

**TOWN OF QUALICUM BEACH  
BYLAW NO. 548**

**A Bylaw for the Administration of the Freedom of Information and Protection of Privacy Act.**

**WHEREAS**, under Section 76.1 of the *Freedom of Information and Protection of Privacy Act*, the Town;

- (a) must designate a person or group of persons as the Head of the Town for the purposes of the *Freedom of Information and Protection of Privacy Act*, and
- (b) may authorize any person to perform any duty or exercise any function under the *Freedom of Information and Protection of Privacy Act* of the person or group of persons designated as the head of the Town, and
- (c) may set any fees the Town requires to be paid under Section 75 of the *Freedom of Information and Protection of Privacy Act*.

**NOW THEREFORE**, the Council of the Town of Qualicum Beach, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as "Town of Qualicum Beach Freedom of Information Bylaw No, 548, 1994".

**Definitions & Interpretation:**

- 2.1 The definitions contained in Schedule 1 of the Act shall apply to this Bylaw except where the context requires otherwise.
- 2.2 In this bylaw:

"Act" means the *Freedom of Information and Protection of Privacy Act*, Stats B.C. 1992,c.61.

"Clerk" means the Municipal Clerk or Deputy Clerk for the Town of Qualicum Beach, or his designate, as appointed by Council.

"Commercial Applicant" means a person who makes a request for access to a record to obtain information for use in conjunction with a trade, business, profession or other venture for profit.

"Committee" means the Town of Qualicum Beach Freedom of Information Committee.

"Coordinator" means the person appointed by the Council as the Freedom of

Information Coordinator.

"Council" means the Council of the Town of Qualicum Beach.

"Councillor" means a member of the Council of the Town of Qualicum Beach.

"Head" means the person, or group of persons, designated as the Head of the Town under Section 3 of this bylaw.

"Town" means the Town of Qualicum Beach.

**Administration:**

- 3.1 A Town of Qualicum Beach Freedom of Information Committee is hereby established.
- 3.2 The Committee shall consist of five members, who shall be comprised of the Mayor and four Councillors.
- 3.3 The Council hereby designates the Committee as the Head for the purposes of the *Freedom of Information and Protection of Privacy Act*.

**Coordinator:**

4. The Council hereby appoints the Clerk as the Coordinator and authorizes the Clerk to perform the following duties or exercise the following functions of the Head under the Act:
  - 4.1 **Responding to Requests**
    - (1) The duty to create a record from a machine readable record in the custody or under the control of the Town, using its normal computer hardware and software and technical expertise if creating the record would not unreasonably interfere with the operations of the Town
    - (2) The power to respond to a request except where, in the opinion of the Clerk, the Head has the discretion under the Act to determine whether a record shall be released or withheld from disclosure.
    - (3) The power to respond to a request after the Head has made a decision regarding the disclosure or non-disclosure of a record.
    - (4) The power to refuse in a response to confirm or deny the existence of:

- (a) a record containing information described in Section 15 of the Act (information harmful to law enforcement), or
  - (b) a record containing personal information of a third party if disclosure of the existence of the information would be an unreasonable invasion of that party's personal privacy.
- (5) The duty to:
- (a) provide an applicant with a copy of a record or part of a record with a response where the record can reasonably be reproduced, or
  - (b) to give reasons for the delay in providing the record.

#### 4.2 Extension of Time

- (1) The power to extend the time for responding to a request for up to 30 days.
- (2) The power to apply to the Commissioner for a longer time period for response to a request where,
  - (a) the applicant does not give enough detail to enable the Town to identify a requested record,
  - (b) a large number of records is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the Town.
  - (c) more time is needed to consult with a third party or other public body before the Head can decide whether or not to give the applicant access to a requested record, or,
  - (d) a third party asks for a review under Section 52(2) or 62(2) of the Act.
- (3) The power to tell the applicant the reason for an extension, when a response can be expected and that the applicant may complain about the extension under Section 42(2)(b) or 60(1)(a) of the Act where the time for a response to a request has been extended under Section 10(1) of the Act.

#### 4.3 Transfer Request

- (1) The power to transfer a request and, if necessary, the record to another public body if:

- (a) the record was produced by or for the other public body,
  - (b) the other public body was the first to obtain the record, or
  - (c) the record is in the custody or under the control of the other public body.
- (2) The power to notify the applicant of the transfer.

#### 4.4 Information to be Released Within 60 Days

The power to notify an applicant of the publication or release of information that the Head has refused to disclose under Section 20(1)(b) of the Act that, within 60 days after the applicant's request is received, is to be published or released to the public.

#### 4.5 Business Interests

- (1) The power to refuse to disclose to an applicant information;
- (a) that would reveal
    - (i) trade secrets of a third party, or
    - (ii) commercial, financial, labour relations, scientific or technical information of a third party;
  - (b) that is supplied, implicitly or explicitly, in confidence, and
  - (c) the disclosure of which could reasonably be expected to
    - (i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,
    - (ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,
    - (iii) result in undue financial loss or gain to any person or organization, or
    - (iv) reveal information supplied to, or the report of, an arbitrator, mediator labour relations officer or other

person or body appointed to resolve or inquire into a labour relations dispute.

