must be forwarded to the FOI Coordinator.

For interments that occurred more than twenty (20) years ago, all other information is considered part of the cemetery archives and may be made available in accordance with Sections 35 (Disclosure for Research or Statistical Purposes) or Section 36 (Disclosure for Archival or Historical Purposes) of the *Freedom of Information and Protection of Privacy Act*. A signed research agreement may be required before access is granted.

## Closed Meetings

The meetings of Council and Council Committees may be, in specific circumstances, held “in camera” or “closed” according to the *Community Charter*. Typically, matters relating to land, legal issues and human resources are held in closed meetings. Records relating to a closed meeting will not be released unless the matter has been discussed at length in an open meeting, or if the report or minutes have been in existence for more than 15 years. No other exemptions under the *Freedom of Information and Protection of Privacy Act* apply.

## Comments on Planning Proposals

Notices for a planning or development proposal must be made available to the public prior to the application appearing before Council through such means as public hearings. Members of the public that object to proposals may submit their objection to the Office of the City Clerk before the applicable deadline.

If the planning process in question is governed by a section of the *Local Government Act* that authorizes public disclosure in relation to planning matters and liquor licensing, staff may disclose personal information as required by the *Local Government Act*. Section 33.1 of the *Freedom of Information & Protection of Privacy Act* permits a public body to disclose personal information for the purpose of complying with an enactment of BC.

## Complaints

The City receives several different types of complaints from members of the public. Many of the City’s bylaw enforcement issues are a direct result of complaints lodged by individuals. Complainants are advised that their names and addresses will be kept

confidential unless the release is required for legal action. This confidentiality is protected by Sections 15, 19 and 22 of the *Freedom of Information and Protection of Privacy Act*.

The person the complaint is about has the right to know the substance of the complaint, but not the identity of the individual who made the complaint. The requestor should be made aware that the complainant's identity will not be revealed. In the event of a bylaw complaint, the substance of a complaint may not be released until the investigation has been concluded. Requests for copies of complaints must be directed to the FOI Coordinator.

RIM Policy 0160-10-RIM-09 specifies:

“THAT the City of Kelowna response to requests pursuant to the *Freedom of Information and Protection of Privacy Act* for information related to open/active bylaw complaint files be limited to a print of the “Search Service Requests” report for a specific address or addresses. If the type of bylaw complaint is specified, only those service requests related to that specific type of complaint will be disclosed. All background and investigation information is considered prosecution records under section 3(1)(h) of the Act; as such these records are outside the scope of the Act and will be withheld (disclosure will be refused). Files are considered open/active for a period of three (3) months from the date of closure/conclusion.

FURTHER, THAT the City of Kelowna response to requests pursuant to the *Freedom of Information and Protection of Privacy Act* for information related to closed/concluded bylaw complaint files shall include information related to the investigation of the bylaw complaint(s) and shall include a copy of the print of the service request details. This policy applies to files that have been closed for a period of three (3) months or more which are not likely to be re-opened. Applicants are required to specifically request investigation records to receive the detailed information.

All responsive records shall be reviewed and severed in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act* as applicable.”

## Contracts and Agreements

Generally speaking, most contracts or agreements signed by the Mayor and Clerk or staff with any other party are available to the public.

Care must be taken to examine the wording and clauses of a contract to ensure that it does not reveal trade secrets, proprietary information or information which could possibly harm the business interests of a third party. Therefore, before releasing any contractual information staff must consult with the FOI Coordinator.

Wherever possible, contracts awarded by the City must include a confidentiality clause stating the contract or agreement is subject to FOI and will be released upon request. In addition, contracts and agreements must address whether the City or the consultant/contractor has ownership of the records created while under contract. Contact the Office of the City Clerk for examples of appropriate wording.

## Council Records

It is the policy of the Office of the City Clerk that all “non-confidential” Council records, such as agendas for regular Council meetings, are available to the public only **after** they have been approved by the City Manager.

**Council Meeting Agendas (Open Meeting):** Open meeting agendas and accompanying reports are posted to the City website by 4:00 pm the Thursday prior to the regularly scheduled meeting date.

**Council Meeting Minutes (Open Meeting/Public Hearing):** Open meeting minutes are posted to the City website by the end of business on the Friday following the adoption of the minutes; adoption occurs at a regularly scheduled Tuesday evening meeting.

**Public Hearing Agendas:** Public Hearing meeting agendas are posted on the City website a minimum of ten business days prior to the public hearing (usually on Friday, two weeks before the meeting date).

**Development Variance Permit Items:** Development Variance Permit items are posted on the City website a minimum of ten business days prior to the public hearing (usually on Friday, two weeks before the meeting date). Items are considered by Council at the regularly scheduled Tuesday evening meeting following the public hearing.

See “Closed Meetings” for more information.

## Dog Licenses

Dog licenses are issued by the Central Okanagan Regional District (CORD) and any requests for dog-bylaw enforcement records should be made to:

Regional District of Central Okanagan

1450 KLO Road

Kelowna BC V1W 3Z4

Phone: (250) 763-4918

Fax: (250) 763-0606

E-mail: [info@cord.bc.ca](mailto:info@cord.bc.ca)

Web site: [www.regionaldistrict.com](http://www.regionaldistrict.com)

## E-Mail

E-mail is subject to the Freedom of Information and Protection of Privacy Act.

