



NEW WESTMINSTER

Information Access

Freedom of Information and Protection of Privacy

Guidelines

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Introduction

This guideline document is designed to translate the underlying principles of New Westminster's philosophy to the release of information into guidelines that both staff and residents can refer. These guidelines provide an overview of the Freedom of Information and Protection of Privacy Act ("the Act") and its application to the City of New Westminster's records.

These principles balance the need for government to be transparent and open with its confidentiality requirements.

- **The City's default will be to provide information to residents.**
This will be either directly or via a Freedom of Information (FOI) request. The City believes it is in the public interest to provide information, and that access to information furthers democratic discussion and debate. This principle is operationalized in the routinely released record list (Appendix A) which lists records either free or for a fee. An FOI request will only be triggered if the information requested contains a mixture of open information and personal or confidential information.
- **The City will safeguard the personal information that it has in its possession.**
Personal information will not be available upon request. The City will build and maintain secure information systems that prevent privacy breaches.
- **The City will conform to all laws governing access to information.**
These laws may constrain information that can be supplied to individuals for example the Copyright Act prevents distribution of copyrighted material.
- **The City will preserve the confidentiality of information in specific business cases.**
Preservation of confidentiality will allow the City to make the best use of its limited resources. The City will conform to the Act's explicit release exceptions to preserve confidentiality. Examples of these exemptions are:
 - a) in business dealings before they are concluded and openly announced,
 - b) the collection of evidence to prosecute offences, and
 - c) protecting confidential business information of businesses that work with the City.

Scope of the Guidelines

These guidelines apply to of the City of New Westminster and exclude the New Westminster Police Department and the New Westminster Public Library.

Any questions regarding the Act, or City of New Westminster guidelines with respect to the release of information or privacy may be directed to the Chief Administrative Officer, "the Head" for Freedom of Information and Protection of Privacy, or to the FOI and Privacy Coordinator

Brooke Holtz, FOI and Privacy Coordinator
Phone: 604-515-3828, email: FOI@newwestcity.ca

Chapter 1 The Freedom of Information and Protection of Privacy Act

The Freedom of Information and Protection of Privacy Act (the Act) represents the provincial government's legislative commitment to protect personal privacy and to make British Columbia ministries and agencies, local governments, provincial crown corporations, hospitals, and some self-governing professional organizations more accountable to the public. "Local government" according to the Act, includes all municipalities, regional districts, improvement districts, boards of variance, municipal police boards, library boards and school boards. The Act has applied to local governments since November 1994.

The Act, which is written in plain language, gives individuals rights to access information held by local governments and protects their privacy by placing restrictions on local governments when collecting and disclosing personal information. This means that there is a legislated set of rules governing what information can and cannot be released by the City of New Westminster. As the Act has developed and been implemented it has dictated a new approach to the collection, use and disclosure of information, particularly personal information.

Staff guided by these guidelines are expected to incorporate the concepts and procedures of the Act into their procedures.

To view the Act please go to link below:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

What is "Freedom of Information"?

The Act establishes a process by which anyone may request information contained in records held by the City of New Westminster. Access under the Act does not supersede any access principles the City may approve that provides a right of access to routinely available records, or those records available for a fee. An individual may also review their personal information.

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

The Act also creates a review mechanism whereby decisions relating to the disclosure or non-disclosure of information and other related issues may be reviewed by the Office of the Information and Privacy Commissioner (OIPC). For more information, the OIPC provides guidance documents at <https://www.oipc.bc.ca/resources/guidance-documents/>

What is Protection of Privacy?

The Act protects the personal privacy of individuals by restricting the collection, use and disclosure of personal information. It also provides an individual the right to correct their personal information held by the City. The City's principle protecting the personal privacy

comes directly from this provision. This provision applies to both resident and employee information the City may collect, use and disclosure.

The City of New Westminster may only collect the personal information that it is expressly authorized to do so, where collection is related directly to and is necessary for operating a program, or is collected for the purposes of law enforcement. The information can be used only for the reasons it was collected. The Act prohibits multiple, inconsistent uses of personal information. The individual from whom the information is collected is entitled to know what the information will be used for, and under what authority. Disclosure of personal information, even to other public bodies, is strictly limited under the Act.

What is Personal Information?

Personal information means recorded information about an identifiable individual including but not limited to the following:

- The individual's name, address or telephone number
- The individual's race, national or ethnic origin, colour, religious or political beliefs or associations
- The individual's age, sex, sexual orientation, marital status or family status
- An identifying number, symbol or other particular assigned to an individual
- The individual's fingerprint, blood type or inheritable characteristic
- 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)
- The individual's personal view or opinion, except if they are about someone else (you can know what is said about you but you cannot necessarily know who said it).

