

Freedom of Information and Protection of Privacy By-law

Background and Supporting Information

February 2016

Freedom of Information and Protection of Privacy By-law - Background and Supporting Information

Agenda:

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 2. Metrics
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3. Proactive/Routine Information Disclosure
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4. Freedom of Information and Protection of Privacy By-law
 1. Purpose of the By-law
 2. Proposed Changes and Supporting Information

The Freedom of Information and Protection of Privacy Act (the Act or FIPPA)

The purposes of the Act are to make public bodies more accountable to the public and to protect personal privacy by:

- (a) giving the public a right of access to records,
- (b) giving individuals a right of access to, and a right to request correction of, personal information, about themselves
- (c) specifying limited exceptions to the rights of access,
- (d) preventing the unauthorized collection, use or disclosure of personal information by public bodies, and
- (e) providing for an independent review of decisions made under this Act.

The Freedom of Information and Protection of Privacy Act (the Act or FIPPA)

Responding to Access to Information Requests:

- Duty to assist applicants
- 30 business days to respond
- Response must be written and must include contact information for the Office of the Information and Privacy Commissioner so the applicant can request a review of any aspect of the handling of the request

| YEAR | FEE ESTIMATES ISSUED | Total Requests | % of requests issued Fee Estimates |
|------|----------------------|----------------|------------------------------------|
| 2013 | 26 | 377 | 7 % |
| 2014 | 19 | 386 | 5 % |
| 2015 | 22 | 431 | 5 % |

Access to Information Group

The Access to Information Group includes:

- The Director, Access to Information
- Two fulltime, dedicated FOI positions
- Two shared FOI/Records Management positions
- Two fulltime, dedicated Records Management positions

Processing of Access to Information Requests

The City of Vancouver has a very robust and fully documented Access to Information Request procedure:

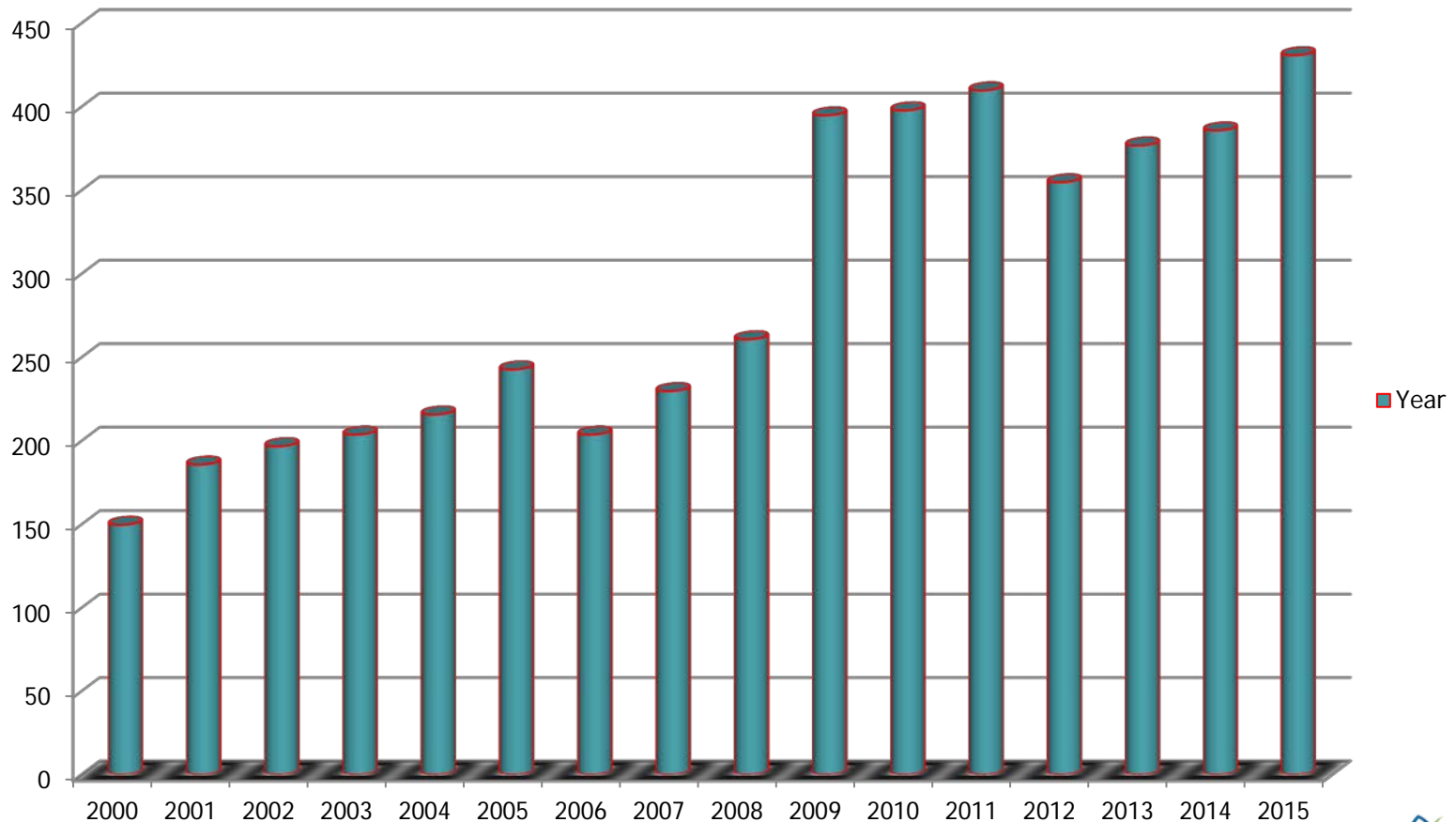
- Requests are electronically tracked from receipt to response; process documents such as email requests for records to department FOI designates are stored in the FOI file folder.
- FOI Intake reviews each request when it's received and corresponds with the applicant if the request requires clarification, narrowing of scope or any other broader understanding in order to begin the request.
- Department FOI designates conduct responsive record searches from their desktops; all staff and/or Council members who may have responsive records are contacted
- Open requests are reviewed weekly to ensure statutory deadlines are met and ensure timely processing.
- Access to Information requests are completed within statutory deadlines.