Current City of Kelowna policy is:

**If the information contained in an e-mail message is of value to the organization and is to be retained, it must be filed on the appropriate physical (paper) file within the records management system.**

The same retention principles that apply to regular mail should apply to the disposal of e-mail. “Junk” mail, for example, is disposed of on a regular basis. Some e-mail is more relevant to your professional activities and may be stored in an e-mail folder. Some e-mail contains significant statements about strategies or decisions and must be printed and retained in the relevant file.

Please note that when you are requested by the FOI Coordinator to produce records in response to a request, it is expected that you will also include any and all relevant e-mail records in your possession.

## Employee Files

Employees are entitled to view their employee file. A request in advance must be made to the Human Resources Department to arrange a time to review the file. Direct supervisors may access employee files in order to review work history, education/training, discipline, etc.

Please note that as an employee, you are entitled to see any comments made about you – that is your personal information – however, the identity of the person making the comments may be withheld.

Information regarding a person’s employment history is considered personal information and will not be disclosed to third parties, unless express permission of the employee is obtained first. This includes information regarding benefits paid to the employee. If a request for salary information is received, the requestor will be told of the salary range for that particular position without identifying any individual’s specific salary unless express permission from the employee has been obtained first.

Verbal requests from outside agencies wanting to confirm whether a particular individual is currently employed at the City of Kelowna should not be confirmed without the employee’s consent.

## Fire Incident Reports

The Fire Department releases information as Routinely Available Records and / or Information Releases, or as required under the *Freedom of Information and Protection of Privacy Act*.

**Routinely Available Records:** Although some information is available on the city website, a fee may be charged under the Miscellaneous Fees and Charges bylaw depending on the format requested and the complexity of the request for the following:

- Maps
- Hydrant location
- Annual reports
- Budgets



- Policies / Guidelines
- Bylaws
- Brochures
- Strategic Plans

**Information Releases:** The fees associated with information releases shall be consistent with the Fire and Life Safety Bylaw 10760. Fees shall be charged to companies or businesses, agents, members of the public and the like with the exclusion of emergency services (RCMP, EHS and COSAR, etc.). Fees shall be charged for the following:

- Fire Record Search Comfort Letter
- Fire (incident) reports (completed with investigation comments only)
- Fire Inspection Reports
- Audio Records

**Freedom of Information Requests:** Any requests for information that may have corporate impact beyond the fire department shall be forwarded to the City Clerk's Office for co-ordination.

## First Aid Records

First Aid Reports are considered confidential and must not be released routinely. Requests for copies of First Aid Reports must be directed to the FOI Coordinator.

First Aid Reports will contain personal information, including medical information, about the individual subject to the Report, and the name and contact information of witnesses. The relationship between the requestor and those identified on the form will be taken into account when making any considerations to release, and third party written consent may be required depending upon the circumstances of a request

## Invoices from Lawyers

Requests for details of legal invoices must be forwarded to the FOI Coordinator. The details may divulge the strategy or grounds on which a legal case is being based or disclose personal information, therefore must be treated as a formal FOI request. Individual or case specific invoices are considered privileged communication between the solicitor and City and are usually withheld.

## Licenses and Permits

Copies of issued building, electrical, mechanical, plumbing, occupancy and any other permits (Environmental and/or Form & Character Development Permits) or licenses providing a discretionary benefit are routinely available to the public, including the following information:

- Name of the person or company to whom the license or permit was issued
- Name and address of businesses connected with the license or permit, such as the name of a contractor or subcontractor
- Location that the work is being performed at
- Value of construction
- Size of building and use of property
- The permits should not disclose any additional personal information supplied in support of the permit application, such as:
  - the home or cellular phone number of the applicant
  - the permit applicant's home address if it is different from the property to which the permit applies
  - how long the owner has owned the property
- Lists of permits issued (weekly or monthly) may be made routinely available to the public, but must not contain personal information that is supplied in support of the permit application.
- Requests for copies of permits or licenses that contain personal information that was supplied in support of the application must be forwarded to the FOI Coordinator.

## List of Licensed Businesses

The list of licensed businesses within the City of Kelowna is considered public information and is available for purchase from the Permit Centre located on the second floor of City Hall for a fee. The list may contain the following:

- name and location of the company
- names of principals or officers of the company
- type of business and product(s) produced

**Note:** Businesses do not have privacy rights under the Act; only individuals do.

## Motor Vehicle Accidents

The City of Kelowna Fire Department responds to many motor vehicle accidents and often performs rescue and provides medical assistance. Requests for information about motor vehicle accidents must be forwarded to the FOI Coordinator.

RCMP records pertaining to motor vehicle accidents are not City records and cannot be requested under the *Freedom of Information and Protection of Privacy Act*. A separate request must be made to the RCMP under the federal *Access to Information Act*.

## Permits

See "Licenses and Permits".