Administration of the Act in New Westminster

The Act requires public bodies to designate a "Head" who oversees the administration of Act for the public body. The City of New Westminster has designated the Head as the Chief Administrative Officer (CAO). To support the CAO there is an FOI committee composed of the CAO, Director of Finance and Information Technology and City Clerk. Reporting to this committee and handling FOI and privacy issues on a day to day basis is the FOI and Privacy Coordinator and support staff. The FOI committee is informed of all FOI requests received by the City; however to prevent any perceived privacy issues, only the FOI and Privacy Coordinator and support staff will know the identities of the requestors.

What is a record?

The City of New Westminster in its Corporate Record Management Program Bylaw No. 7987, 2018 defines records that need to be retained as:

"Information recorded in any form or medium, created or received in the transaction or conduct of business, and kept as evidence of such activity."

This is further elaborated upon by the Act in its definition of a “record” to include:

“books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.”

This definition captures all memos, letters, reports, e-mails, calendars, post-it notes, annotations, doodles etc. Any recorded information is a record under the Act and may be subject to release. Embarrassment is not a valid reason for withholding disclosure.

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. A third party is any individual, organization, or group outside the City of New Westminster that the City engages with either directly or incidentally. A City service provider is any City contractor who may hold City records as part of their contract where third party records are requested, the Act provides a review mechanism for those documents by the third party.

Making a Request for Information

There are many ways to locate information held by the City. The City’s internet site is the best starting point as City departments try to place as much information into the public realm as possible. This has been enhanced with the launch of the City’s Open Data¹ site in 2015. Other routes are:

- **Routinely Available Information Requests**
Routinely available information requests are requests for records commonly available to the public through a verbal or written request to a department. These requests do not require a FOI request or the FOI and Privacy Coordinator’s involvement. For a list of routinely available information see Appendix A or the City’s website. A fee may be charged for this information, as set out in the Fees and Charges Bylaw or other applicable City bylaws.
- **Information requests**
This is a request for information that requires a review of the record, by a departmental supervisor. This can also be a request for records that are not readily available, e.g. records stored in semi-active storage. As with routine information requests applicable fees may be charged. These requests are responded to within a reasonable timeframes for the size or location of the records requested. While staff strives to provide information to members of the public, members of the public should note this is a service and will not displace assigned work. Complex questions that require extensive research or the creation of new records will take time to answer and may on occasion be deferred.
- **Formal FOI requests**
These are requests for records that are not routinely available. Formal requests under Act must be made in writing. A form for this purpose is available on the City Website

¹ Open data is the release of information in a format that is free of copyright restrictions and easy to manipulate into different systems or into different formats.

https://www.newwestcity.ca/database/files/library/FOI_form_ext.pdf or from Legislative Services. A letter, fax or e-mail (foi@newwestcity.ca) is also acceptable. When necessary, front-line staff will assist an applicant in preparing a written request, including helping an applicant to define requests as specifically as possible. Formal requests are to be directed to the FOI and Privacy Coordinator as soon as they are received, as there is a deadline for responding.

Note: Just because an applicant provides a request in writing or states a wish to make a request for records pursuant to the Act, this does not make it a formal request.

If the information is routinely provided, provide it!

Requests for Personal Information

The Act guarantees an individual the right to see their personal information held by the City of New Westminster. The Act also generally prevents persons from getting access to personal information about another individual without that individual's consent. The major exception is for law enforcement.

Requests for Correction of Personal Information

Section 29 of the Act gives an individual the right to request the correction of their personal information in the custody or control of a public body. A correction may involve a request to change personal information that is wrong or to add personal information that is new.

This may be verbally or in writing. The City only needs to change personal information held by the City at the City's discretion, the Act requires the City, if it does not making the correction, to annotate the record indicating a correction was requested (Section 29(2) of the Act). The Act further requires the City to provide the change to any other body the information might have been provided to in the last year. For example, for purposes of taxation, the local public body might collect personal information in terms of name, addresses and telephone numbers, and as an adjunct to taxation the information is relayed to the Assessment Authority. If the individual relays an update to that information to the local public body, it is up to the public body to ensure the update is also received by the Assessment Authority.

Sharing Personal Information with another Public Body

If the City is approached by another public body to share information with them, care should be taken to ensure that no personal information is being shared. If personal information is being shared the City should create an Information Sharing Agreement with the other public body. Further, to share the information, the City of New Westminster must have the permission of the individual the information pertains to. There is an exception that allows the City to share information for law enforcement and health and safety purposes. If a department or group intends to share information they should contact the FOI and Privacy Coordinator to ensure compliance with the Act.