- (2) The duty to refuse to disclose to an applicant information that was collected on a tax return or gathered for the purpose of determining tax liability or collecting a tax.
- (3) The duty set out in paragraphs (1) and (2) is subject to Section 21(3) of the Act which provides that the duty to refuse disclosure does not apply if a third party consents to the disclosure or the information is in a record that is in the custody or control of the British Columbia Archives and Records Service or the archives of a public body and that has been in existence for 50 or more years.

#### 4.6 Notification

- (1) The power to notify a third party that the Town intends to give access to a record that the Clerk has reason to believe contains information that might be excepted from disclosure under Section 21 (information harmful to business interests of a third party) or Section 22 (information harmful to personal privacy) of the Act.
- (2) The power to give a notice under Section 23(1.2) of the Act where the Clerk does not intend to give access to a record that contains information excepted from disclosure under Section 21 (information harmful to business interests of a third party) or Section 22 (information harmful to personal privacy) of the Act.
- (3) The power to give written notice of the decision whether or not to give access to a record that the Clerk has reason to believe contains information that might be excepted from disclosure under Section 21 or 22 of the Act to the applicant and a third party.

#### 4.7 Public Interest

The power to, without delay, disclose to the public, to an affected group of people or to an applicant, information:

- (a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people, or
- (b) the disclosure of which is, for any other reason, clearly in the public interest.

#### 4.8 Information Protection

- (1) The power to protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.
- (2) The duty to refuse to disclose information to an applicant if the disclosure is prohibited or restricted by or under another Act.

#### 4.9 Commissioner's Orders

The power to comply with an order of the Commissioner.

#### 4.10 Fees

The power to require an applicant making a request to pay to the Town the fees set out in Schedule 'A' for the purpose of:

- (a) locating, retrieving and producing the record;
  - (b) preparing the record for disclosure;
  - (c) shipping and handling of the record;
  - (d) providing a copy of the record.
5. The categories of records that are in the custody or under the control of the public body and that are available to the public on demand, without a request for access under the Act are set out in Schedule 'B' to this bylaw.
  6. This bylaw shall come into effect upon proclamation of the *Freedom of Information and Protection of Privacy Amendment Act, Stats B.C. 1993,c.46* coming into effect.

READ A FIRST TIME this *3rd* day of *October*, 1994.

READ A SECOND TIME this *3rd* day of *October*, 1994.

READ A THIRD TIME this *3rd* day of *October*, 1994.

RECONSIDERED AND FINALLY ADOPTED this *4th* day of *November*, 1994.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Certified a true copy of "Town of Qualicum Beach Freedom of Information Bylaw No, 548, 1994".

\_\_\_\_\_  
Clerk

**BYLAW NO. 548  
SCHEDULE 'A'**

**SCHEDULE OF MAXIMUM FEES**

1. For applicants other than commercial applicants:
  - (a) for locating and retrieving a record \$7.50 per 1/4 hour after the first 3 hours
  - (b) for producing a record manually \$7.50 per 1/4 hours
  - (c) for producing a record from a machine readable record \$16.50 per minute for cost of use of central mainframe processor and all locally attached devices plus \$7.50 per 1/4 hours for developing a computer program to produce the record
  - (d) for preparing a record for disclosure and handling a record \$7.50 per 1/4 hours
  - (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", 8.5"x14")  
\$0.50 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 & 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"  
\$12.50 each
    - (ix) photographic print of textual, graphic or cartographic record (8"x10" black & 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 1/4 hour of recording, \$11.00 per 60 minute cassette plus \$7.00 per 1/4 hours of recording; \$20.00 per 120 minutes



- |                                           |                                                                                                                                               |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| (xvii) video cassette (1/4" or 8 mm)      | \$11.00 per 60 minutes cassette plus \$7.00 per 1/4 hour of recording; \$20.00 per 120 minutes cassette plus \$7.00 per 1/4 hour of recording |
| (xviii) video cassette (1/2") duplication | \$15.00 per cassette plus \$11.00 per 1/4 hour of recording                                                                                   |
| (xix) video cassette (3/4") duplication   | \$40.00 per cassette plus \$11.00 per 1/4 hour of recording                                                                                   |

2. For commercial applicants:

For each service listed in Item 1

The actual cost of providing that service

**BYLAW NO. 548  
SCHEDULE 'B'**

**RECORDS AVAILABLE TO THE PUBLIC ON DEMAND  
WITHOUT A REQUEST FOR ACCESS**

1. Bylaws.
2. Resolutions of the Town adopted at a meeting from which the public was not excluded.
3. Copies of Minutes of meetings of the Town from which the public was not excluded.
4. Copies of Building Permits.
5. Copies of Development Permits.
6. Copies of Development Variance Permits.
7. Copies of decisions of the Board of Variance.
8. Copies of Minutes of meetings of committees and commissions of the Town from which the public was not excluded.
9. Copies of studies and reports which have been authorized by the Board for public release.
10. Copies of policy manuals available to the public under Section 70 of the Act.
11. Copies of applications for rezoning, Development Permits, and Development Variance Permits and information supplied in support of such applications.