## Petitions

Citizens may provide input or feedback in the form of petitions and form letters listing their names, addresses and signatures to express support or opposition to an issue and to establish their legitimate interest in the matter. Since the intent of such petitions is to demonstrate the degree of public support or opposition to the subject matter of the petition, individuals who complete them normally expect that they will be used for discussion purposes and that it will be part of the City's public record.

If the petition is discussed in an open meeting, then staff can provide copies of requested petitions under Section 33.1(1)(c) and (c.1) of the *Freedom of Information and Protection of Privacy Act*, which permits disclosure for a consistent purpose. Otherwise, the request must be in writing and forwarded to the FOI Coordinator for response.

**Note:** Alternative Appeal Process (AAP) petitions are not normally available for public inspection.

## Police Investigations

Section 33.2(i) of the *Freedom of Information and Protection of Privacy Act* allows public bodies such as the City to disclose information to law enforcement bodies to assist in a specific investigation of a law enforcement matter. Staff can provide the requested information directly to the RCMP, provided that sufficient identification is supplied by the officer. The City currently engages in regular exchanges of information with the RCMP on bylaw enforcement matters.

The City does not have jurisdiction over RCMP records and cannot transfer a request for RCMP records made under the BC *Freedom of Information and Protection of Privacy Act*. Requests for RCMP records must be directed to the RCMP, as they are a federal body subject to the federal *Access of Information Act* and the federal *Privacy Act*.

## Property Information

Routine access to property files is granted upon request **only** to the registered owner(s) or individuals who have obtained written permission from the registered owner(s) to access property files. All other requests to access property files must be treated as a formal FOI request.

### Disclosure of Property Information regarding Grow Ops

The Office of the Information & Privacy Commission for British Columbia has suggested that information about the physical condition of a particular property or about a bylaw infraction, notices or actions respecting a property is information about a piece of real estate, not about an identifiable individual. Personal information found in or associated with this type of information must NOT be disclosed.

Staff is permitted to respond to the following question if posed by a member of the public, “Has property ‘x address’ been subject to the City of Kelowna Nuisance Controlled Substance Bylaw 9510 or City of Kelowna Safe Premises Bylaw 10064 (*when adopted*)?” Staff may respond with a simple yes or no answer OR with the appropriate choice from the following prescribed responses:

If the property HAS NOT been identified as a grow-op under the bylaw:

Please be advised that the property located at [address] has not been subject to the City of Kelowna Nuisance Controlled Substance Bylaw No. 9510. Properties subject to the bylaw, which was adopted by Council October 31<sup>st</sup>, 2005, are brought to the City’s attention by the RCMP.

If the property HAS been identified as a property subject to the bylaw:

Please be advised that the RCMP indicated to the City of Kelowna on [date] that the property located at [address] contained a [grow-op or drug lab] and that the property is being brought to the standard required by the City of Kelowna Nuisance Controlled Substance Bylaw No. 9510 by the property owner.

OR

Please be advised that the RCMP indicated to the City of Kelowna on [date] that the property located at [address] contained a [grow-op or drug lab] and that the property was brought to the standard required by the City of Kelowna Nuisance Controlled Substance Bylaw No. 9510 by the property owner as of [date].

If further information is requested and the person inquiring is someone other than the property owner or an individual who has obtained written permission from the registered owner(s) to access the property file, a formal FOI request must be submitted to the FOI Coordinator.

See “Building Permits and Plans” for more information.

## Property Tax or Utility Billing Information

Under Section 249 of the Community Charter we must provide the following information to anyone who requests it:

- the amount of unpaid taxes and/or utilities,
- whether the property has been sold for taxes, and
- if the property has been sold for taxes, the time, if any remaining, for redemption and the amount required to redeem it.

The charter specifies a “certificate showing” the above information, but in essence it can be in any form.

As the section reads “**unpaid**” taxes, we can give out balances owing to anyone.

If more detailed information is requested, such as information about payments or releasing of access codes a reasonable affirmation that the person you are speaking to is the owner is required. A reasonable affirmation can be obtained by asking the customer various questions that allow you to determine that they are the owner of the property, such as:

- Knowing the access code
- Previous payment information such as: what they paid in the past, how they paid it and who paid it
- Phone numbers submitted on previous HOG claims
- How a previous HOG was claimed (i.e. online or by paper form)
- If on the instalment plan and if so what they pay each month
- If the mortgage company pays, the name of the mortgage company and/or bank
- Adjustments to account done in the past
- Name of people on title (including middle names)
- Names of previous owners of the property

If reasonable affirmation is achieved then staff may give out the information the customer requested.

Information may be given to customers in various forms, including verbal, re-printing of bills or tax certificates. Tax certificates may be given to **any customer**, but our usual fee applies. When giving out verbal information, **where the customer did not have the access code**, please add a comment to the tax account as to who you gave the information to and preferably add a contact number or email address.

## Recreation Registration Records

Information regarding an individual's program registration, membership and facility rentals are considered private and will only be released to the individual named on the record. In the case of minors, program registration and membership information will be released only to the custodial parent or guardian. All other requests for such information should be forwarded to the FOI Coordinator. Written consent of the named individual must be provided to the FOI Coordinator to allow access to the information by a third party.