Duty to Assist

Section 6(1) of the Act states

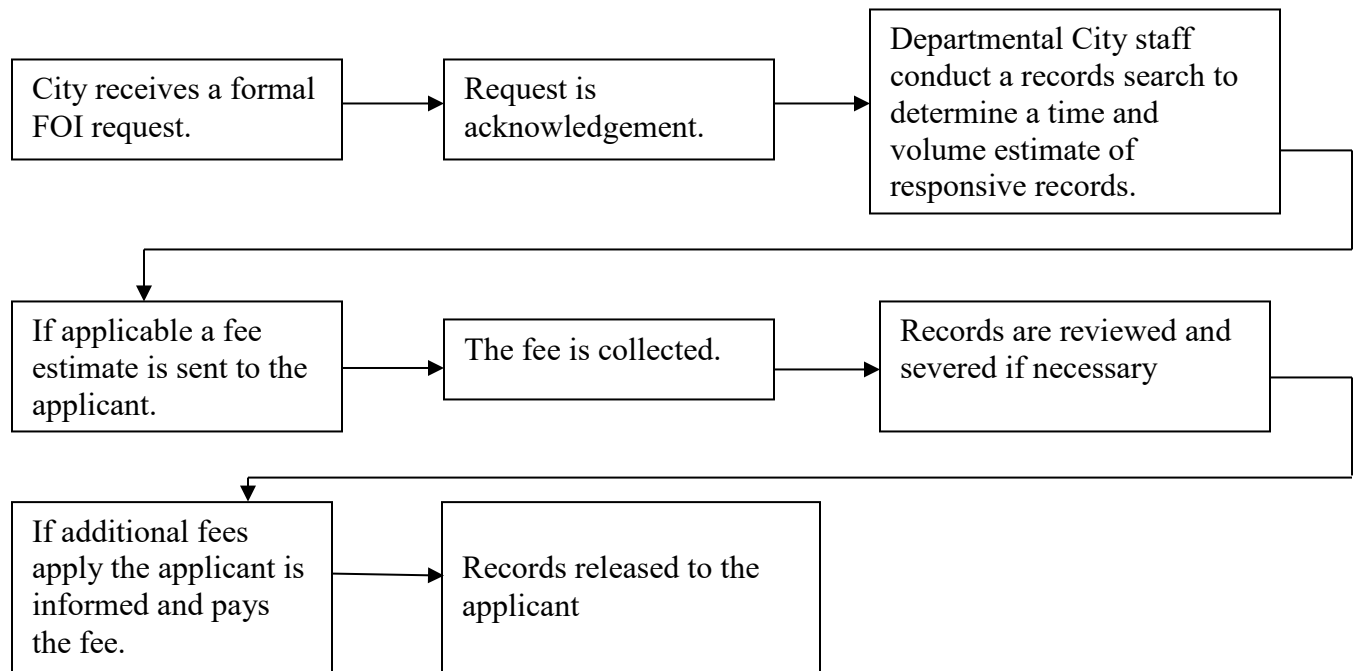
“the head of a public body must make every reasonable effort to assist applicants and respond without delay to each applicant openly, accurately and completely” Staff are required to thoroughly search for all records requested. Section 6(2) expands on this requirement, creating an obligation to create a record from a database where it is easy to do so.

Timelines

The Act requires a response to an applicant within thirty (30) business days of receipt of the request. The time limit may be extended depending upon the volume of records requested or if more time is needed to consult with a third party. Notification of any extension is given to an applicant in writing.

Formal FOI process at a Glance

The following flow diagram shows the process the City follows when an FOI request is received. The process begins with the receipt of a written request that provides enough information to allow the City to retrieve the requested documents:



Chapter 2 Routinely Available Information

The City of New Westminster supports the right of residents to access information held by the City. This fosters open and transparent government. To help residents access records the City provides routinely available information that can be requested from the City without an FOI request. This information is commonly accessible on our website or by asking staff. For the full list of routinely available documents please see the City's website at (https://www.newwestcity.ca/database/files/library/2015_Routinely_Released_Records.pdf) or (Appendix A). Where a fee is associated the list notes this. For up to date fees please consult the relevant bylaw on the City's website.

Examples of Routinely Available Information are:

- Commission and Committee agendas and reports from open meetings
- Annual reports
- Board of Variance minutes and agendas
- Budgets
- Bylaws
- Corporate and Administrative policies
- Council advisory committee minutes and open meetings
- Council agendas and minutes from open meetings
- Assessment Roll Review Panel agendas and minutes
- Issued licenses (personal information removed)
- Official community plans
- Issued permits (personal information removed)
- Traffic counts

Chapter 3 Fees - FOI

The Act allows for fees to be charged for providing certain specified services (Section 75). The regulations distinguish between commercial and non-commercial applicants. A commercial applicant is defined as an applicant requesting information for use in connection with a trade, business, profession or other venue for profit. The Act prohibits public bodies from charging an applicant for access to his or her own personal information.

