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**REPORT TO THE GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, March 28, 2018**

SUBJECT *Freedom of Information and Protection of Privacy Act (FOIPPA)*
2017 Overview

ISSUE

The purpose of this report is to update the Governance Committee on the number of Freedom of Information (FOI) requests received in 2017, along with some general statistics and information.

BACKGROUND

The *Freedom of Information & Protection of Privacy Act* (the Act) requires public bodies to be open, transparent and accountable. Access to Information requests are deemed necessary when an applicant has requested records outside the scope of routinely available information.

The Capital Regional District (CRD) received 82 requests for the 2017 calendar year. Records were retrieved across most departments, but can be summarized under the following themes:

- Bylaw enforcement
- Building regulation
- Reports, statistics and data
- Consultation requests from other governments
- Incidents & investigations
- Contracts, RFPs and tenders
- Housing
- Wastewater Treatment Project
- Human resources matters
- Commonwealth Games 2022 Bid

Table 1 outlines the type of requestors and the number of requests made to the CRD.

Type of Requestor	Number of Requests
Individual	49
Law Firm	7
Other Government	7
Business	5
Law Enforcement Agency	4
CRD Board or Commission	3
Local Public Body (Vancouver Island)	3
Special Interest Group	2
Union	2

Table 2 outlines the number of requests served by each CRD department and CHRD.

Records Served by Department/Division	Number of Requests
Planning and Protective Services	40
Parks and Environmental Services	16
Executive and Corporate Services	13
Capital Housing Regional District (CHRD)	7
Integrated Water Services	6

ALTERNATIVES

1. That the Governance Committee recommends that the Board receive this report for information.
2. That the report be referred back to staff for further review.

DISCUSSION

This past year, the CRD received 82 requests compared to 103 in 2016. The amount of documentation that was released in 2017 was 5783 pages. In addition to documentation, for 2017, seven of the 82 requests involved video footage and one request released 2.5GB of raw data.

Table 3 summarizes the volume and types of records reviewed and released in 2017.

Year	Requests	Pages Reviewed	Pages Released	Videos Reviewed	Videos Released	Raw Data Released
2017	82	14,377	5783	18	10	2.5 GB

The largest request processed involved reviewing 1153 pages of records, of which 1057 pages were released. The largest number of records to review for a request is approximately 6000 pages; both of these requests were granted extra time extensions by the OIPC and the latter request is still underway, with 173 pages released to date.

Table 4 provides comparatives for previous years.

Year	Requests	Pages Released	Average Pages/Request
2017	82	5783	70.52
2016	103	6679	64.84
2015	79	5483	69.41
2014	113	5369	47.51
2013	116	2925	25.22
2012	60	688	11.47
2011	60	1700	28.33

Under the Act, the CRD may charge applicants fees for processing their requests, provided that: applicants are not requesting their own personal information; the request takes three hours or less of accumulated time to search, locate and/or retrieve the records; or for other discretionary reasons that the Head of FOI may exercise. Once a fee estimate is generated, applicants can choose to pay the fees, narrow the scope of their request or request a fee waiver. If the CRD declines waiving fees, the applicant may request the OIPC to review the fee waiver denial.

While charging fees is a useful mechanism to promote fair use of this system of information access, it can also deter the public from exercising its right of access. Of the five requests where the CRD issued fees in 2017, three requests were abandoned, which is not uncommon; however, many hours of accumulative effort were still spent by CRD staff to the point when the request was abandoned.

In addition to information requests, the Manager of Information Services conducts mandatory FOI training for all staff. In 2017, the CRD provided mandatory training to 94 staff throughout the organization and continues its implementation of best practices in records management.

IMPLICATIONS

The minimum amount of time for processing a request was 1 hour and the maximum amount of time spent was 360 hours. This includes time administering requests and corresponding with applicants and staff, discussion with applicants, CRD staff or Solicitors; consulting with third party businesses as well as other governments; reviewing, redacting, photocopying, preparing and sending records. It does not include accumulated time CRD staff spent searching, retrieving and producing records in response to requests.

For each response to access requests, the CRD advises the applicant that they may request a review in accordance with the Act from the Office of the Information & Privacy Commissioner (OIPC). In 2017, the OIPC reviewed four requests pertaining to the CRD compared to three in 2016; two of the four matters are still underway. The Manager of Information Services mediates on behalf of the CRD once a request is deemed for review. Staff applied to the OIPC for extra time extensions twice for requests received in 2017; these extra time extensions grant additional time for processing requests, beyond the 30 business day extension public bodies are permitted to take when deemed necessary. The OIPC grants time extensions to assist with processing exceptionally complex cases which involve large volumes of records to search or review, diverse record formats, third-party consultations and other complexities. The OIPC granted the CRD both extension requests; one of the requests is still underway, while the other was completed in February, 2018.

CONCLUSION

In 2017, the CRD received 82 requests for information compared to 103 in 2016, however the average number of pages released per request has increased from 2016.

RECOMMENDATION

That the Governance Committee recommends to the Capital Regional District Board:

That this report be received for information.

Submitted by:	Sharon Byrch, Manager Information Services
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SB/KM