## RFP's – Requests for Proposals

Request for proposals are available to the public on the City of Kelowna website at Kelowna.ca or by request to the Corporate Services Department, Purchasing Branch.

All 'Requests for Proposals' should contain a statement advising that "All proposals received may be made publicly available, except information relating to unit pricing, confidential third party business information, and employment history of employees."

## Security Incident Reports

Security Incident Reports are considered confidential and must not be released routinely. Requests for copies of Security Incident Reports must be directed to the FOI Coordinator.

Security Incident Reports may contain both personal information and law enforcement information, and the relationship between the requestor and those identified on the Form will be taken into account when making any considerations to release. Third party written consent may be required depending on the circumstances of a request.

## Surveys – of the Public

Results of surveys conducted by the City of Kelowna or our agents are considered public information and should be routinely disclosed. Please note that the survey forms themselves will likely contain personal information that should not be disclosed. Therefore, it is City of Kelowna policy not to release the completed forms. An FOI request must be made if an applicant wishes to see the actual completed forms.

A survey form must include a statement informing the public why the information is being collected, under what authority and for what purposes the personal information will be used. This allows the individual discretion whether or not to participate and informs them what will happen with the information collected. Contact the Office of the City Clerk for examples of appropriate wording to be used for public surveys.

When conducting internet-based surveys, the personal information collected must reside on a server within Canada in accordance with section 30.1 of the Act. Contact the Office of the City Clerk for assistance.

## Surveys – Site Survey Certificates

Site surveys are submitted to the City of Kelowna as part of various application processes. Site survey Certificates are protected by copyright, but may be copied as part of an FOI request. Like building plans, copyright applies to the use of the released survey by the applicant or by any other third party. Any released copy of a survey must be stamped with the appropriate “Copyright Act Information” stamp.

## Tenders

Tenders submitted to the City in response to a call for bids or request for proposals are available to the public, [except for](#) information regarding unit pricing, employment histories and other confidential third party business information. Section 21 of the Act recognizes that the release of such information could potentially harm the company’s business interests and provide access to personal information of their employees. Unit pricing information is considered proprietary information belonging

to the third party. This information is therefore “blacked out” or severed prior to disclosure by the FOI Coordinator.

Requests for copies of tenders submitted to the City should be directed to the FOI Coordinator.

## Traffic System Information

Requests for traffic counts may be routinely provided. Requests for traffic signalization information and other traffic system information should be directed to the FOI Coordinator.

In accordance with RIM Policy 0160-10-RIM-J, City of Kelowna staff do not provide interpretation, translation of terminology or comment on technical data contained in records produced through the *Freedom of Information and Protection of Privacy Act*. The City of Kelowna does not provide consultative services to individuals or organization for private benefit. Individuals should consult private sector professionals to receive comprehensive interpretation of technical records and data such as traffic signal timing information.

## Utility Billing Information

See “Property Tax or Utility Billing Information” for more details.

## Video Surveillance

The City of Kelowna utilizes video surveillance to protect city assets, staff and the public. The images captured by surveillance cameras, which are stored on various media including but not limited to CD-ROM and/or hard drives, contain personal information and therefore shall not be subject to public viewing. Only authorized staff may view the recorded images.

In accordance with Section 33(2)(i) of the Act, the City of Kelowna will disclose video surveillance records to the RCMP in response to a written request in relation to an active police investigation.

## WorkSafeBC (Workers’ Compensation Board) Investigations

WorkSafeBC administers the *Workers Compensation Act*, which provides WorkSafeBC investigators with the authority to request and obtain the records necessary to complete an investigation without the involvement of the FOI Coordinator. Staff can directly release information to the WorkSafeBC (WCB) investigator upon presentation of sufficient identification from the investigator.

---

# Chapter 5

## Charging Fees

Section 75 of the *Freedom of Information and Protection of Privacy Act* permits public bodies to charge applicants fees for costs associated with processing requests to access records under the Act. The maximum fees are set out in the *Freedom of Information and Protection of Privacy Regulation* (B.C. Reg. 323/93) to the Act.

For the purposes of calculating fees payable the Act and Regulation distinguish between ‘commercial’ and ‘applicants other than commercial’. A ‘commercial’ applicant is defined as, “a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit” (i.e. lawyer). It follows that an ‘applicant other than commercial’ or a non-commercial applicant is any applicant that is not a commercial applicant (i.e. private citizen).

The Act prohibits public bodies from charging applicants for access to their own personal information. Please note that a property file, for example, may contain personal information, but the file itself is not the homeowner’s personal information.

*Freedom of Information and Protection of Privacy Act* Section 75(1) stipulates that an applicant may be required to pay a public body for the following services:

- locating, retrieving and producing the record
- preparing the record for disclosure
- shipping and handling the record
- providing a copy of the record

Section 75(2) further states that an applicant must not be required under subsection (1) to pay a fee for the following:

- the first three hours spent locating and retrieving a record, or
- time spent severing information from a record

If an applicant is required to pay fees for services under subsection (1), subsection (4) requires that the public body give the applicant an estimate of the total fee before providing the service.