Section 75(1) of the Act stipulates that an applicant 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) states that an applicant must not be required under subsection (1) to pay a fee for:

- The first three hours spent locating and retrieving a record or
- Time spent severing information from a record

Section 74(4) states that if an applicant is required to pay fees for services under subsection (1) the public body must give the applicant an estimate of the total fee before providing the service.

Where detailed fee estimates are required, the FOI and Privacy Coordinator will send out an estimate letter. This estimate/fee letter serves as the formal City invoice for the service.

Section 75(5) of the Act states that the Head may excuse 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 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: that "public interest" as used in the Act has been defined as a matter that only exists in the clearest sense and further the applicant must have the means of distributing the information requested to the public.

The fees can be found in the [Fees Bylaw 6186, 1994](#).

Fees – Commercial Applicants

For commercial applicants the cost of each service is the actual cost of providing the service. Staff time will be calculated by averaging the staff salaries of those individuals completing the work.

The following criteria will be considered when determining whether a request has been made for a commercial purpose:

- Is the applicant a business or is the applicant making the request on behalf of a business?
- Does the applicant intend to sell the information, either in its present form or in some reformatted version?
- Is the applicant acting as an agent (e.g., a lawyer) for another individual?
- Will the applicant be reimbursed for his or her services relating to the request?

Fee Payment

There are two methods of paying FOI request fees:

- Visit the City Hall cashier's counter, with the invoice provided.
- Mail a check to the Legislative Services at the address provided on the estimate/fee letter. Made out to the City of New Westminster.

Chapter 4 Guidelines on handling specific record types

This chapter provides specific advice to staff and members of the public on accessing frequently requested record types.

Building Permits

Building permits for any address in the City can be located on the City's website by searching address on [City Views](#). A paper or electronic copy of a building permit is available from Building Services (personal information such as owner's address and contact information is removed). The application and supporting materials for the building permit are not routinely available to the public and require a formal FOI request.

Building Plans and Supporting Documentation

Access to their own building plans and supporting documentation will be given to:

- Residential or Commercial owners or authorized employees
- Strata members (access only to the original building documentation),
- All residents to City owned buildings

Copies are made under the appropriate section of the Copyright Act, but the Copyright Act restrictions still apply to the uses of the copied plans. A copying fee applies to accessing these documents.

An FOI request is required for plans of buildings not owned by the requester. An FOI request is also needed for all building complaint or stop work documentation.

Business Licenses

A business is not considered an individual and therefore does not have privacy rights. Verification of a business license will be provided by City Hall staff upon request. If written verification is requested, the City will provide a database printout. This will provide:

- The name of the person or company to whom the business license was issued
- The name and address of the business (in the case of a home business the address will be removed)
- Type of business

The business license will not disclose any personal information supplied in support of the license application. Such personal information may include phone numbers, or the applicant's home address (if different from the business address).

Complaint Documentation

Requests for copies of complaint documentation should be made via a formal FOI request. The requestor should be made aware that the complainant's identity will not be revealed.

Complainants to the City are advised that their names and address will be kept confidential unless the release is required for legal action. Therefore City does not provide the identity of the complainant, and uses sections 15, 19 and 22 of the Act to protect their confidentiality. The person the complaint is about has the right to know the substance of the bylaw violation or other complaint.

Contracts

The intent of the Act is to make public bodies more accountable to the public. Works and Servicing agreements and Development Cost Charge Agreements are routinely available from the responsible department. All other requests for contracts and agreements require a formal FOI request.

How does the Act affect Contractors and Potential Contractors?

Information created for or submitted to the City may be disclosed under the Act if requested. Even if the information is intended to be confidential, unless it meets the requirements for an exception given in the Act, it may be released as part of an FOI request. The Act provides contractors or potential contractors the right to see and comment on the release of their information. If information is proprietary or confidential contractors should make this explicit within the written material provided to the City.

Development Applications

Development Services makes much of this information accessible via the Development Services public website [Building and Property Improvement](#) and [Planning Building and Development Projects on the go](#) and also the [City's Open Data](#) site. The information regarding development applications is routinely releasable, including the applicants name and phone number. Applicants are advised upon intake of development applications, that the process is public and the information will be publically available.

If the developer and the property owner are one and the same, the owner's contact information is releasable. If the developer is acting on behalf of a property owner, the owner's contact information is non-releasable.

If there are privacy concerns please contact Development Services and the FOI and Privacy Coordinator.

Documents Released Under FOI

Documents released under FOI might be made public at least 24 hours after their release to the applicant. The public release of documents will apply to 2016 FOI requests and forward up to one year.