FOI Metrics – By Year

| YEAR | Total Number of FOI Requests |
|------|------------------------------|
| 2000 | 150 |
| 2001 | 186 |
| 2002 | 197 |
| 2003 | 204 |
| 2004 | 216 |
| 2005 | 243 |
| 2006 | 204 |
| 2007 | 230 |
| 2008 | 261 |
| 2009 | 395 |
| 2010 | 398 |
| 2011 | 410 |
| 2012 | 355 |
| 2013 | 377 |
| 2014 | 386 |
| 2015 | 431 |

FOI Metrics - By Year

Total Number of FOI Requests per Year



FOI Metrics – Expanded Categories

| 2008 - 2014 City of Vancouver - FOI Request Summary | | | | | | | | |
|---|------|------|------|------|------|------|------|------|
| | 2015 | 2014 | 2013 | 2012 | 2011 | 2010 | 2009 | 2008 |
| Requests - Total | 431 | 386 | 377 | 355 | 410 | 398 | 395 | 261 |
| | | | | | | | | |
| % Requests from Media | 36% | 45% | 44 % | 33% | 43% | 39 % | 34 % | 13 % |
| % Requests from Individuals | 40% | 35 % | 37 % | 47 % | 42 % | | | |
| % Requests from Other | 24% | 20 % | 19 % | 20 % | 15 % | | | |
| | | | | | | | | |
| # OIPC Reviews | 6 | 37 | 36 | 10 | 23 | 20 | 18 | 14 |
| # OIPC Reviews requested by Media | 1 | 27 | 23 | 2 | 11 | | | |

Proactive/Routine Access to Information Sources

Information and Privacy Commissioner Investigation Report F13-03

The report evaluated the Provincial Open Government initiative between implementation in 2011 and June of 2013.

Open information strategy involves proactive disclosure of information that is frequently subject to access requests or where the disclosure is otherwise in public interest.

Proactive/routine disclosure builds public trust; makes it easier for citizens to participate in the political process and scrutinize government behaviour.