Records provided routinely to applicants by departments may charge the applicant for copies in accordance with departmental bylaws for collecting fees.



## Fee Estimates

In order to prepare and provide fee estimates to applicants in a timely fashion, departments may be asked to provide the FOI Coordinator with an estimate of the number of records that respond to the request, as well as the amount of staff time that would be involved with the following:

- Locating records that respond to the request (includes time spent searching for both physical and electronic records in the Records and Information Management systems (CFI and RIM) and on the computer network, e-mail archives, etc.)
- Preparing the records for photocopying (removing staples, etc.)
- Photocopying the records
- Time spent reassembling the original files

Section 75(5) provides that the head of a public body may excuse (upon written request) “an applicant from paying all or part of a fee if, in the head’s opinion,

- the applicant cannot afford the payment, or for any other reason it is fair to excuse payment, or
- the record relates to a matter of public interest, including the environment or public health or safety.”

**Note:** “Public interest” is a specifically defined term and should not be confused with records that may be of interest to some members of the public or that the public may find interesting.

The City of Kelowna Freedom of Information and Protection of Privacy Bylaw adopts the Schedule of Maximum Fees provided by British Columbia Regulation 323/93, as amended from time to time, to be the maximum fees charged by the City as permitted under the Act. The schedule is reproduced on the following page for convenient reference.

## Schedule of Maximum Fees

1.	<b>For Non-commercial Applicants:</b>	
a)	for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
b)	for producing a record manually	\$7.50 per ¼ hour
c)	for producing a record from a machine readable record	\$16.50 per minute for cost of use of the central mainframe processor on all locally attached devices plus \$7.50 per ¼ hour for developing a computer program to produce the record
d)	for preparing a record for disclosure and handling a record (i.e. assembling, collating & stapling)	\$7.50 per ¼ hour
e)	for shipping copies	actual costs of shipping method chosen by applicant
f)	for copying records	
	i) photocopies and computer printouts	\$0.25 per page (8.5"x11" or 8.5"x14") and \$0.30 per page (11"x17")
	ii) floppy disks	\$10.00 per disk
	iii) computer tapes	\$40.00 per tape up to 2400 feet
	iv) microfiche	\$10.00 per fiche
	v) 16 mm microfilm duplication	\$25.00 per roll
	vi) 35 mm microfilm duplication	\$40.00 per roll
	vii) microfilm to paper duplication	\$0.50 per page
	viii) photographs (colour or black and white)	\$5.00 to produce a negative \$12.00 each for 16"x20" \$9.00 each for 11"x14" \$4.00 each for 8"x10" \$3.00 each for 5"x7"
	ix) photographic print of textual, graphic or cartographic record (8"x10" black and white)	\$12.50 each
	x) hard copy laser print, B/W 300 dots/inch	\$0.25 each
	xi) hard copy laser print, B/W 1200 dots/inch	\$0.40 each
	xii) hard copy laser print, colour	\$1.65 each
	xiii) photomechanical reproduction of 105 mm cartographic record/plan	\$3.00 each
	xiv) slide duplication	\$0.95 each
	xv) plans	\$1.00 per square metre
	xvi) audio cassette duplication	\$10.00 plus \$7.00 per ¼ hour of recording
	xvii) video cassette (1/4" or 8mm) duplication	\$11.00 per 60 minute cassette plus \$7.00 per ¼ hour of recording; \$20.00 per 120 minute cassette plus \$7.00 per ¼ hour of recording
	xviii) video cassette (1/2" ) duplication	\$15.00 per cassette plus \$11.00 per ¼ hour of recording
	xix) video cassette (3/4") duplication	\$40.00 per cassette plus \$11.00 per ¼ hour of recording
2.	<b>For Commercial Applicants:</b>	
	The actual costs of providing each service listed above.	

---

# Chapter 6

## Managing Personal Information and Forms

The *Freedom of Information and Protection of Privacy Act* governs how public bodies are to collect, use and retain personal information. The City of Kelowna has a duty to ensure that information is legitimately collected, stored securely, kept current and used only for the purposes for which it is collected.

Section 27(2) of the Act requires that individuals from whom information is being collected be advised on the purpose for collecting it (i.e. what will it be used for); the legal authority for collecting it and the contact information for a staff member who can answer questions regarding the information collection. Wherever possible, staff should only collect personal information directly from the person who the information is about.

### Collection of Personal Information

The Act imposes limitations on the collection of personal information. Section 26 of the Act stipulates that public bodies may only collect personal information under the following circumstances:

- Where the collection is expressly authorized by law (e.g. Elections purposes as per the *Local Government Act*)
- Law enforcement purposes (includes bylaw enforcement)
- Where the information relates directly to, and is necessary for, an operating program or activity of the public body.

Public bodies need to collect personal information when it is essential for program delivery or operational requirements. Methods of collection include forms, questionnaires, personal interviews, surveys, etc. Even unsolicited resumes from job applicants are considered to be “collected” by the public body.