Document collections that include personal information of the applicant or that could cause a security risk (i.e. the interior layout of a building) will not be publically released.

Applicants and third parties will be advised the responsive documents will be release on the City's website. The City will consider requests to withhold the information from public disclosure.

Dog Licenses

Dog Licenses are routinely available to the public. Typically, the license contains some information that could be considered personal (owner's address, telephone number). For this reason only a database extract will be provided which does not contain personal information.

Email

E-mail may be a City record. City emails come in many varieties similar to paper mail. The City's email policy requires staff to management of email by its content. Transient emails as determined by staff should be destroyed as soon as possible. Record emails must be filed electronically within EDMS, the City's electronic record management system and/or filed on the appropriate paper file. The City's preference is the electronic retention of email.

For further information about the management of email please refer to the Email Policy. Please note, when documents are requested by the FOI and Privacy Coordinator it is expected that staff will also include any e-mails records in their possession (in Outlook, in paper files or in EDMS).

Fire Department Reports

The City of New Westminster Fire Department fire incident reports, MVA reports and investigation reports are available from the Fire Department for a fee. The reports will be released upon receipt of a written request and payment of the fee. Personal information is severed before release unless it is related to the applicant or an individual has written authorization from the applicant to request the report on their behalf.

All other Fire Department records are available via an FOI request.

Licenses and Permits

Copies of issued licenses and permits may be requested from the appropriate department. The permits should not disclose any additional personal information supplied in support of the permit application, such as:

- The 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

A list of development approvals, called [*Projects on the Go*](#) is published by the Development Services and can be found on the City webpage.

Parks and Recreation, and Cultural Services Registrations

Information regarding an individual's program registration is considered personal information and is accessed through a formal FOI request. The request should be made by the individual or be accompanied by an authorization for release of personal information. In the case of minors, program registration information will be released only to the custodial parent or guardian.

Personnel Information

Employees are entitled to view their employee file. A request should be made to the Human Resources Department to arrange a time to review the records. Records generated as part of an investigation into the conduct of an employee will only be provided as part of a formal FOI request.

Information regarding a person's employment history is considered personal information and will not be disclosed to anyone but the employee unless express permission is gained first.

However, certain information pertaining to employment would be released upon request. This includes information about an employee's position, functions and union pay scale. For some employees earning more than \$75,000 their remuneration and information about expenses incurred while travelling at the expense of the City of New Westminster would be made public.

Petitions

Releasing personal information gathered on petitions is dependent on who the petition is addressed to. As per the document, *Questions and Answers – Local Government Bodies* published by the Ministry of Community Services, when the purpose for the release is not solicitation and the petition is addressed to the City of New Westminster and/or its Mayor and/or Council it is part of a public process, and the personal information may be released.

If the petition is not addressed to the City and/or its Mayor and/or Council but addressed to a third party (such as a developer, CRTC, etc.), it cannot be released. Requests should be directed to the individual or organization the petition is addressed to.

Property Information

Assessment information may be viewed at the BC Assessment Authority's website at bcassessment.ca. For convenience the City makes the assessed value available on the public website by address.

Property ownership information will not be provided by City staff unless there is an exception permitted under the Act. Requests for property ownership should be directed to BC Land Title & Survey (www.ltsa.ca). The City frequently gets requests from local organizations and businesses for lists of property owners for solicitation or mailing lists purposes. Under the Act the City is specifically prohibited from providing this information.

Police Requests For information

When a member of the New Westminster Police Department or other law enforcement agency requests information stating that it is for a specific investigation, City staff will release any and all requested information. Law enforcement has a specific exemption to the privacy provisions in the Act which provides them with unrestricted access. When staff provide information to law enforcement agencies they need to complete their departmental excel tracking sheet noting the case #, date and what information was provided and to whom.

Police FOI Requests

The New Westminster Police Department is considered a separate body under the Act. All requests for police records should be referred to:

FOI Unit - New Westminster Police
Services
555 Columbia Street
New Westminster, BC V3L 1B2

Fax: 604-529-2401
Phone: 604-529-2468
Email: FOI@nwpolice.org

Public Library Requests

The New Westminster Public Library is considered a separate body under the Act. All requests for Public Library records should be referred to:

Chief Librarian

Public Library Main Branch

716 6th Avenue

New Westminster, BC, V3M 2B3

Fax: 604-527-6474

Phone: 604-527-4660

Surveys - of the Public

Results of surveys conducted by the City of New Westminster or our agents are routinely disclosed. Please note, however that the completed survey forms themselves are not released routinely. An FOI request must be made to see the completed forms.

A survey form must include an FOIPPA statement informing the public why the information is being collected, under what authority, and for what purpose the personal information will be used (see the forms section later in this document for examples). This allows the individual discretion whether or not to participate and informs them what will happen with the information collected.