18 recommendations - City meets or exceeds the recommendations in a majority of the cases

Proactive/Routine Access to Information Sources

Open Data

The City's Open Data website was launched in September of 2009 with 20 basic datasets available for download. At last count, February 2016, it contained 149 datasets.

The Top 5 File Downloads in 2015 were:

1. Business Licenses
 2. Census data 2011 in local planning area profiles
 3. Boundaries of local planning areas
 4. 1912 Goad's Fire Insurance Map
 5. Bike rack locations
- Datasets are updated on a regularly scheduled basis, for example, the Council expense dataset is refreshed quarterly.
 - High value datasets are added as they are identified.

Publicly Available City Information

In addition to Open Data, the City publicly posts a large amount of other detailed information such as:

- In Camera Agendas and Reports
- Budgets and Finances
- Annual Remuneration of all Positions earning \$ 75,000 or more
- Mayor's Discretionary Fund Transactions
- Parking Ticket Data
- Water Consumption - top 50 Utility Accounts
- City Council Annual Financial Disclosure Statements
- Progress reports, documents, details and backgrounds on high profile City initiatives
- Progress reports, documents, details and backgrounds on high profile developments and re-developments

Proactive/Routine Access to Information Sources

New Initiatives - Proactive/Routine Release of Information

1. **Internal Audit Reports** - 2014 initiative, detailed summaries of all Internal Audit reports, are posted on the website.
2. **Bid Committee Reports** - 2014 initiative, detailed summaries of all Bid Committee reports are posted on the website when contract negotiations have been completed.
3. **Access to Information Disclosure Log** - 2016 initiative in process, quarterly web publication of completed FOI requests, including responsive record packages and response letters

Freedom of Information and Protection of Privacy By-law

Purpose of the By-law

- As per s.77 of the Act, as a local public body, the City is required by bylaw to designate an FOI Head responsible for the City's statutory obligations under FIPPA.
- When we began the FOI By-law review in 2014, we undertook a survey of 17 small, medium and large municipalities in British Columbia and across Canada. We asked which position was designated as the FOI Head for the municipality and if the municipality had a Freedom of Information and Protection of Privacy By-law and what the By-law covered.
- Fifteen out of 17 municipalities have a single FOI Head; the City of Vancouver is the only municipality with a three member FOI Head. The current City By-law designates the City Manager, Director of Legal Services and the City Clerk as the FOI Head.



Freedom of Information and Protection of Privacy By-law

Purpose of the By-law

To fulfill the City's statutory obligations under section 77 of the Freedom of Information and Protection of Privacy Act of British Columbia



Section 77: A local public body, by bylaw or other legal instrument by which the local public body acts,

(a) must designate a person or group of persons as the head of the local public body for the purposes of this Act, and

(b) [Repealed 2011-17-30.]

(c) may set any fees the local public body requires to be paid under section 75.

Freedom of Information and Protection of Privacy By-law

History

- October 1982 - Original City By-law approved
 - Preceded the Provincial Legislation by ten years
- 1992 - *The Freedom of Information and Protection of Privacy Act of British Columbia*, (the Act or FIPPA), was passed by the Legislature
 - Did not apply to municipalities until amended in 1994
- City's existing FOI By-law was adopted by Council in 1994 and last updated in 2005



Freedom of Information and Protection of Privacy By-law

Current By-law Issues

1. Contains provisions that are covered by the governing provincial Legislation.
2. Sections of the Act that apply to the designation of an FOI Head and delegation of the authority of the Head have been amended. The by-law needs to be brought into compliance with the amended Act.
3. Triple Head approval process has a significant impact on turnaround time for requests.
4. Fee Schedule is out-of-date; includes copying processes and storage items that are no longer technologically possible.



Freedom of Information and Protection of Privacy By-law

Summary of By-law Changes:

- That the City Manager be designated Head as allowed for under s. 77 of the *Freedom of Information and Protection of Privacy Act*.
- That the updated Fee schedule be adopted.
- That the sections of the by-law that are set out in the governing provincial legislation be removed.

Freedom of Information and Protection of Privacy By-law

QUESTIONS??