### Forms and Surveys Design

Prior to designing forms or surveys, it is important to examine their purpose, use and format. Whether on-line or in traditional paper format, forms and surveys that collect personal information must be designed to provide the public with the information required under Section 27 of the Act.

The name, position and telephone number of a senior staff member responsible for the program or service for which the information is being collected and used must be provided on the survey form.

For example, a Business License Application form may contain the following notification: “The personal information on this form is collected under the authority of Business License and

Regulation Bylaw No. 7878 and will be used only for the purposes related to this bylaw. For questions regarding the collection and use of personal information for business license applications contact the City Clerk at 469-8660 or the Bylaw Services Supervisor at 469-8646.”

A further clause should be added to application forms to indicate that as result of the application, issued permits and/or licenses will be routinely available to the public.

## **Use and Disclosure of Personal Information**

The Act embodies the principle that individuals own their personal information and have the right to exercise control over its use and disclosure.

Public bodies are only permitted to use personal information for the following purposes:

- The purpose for which it was collected or a use consistent with that purpose;
- A purpose for which the person concerned has consented in writing; or
- A purpose for which the information may be disclosed to the public body under section 33 to 36.

Public bodies are only permitted to disclose personal information in certain circumstances; the most common of which are as follows:

- If the individual the information is about has consented in writing
- For the purpose of complying with a law of British Columbia or Canada
- For the purpose of complying with a subpoena, warrant or court order
- To a public body or a law enforcement agency in Canada to assist in a law enforcement matter
- To an officer or employee of the public body if the information is necessary for the performance of his or her duties or safety (“need-to-know” principle)
- For research, statistical, archival or historical purposes

Should you have questions regarding the use or disclosure of personal information, contact the FOI Coordinator.

## **Security and Retention of Personal Information**

The security of personal information is one of the most important privacy-related issues that public bodies such as the City of Kelowna have to deal with. Reasonable security arrangements must be established and maintained to protect personal information against unauthorized access, collection, use, disclosure or disposal.

All staff should practice good privacy protection by:

- Using passwords on their desktop computer
- Locking computers when away from work station or desk

- Using locks on cabinets
- Turning monitors away from public view
- Not leaving completed application forms and other records containing personal information in high traffic and/or public areas
- Shredding confidential/personal information rather than simply ‘recycling’

The City is required to retain personal information for one year if that information was used as a basis for a decision directly affecting the individual to allow the affected individual a reasonable opportunity to obtain access to that personal information. After one year, the information must be disposed of in accordance with the records retention/disposition schedule defined by the corporate Records & Information Management (RIM) Program.

## Keeping Information Current

The right of an applicant who believes there is an error or omission in his or her personal information held by a public body, to request that information be corrected or amended to include new information is established by Section 29 of the *Act*.

If an individual requests a change to their personal information, it is up to the public body to ensure that the change or annotation is made to the records within its custody and control **and** to provide the change to any other body the information has been provided to within the preceding one year period. For example, for purposes of taxation the City might collect personal information in terms of name, addresses and telephone numbers and as an adjunct to taxation the information is relayed to the BC Assessment Authority. If the individual relays an update to that information to the City, it is up to the City to ensure the update is also sent to the BC Assessment Authority.

It is important to review information you are collecting as well as the forms on which you are collecting the information by asking the following questions:

- Do you need the information?
- Do you have authority to collect the information?
- What will the information be used for?
- Who else will you provide that information to?
- Is the applicant advised of what the information will be used for and under what authority?

***As a rule of thumb: If you don't need the personal information, don't collect it!***

---

# Chapter 7

## Personal Information Directory

The City of Kelowna is required under Section 69(6) of the *Freedom of Information and Protection of Privacy Act* to make available for inspection and copying by the public a Personal Information Directory. The Directory must list each personal information bank held by the City and the following information for each:

1. **Title** and **location**;
2. A **description** of the kind of personal information and the categories of individuals whose personal information is included;
3. The **authority** for collecting the personal information;
4. The **purposes** for which the personal information was obtained or compiled and the purposes for which it is used or disclosed;
5. The categories of persons who **use** the personal information or to whom it is disclosed; and
6. Other Information as required by the Provincial Minister responsible for the Act under specific circumstances.

The Act defines a “personal information bank” as follows:

“**Personal information bank** means a collection of personal information that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual.”

Personal information banks are created and maintained on an ongoing basis. This publication is updated periodically as new information becomes available in an effort meet the legislated requirements.

## Personal Information Banks:

The City of Kelowna holds the following Information Banks that may contain personal information. The required information regarding each bank is provided as outlined above.

### Agresso

1. **Title & Location:** AGRESSO Business World is an integrated business information system that offers a complete solution for finance, project accounting, logistics, human resources and payroll that resides on the City of Kelowna computer network located at City Hall. The City of Kelowna embarked on the Agresso project in 2007 to replace the existing PeopleSoft Financial and HR systems. The Financial modules were implemented January 1, 2009.
2. **Description:** The database contains information such as business name, individual name, address, phone number(s), email address of a company, corporation, partnership, or individual who enters into business with the City of Kelowna.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body).
4. **Purposes:** The personal information is compiled and used for corporate administration of financial activities throughout the City of Kelowna operations.
5. **Use:** All City of Kelowna staff.