Surveys - Topographical

Topographical surveys are submitted to the City of New Westminster as part of various application processes. These surveys are protected by copyright. Like building plans, copyright applies to the release of the survey and it must be stamped with the appropriate "Copyright Act Information" stamp. Surveys will only be released to property owners or the owners authorized representative or via an FOI request.

Tenders

Tenders submitted to the City will only be made available via an FOI request. Unit pricing information is considered proprietary information belonging to the third party, and the release of the information could potentially harm the company's business interests and so is withheld under section 21 of the Act. Any information provided in a tender considered confidential, such as unit pricing, should be identified on the document as confidential.

Tender site visit attendees will be posted on the City's website in association with the tender. Unless there is a site visit the list of potential respondents will remain confidential.

Chapter 5 Forms - Collecting Information

The Act governs the collection, use, protection and retention of personal information. It is the City's duty to ensure that information collected is stored securely, is collected legitimately, is kept current and is used only for the purposes for which it is collected.

Information collected is to be used only for the purpose for which it is collected. For example, if you gather names, addresses, telephone numbers and opinions regarding the need for campsites, you cannot use that information for the purpose of marketing camping equipment.

Individuals must be advised of what the information gathered is going to be used for, and what authority the local public body has for collecting that information. This is typically done in a rider advising the applicant of the use of the information. A template for this rider is:

“This information is collected by the City of New Westminster under [Section] of the [name of enactment] and will be used to [purpose]. Should you have any questions about the collection of this personal information please contact [position title][address][phone number].”

The rider should state as accurately as possible the enactment that allows the City to collect the information. This might be a federal, or provincial act or a City bylaw. The example below gives a generic statement that could be used on all City forms:

“This information is collected by the City of New Westminster under Section 26(c) of the Freedom of Information and Protection of Privacy Act and will be used to [purpose (process your FOI request)]. Should you have any questions about the collection of this personal information please contact the FOI and Privacy Coordinator, 511 Royal Avenue, New Westminster, V3L 1H9, 604-515-3828, Privacycomplaints@newwestcity.ca.”

Privacy Disclaimer

Forms or documents that collect personal information (see page 6 for list of personal information) must contain the City of New Westminster’s privacy disclaimer advising the use of the information.

If the City intends to distribute the information provided by the individual completing a form, the form must include notification of this intent. Such written notification must include the following elements:

- Specifics of the personal information about which the individual is giving consent to disclose
- To whom the personal information will be disclosed
- The purpose of the disclosure of the personal information
- The date the consent is effective and when (if applicable) the date on which the consent expires.
- The jurisdiction to which the personal information will be disclosed. (if the consent mentions it will be posted to the web, this consent is not needed).

For help writing this statement please talk with the FOI and Privacy Coordinator.

When creating forms always consider:

- 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?

Remember - If you do not need it, do not collect it!

Reprinting Forms

In enacting the Freedom of Information and Protection of Privacy Act it was recognized that it would not be economical for a local public body to discard all forms in use and replace them immediately with new forms providing the necessary clauses. It is important, however to re-examine the purpose, use and format of all forms prior to reprinting them. As forms are reprinted, they should be redesigned to provide the public with the necessary information to comply with the Act.

Chapter 6 Personal Information Directory

The City of New Westminster is required under section 69(6) of the Act to make available for inspection and copying by the public a Personal Information Directory. This Directory must list each personal information bank held by the municipality and list the following for each:

- Its title and location
- A description of the kind of personal information and the categories of individuals whose personal information is included;
- The authority for collecting the personal information;
- The purposes for which the personal information was obtained or compiled and the purposes for which it is used or disclosed and
- The categories of persons who use the personal information or to whom it is disclosed.

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

This will be accessible on the City’s public website and is available in paper format from Legislative Services.

Chapter 7 Privacy Impact Assessment.

The BC Government defines a Privacy Impact Assessment (PIA) as an assessment of a current or proposed initiative (a system, enactment, project, program or activity) to evaluate privacy impacts, including compliance with the privacy protection responsibilities under the Act².

A PIA became an obligation of a public body under the 2012 update to the Act, and is discussed in Section 69(5.3). Further, where the program is a common or integrated program or a data-linking initiative, the PIA must be sent to the Commissioner for review and comment. The Act in Section 69(5.5) requires the City to provide the Commissioner with early notice of the program. For more information and a clear definition of the terms above please refer to: <https://www.oipc.bc.ca/resources/guidance-documents/>

To comply with this obligation, City staff are required to complete a PIA for all new programs or initiatives. The form and help completing it can be obtained from the FOI and Privacy Coordinator. Please consult on new systems early in their development to ensure that privacy obligations are quickly, economically and simply addressed.