### Career Link System

1. **Title & Location:** The Career Link System is an electronic database that resides on the City of Kelowna computer network located at City Hall.
2. **Description:** These files contain employment information of current and former employees of the City of Kelowna.
3. **Authority:** Section 26(a) of the *Freedom of Information and Protection of Privacy Act* (*Income Tax Act*); Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (employment program).
4. **Purposes:** The personal information is compiled and used for employment-related purposes.
5. **Use:** Corporate Sustainability, Human Resources Department staff; supervisors and employees. Security measures are in place to ensure access is on a “need to know” basis only.

## Central File Index (CFI) and/or eRIM System

1. **Title & Location:** The Central File Index and the eRIM Systems are electronic databases that reside on the City of Kelowna computer network located at City Hall. The CFI records corporate records created prior to December 31, 2009. Upon implementation of the RIM Index Classification and Retention Schedule on January 1, 2010 all physical paper files have been recorded in the eRIM System. The difference between the systems is in the Classification and Retention Schedule only.
2. **Description:** The database contains information about corporate files created and maintained according to the corporate Records & Information Management Program. File titles or notes may contain individual's names.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body).
4. **Purposes:** The personal information is compiled and used for locating corporate records/files throughout the City of Kelowna operations.
5. **Use:** All City of Kelowna staff.

## Cemetery Management Inquiry System

1. **Title & Location:** Cemetery Management Inquiry System is an electronic database that resides on the City of Kelowna network located at City Hall.
2. **Description:** The database contains names of individuals who have reserved graves and/or are interred at the Memorial Park Cemetery.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body).
4. **Purposes:** The personal information is compiled and used to process grave reservations, cemetery permits and refunds.
5. **Use:** Community Services Division, Civic Operations Department, Parks Services Branch, Cemetery; and Office of the City Clerk staff.



## City InSites – Employee Phone List

1. **Title & Location:** Daily InSites – Local Phone directory is an electronic database that resides on the City of Kelowna computer network located at City Hall.
2. **Description:** The database contains employee image, position/title, department/division, and local telephone information.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (employment program).
4. **Purposes:** The personal information is compiled and used for locating telephone, cellular, and fax numbers, and e-mail address for City of Kelowna staff, and City of Kelowna RCMP Detachment staff.
5. **Use:** All City of Kelowna staff.

## Class – Membership, Registration and Rental System

1. **Title & Location:** CLASS (Active Network Ltd.) is an electronic database that resides on the City of Kelowna computer network located at City Hall.
2. **Description:** The database contains name, address, phone number(s) and e-mail address of individuals for membership, program registration and/or facility rentals processed by the Active Living & Culture division.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body).
4. **Purposes:** The personal information is compiled and used to process memberships, program registration and facility rentals.
5. **Use:** Active Living & Culture Division; Infrastructure Division, Civic Operations Division, Building Services and Parks Services; and Communication & Information Services Division.

## Development Application Inquiry System

1. **Title & Location:** The Development Application Inquiry Database is an electronic database that resides on the City of Kelowna computer network located at City Hall.
2. **Description:** The database contains the name, address and phone number of individuals applying for various planning and development applications, such as rezoning, subdivision, development permit and development variance permit applications. The database includes contact information of the registered property owner and where applicable, their agent.
3. **Authority:** Section 26(b) of the Freedom of Information and Protection of Privacy Act (regulatory bylaw enforcement) and Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (community planning and land use regulation program).
4. **Purposes:** The personal information is compiled and used to process planning and development applications.
5. **Use:** Community Sustainability Division, Land Use Management and Policy and Planning Department; Community Services Division, Development Services Department; and Office of the City Clerk staff.

## Human Resources Information System – PeopleSoft

1. **Title & Location:** The Human Resources Information System – PeopleSoft (HRIS) is an electronic database that resides on the City of Kelowna computer network located at City Hall.
2. **Description:** The HRIS lists employee employment and payroll information of current and former employees of the City of Kelowna.
3. **Authority:** Section 26(a) of the *Freedom of Information and Protection of Privacy Act (Income Tax Act)*; Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (employment program).
4. **Purposes:** The personal information is compiled and used for employment-related purposes.
5. **Use:** Corporate Sustainability, Human Resources Department staff; Financial Services staff and departmental managers and supervisors. Security measures are in place to ensure access is on a “need to know” basis only.

## Human Resources Employee Files

1. **Title & Location:** Human Resources employee files are located in the Human Resources Department and at the off-site corporate records storage site.
2. **Description:** These files contain employment information of current and former employees of the City of Kelowna.
3. **Authority:** Section 26(a) of the *Freedom of Information and Protection of Privacy Act (Income Tax Act)*; Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (employment program).
4. **Purposes:** The personal information is compiled and used for employment-related purposes.
5. **Use:** Corporate Sustainability, Human Resources Department staff; supervisors and employees. Security measures are in place to ensure access is on a “need to know” basis only.

## Information Sharing Agreement – YM/YWCA of the Central Okanagan

1. **Title & Location:** Human Resources employee files are located in the Human Resources Department and at the off-site corporate records storage site.
2. **Description:** May contain individual’s name, home address, phone number(s), date of birth, gender, behavioural patterns, photos, incident specifics including reason for banning, location and date, as well as condition of Banning or Reinstatement.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body) and City of Kelowna Bylaw No. 9609. A Bylaw to Establish Fees and Charges for Recreation and Cultural Services. Section 6 provides the following authority: “the Director of Active Living & Culture, or designate, is hereby authorized to ban any individual or group from City recreation and cultural facilities for engaging in behaviour that has the potential to negatively affect the health, safety and well being of people attending the facilities and programs as outlined in the Active Living & Culture Banning Policy and General Banning Procedures, as amended from time to time.
4. **Purpose:** The personal information is compiled and used for administration of the Recreational and Cultural Programs of the City of Kelowna, in particular program administration, including charging of fees, access control and to ensure patron safety and law enforcement purposes, if applicable. The intention is to ensure consistent, unbiased and fair treatment of all customers in any City owned recreation or cultural facility including but not limited to pools, waterparks, arenas, fields, parks, stadiums and the Kelowna Community Theatre.
5. **Use:** Authorized personnel of the Community Services Division, Active Living & Culture Division.

## Property Inquiry System

1. **Title & Location:** The Property Inquiry Database is an electronic database that resides on the City of Kelowna computer network located at City Hall.
2. **Description:** This database contains personal information pertaining to property owners within the City of Kelowna. The database also includes the name, address and phone number of individuals applying for various building permits, including heating, plumbing, final occupancy, etc.
3. **Authority:** Section 26(b) of the *Freedom of Information and Protection of Privacy Act* (regulatory bylaw enforcement); Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (community planning and land use regulation program).
4. **Purposes:** The personal information is compiled and used to process building permit applications, license applications and inspections.
6. **Use:** Community Sustainability Division, Land Use Management and Policy and Planning Department; Community Services Division, Development Services Department; and Office of the City Clerk staff.

## Service Request System

1. **Title & Location:** The Service Request System is an electronic database that resides on the City of Kelowna computer network located at City Hall.
2. **Description:** This database contains personal information pertaining to various complainants and individuals requesting City services, such as the repair of potholes.
3. **Authority:** Section 26(b) of the *Freedom of Information and Protection of Privacy Act* (regulatory Bylaw enforcement); Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (community planning and land use regulation program).
4. **Purposes:** The personal information is compiled and used to process requests for service and respond to complaints and comments made to the City.
5. **Use:** All City of Kelowna staff. Bylaw enforcement data is restricted to the Corporate Sustainability Division, specifically the Corporate Services Department, Legislatives Services Department, Office of the City Clerk and the Bylaw Services Section staff.

## T2 Flex Database System (MTI System)

1. **Title & Location:** The T2 Flex Database System is an electronic database that resides on the City of Kelowna computer network located at City Hall.
2. **Description:** The database contains names, addresses, vehicle registration information and Bylaw Violation Notice, Parking Ticket and Municipal Ticket Information history.
3. **Authority:** Section 26(a) of the *Freedom of Information and Protection of Privacy Act (Income Tax Act)*; Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body – Please Confirm).
4. **Purposes:** The personal information is compiled and used for bylaw enforcement-related purposes.
5. **Use:** Corporate Sustainability, Corporate Services Department, Office of the City Clerk, Bylaw Services Section and Corporate Sustainability, Airport staff and contractors employed by these departments with respect to bylaw enforcement purposes.

---

# Chapter 8

## Additional Resources

Official Website of the Information and Privacy Commissioner of British Columbia

<http://www.oipc.bc.ca/>

Freedom of Information and Protection of Privacy Act and Regulations

[http://www.cio.gov.bc.ca/cio/priv\\_leg/index.page](http://www.cio.gov.bc.ca/cio/priv_leg/index.page)

Ministry of Citizens' Services and Open Government

Legislation, Privacy and Policy Services Branch

<http://www.cio.gov.bc.ca/cio/about/branches/kis.page>

Ministry of Citizens' Services and Open Government

Freedom of Information and Protection of Privacy: Policy and Procedures Manual

[http://www.cio.gov.bc.ca/cio/priv\\_leg/manual/sec01\\_09/sec1.page](http://www.cio.gov.bc.ca/cio/priv_leg/manual/sec01_09/sec1.page)

Ministry of Community Services

Freedom of Information and Protection of Privacy: Questions and Answers – Local Government Bodies (Updated September 2005)

[http://www.cio.gov.bc.ca/local/cio/priv\\_leg/documents/foippa/local\\_govt\\_qa.pdf](http://www.cio.gov.bc.ca/local/cio/priv_leg/documents/foippa/local_govt_qa.pdf)

City of Kelowna Public Information

[www.kelowna.ca](http://www.kelowna.ca) > City Hall > City Departments > Corporate Services > Legislative Services > Freedom of Information and Protection of Privacy

---

# Appendix 1

## Access to Records Request Form

See separate document posted on the webpage.

---

## Appendix 2

### Records Release Reference Table

See separate document posted on the webpage.