Examples of projects would be

- New Criminal records check process
- Translink, City of Surrey and the City of New Westminster joint consultation process
- Receiving data from BC Assessment
- New or expanded social media tools
- New personnel systems

The City has adapted the provincial template for its needs. The template can be found in at EDMS doc # 576995.

² Privacy Impact Assessments (PIA) Instructions for public Bodies (other than Ministries) 2012, Knowledge and Information Services, Ministry of Labour, Citizen's Services and Open Government.

Chapter 8 Internet, Cloud Computing and Social Media

The OIPC in “Cloud Computing Guidelines for Public Bodies”

<https://www.oipc.bc.ca/resources/guidance-documents/>, direct link at [file:///city.new-westminster.bc.ca/nwdata\\$/Users/bholtz/Downloads/NR_Cloud-Computing-Public.pdf](file:///city.new-westminster.bc.ca/nwdata$/Users/bholtz/Downloads/NR_Cloud-Computing-Public.pdf) defines cloud computing as “the practice of using the internet to process, manage and store data on remote network services... examples are web-based email, social networking sites and document collaboration tools.”

The Act is only concerned with the use of cloud computing to manage records containing personal information. For example the Engineering Department may use Prezi to present on the Master Transportation Plan. These are uses that do not concern personal information.

The Act in section 30.1 states that personal information may only be stored in and accessed from Canada by authorized individuals. The Act goes further in section 74.1(2)(a) making it an offence to provide access outside Canada without permission. If personal information is required to be stored or accessed outside of Canada the City must obtain specific written consent (see page 24) from the individual the information pertains too. To expand this the Information and Privacy Commissioner assumes all information posted to the City’s webpage is accessible outside Canada and needs permission. There is a significant exemption to this consent requirement found in sections 26(g), 27(3)(d), and 33.1(q) which permits the posting of photographs and video collected “at a presentation, ceremony, performance, sports meet or similar event at which attendance is voluntary and the event is open to the public.”

To provide for the use of social media by public bodies the recent 2012 update to the Act allows disclosure of information inside and outside of Canada if the “disclos[ure was made] on a social media site by the individual the information is about”.

When the City enters into agreements with cloud computing service providers, City staff need to ensure that the Act is adhered to in the contract requirements.

The City will develop and maintain appropriate privacy statements for our online applications.

Appendix A

Routinely Released Records List

Document/Record	Department	Do charges apply
Administration - organization charts	Communications and Economic Development	
Advertising - other	Communication and Economic Development	
Advertising - Statutory notices for Public Hearings, DVP, etc.	Communications and Economic Development	
Affordable Housing - general information	Planning Division	
Agendas - all open Council, open Council committee and Board agendas	Legislative Services	
Agreements	Legislative Services / department owning the agreement	
Annual Budget - Final	Finance and IT	
Annual Report - Budget (financial statements(=))	Finance and IT	
Annual Reports	Communications and Economic Development	
Assessment Roll Review Panel	Finance and IT	
Awards & Honours to City	Legislative Services	
Board of Variance agendas and minutes	Planning Division	
Brochures	Applicable department	
Budgets - Capital	Finance and IT	
Budgets - general information	Finance and IT	
Building plans submitted during building permit process - available to the owner or the listing real estate agent with agreement	Building and plumbing Division	Charge for copying applies
Building regulations and general information	Engineering	
Burial plot maps	Engineering	
Burning permits	Fire Department	
Business Licenses - confirmation only, or database print out	Bylaw and Enforcement	
Business Licenses - general information	Licensing and Enforcement Division	
By-laws	Legislative Services	
Chemicals& pesticides in use	Engineering Operations or Parks and Recreation	
Civic Buildings - general information	Engineering	
Cleaning products used in facilities	Parks and Recreation	

Coat of Arms/Flags - general	Communications	
Collective Agreements- Final	Human Resources	
Comfort Letter	Planning Division	Charge
Committee membership	Legislative Services	
Committee terms of reference	Legislative Services	
Community grant recipients	Finance and IT	
Community Plan	Planning Division	
Corporate and Administrative Policies	Applicable Department	
Council Code of Ethics	Legislative Services	
Council financial disclosures	Legislative Services	
Council Profile & biographies	Legislative Services	
Council remuneration and indemnities	Human Resources	
Council Resolutions - open meetings	Legislative Services	
Court of Revision - Elections - Agendas/Minutes	Legislative Services	
Demographic Data	Planning Division	
Design Guidelines	Planning Division	
Development - Individual area plans	Planning Division	
Development cost charges	Planning Division	
Development guidelines	Planning Division	
Development permits & development variance permits	Planning Division	
Easements/Rights of Way/Encroachments/Restrictive Covenants	Engineering	
Economic Development Community Profile	Communications and Economic Development	
Election - financial disclosures	Legislative Services	
Election - nomination forms - only during election period	Legislative Services	
Election - results	Legislative Services	
Electrical billing history (only to customer)	Finance and IT	Charge is not in database
Electrical distribution system - locations of feeds, caults, transformers, fuses, manholes, switches, drawings, junction boxes, power poles, street lights, traffic controllers and electrical circuits.	Electrical Utility Commission	
Electrical Rates	Finance and IT	
Employee Benefits	Human Resources	
Employee Classification	Human Resources	
Employee file for legal case, with employee's permission - copy of	Human Resources	Fee: \$30/hr plus \$20 Admin fee
Employee programs - general information	Human Resources	

Exhibits, fairs, exhibitions - general information	Appropriate Department	
Expense Accounts - Council/Staff - as part of the SOFI report	Finance and IT	
Expense Claims - Council/Staff - as part of the SOFI report	Finance and IT	
Expressions of Interest (where the purchasing policy requires the posting of the document on the website)	Finance and IT	
Fees & charges	Finance and IT	
File classification systems	Legislative Services	
Filming Permits	Parks and Recreation	
Financial Statements	Finance and IT	
Fire Hydrant locations	Engineering Operations	
Fire Inspection Reports	Fire Department	
Fire statistics	Fire Department	
Fireworks permit	Fire Department	
Freedom of the City	Legislative Services	
Garbage Collection/Recycling Calendar	Communications and Economic Development	
Geographic Information System (GIS) - database & mapping information - where there are no security concerns	Finance and IT	
Grants from the City - General Information	Finance and IT	
Grants to the City - General Information	Appropriate department	
Graphic Standards	Communications and Economic Development	
Health & Safety Standards	Human Resources	
Heritage Inventory	Planning Division	
Heritage Revitalization Agreements	Planning Division	
Illegal Grow Op addresses - will confirm	Bylaw and Enforcement	
Incorporation documents	Legislative Services	
Inventories - Heritage	Planning Division	
IT Instructional How-To	Finance and IT	
Job Descriptions	Human Resources	
Job postings and advertisements	Human Resources	
Land development applications - that have been sent to Council in open reports	Planning Division	
Land proposal packages	Engineering	
Land tender packages	Engineering	
Legal plans/lot size - on GIS	Finance and IT	
Maps (all maps with the public Geo source system)	Finance and IT	in GIS

		there may be charge for images to commercial requesters
Marketing Photographs	Communications and Economic Development	
Metered Water Notice (to owner only)	Finance and IT	
Minutes - all open Council and open Council Committee minutes	Legislative Services	
Mission Statement	Communications and Economic Development	
Monuments & Historic sites - general information	New Westminster Museum and Archives	
News/media Releases	Communications and Economic Development	
Newsletter - City	Communications and Economic Development	
Newspaper articles	Communications and Economic Development	
Occupancy permit - no personal information	Building and plumbing Division	
Official Community Plan	Planning Division	Charge for printing this document but available for free from the website
Official Community Plan for individual areas	Planning Division	
Oil tank abandonment, installation or removal	Fire Department	
Oil tank permits	Fire Department	
Open committee minutes, agendas and packages	Legislative Services	
Open House - general information	Communications and Economic Development	
Parade and Banner Permits	Engineering	cost of \$75
Parking permits	Engineering	in GIS
Permits and Licenses - none personal information. Not the file information or application form.	Originating department that issued the permit	
Pesticide Use Permits	Engineering	
Policies/Procedural Manual - Municipal	Legislative Services	
Press releases	Communications and Economic Development	
Proclamations	Office of the Mayor	
Program attendance	Parks and Recreation	

Property Assessment Information	Finance and IT (can also advise people to go to BC Assessment website at http://www.bcassessment.bc if other than property owner requesting information)	
Property Taxes	Finance and IT	
Public Art (not including project files)	New Westminster Museum and Archives	
Public Hearing - Notices/Agendas/Minutes	Legislative Services	
Recipes - food content information	Parks and Recreation	
Records housed at New Westminster Museum and Archive	New Westminster Museum and Archives	
Recreation Programs - General Information	Parks and Recreation	
Reports to Council and Committee - reports included in the open Council and Committee agendas	Legislative Services	
Request for Proposals (where the purchasing policy requires the posting of the document on the website)	Finance and IT	
Request for Qualification (where the purchasing policy requires the posting of the document on the website)	Finance and IT	
Request for Quotations (where the purchasing policy requires the posting of the document on the website)	Finance and IT	
Rezoning - general information	Planning Division	
Rezoning - notifications	Legislative Services	
Rezoning reports to Council	Planning Division	
RFPs - winning contractor - if posted	Finance and IT	
Salaries - Employees via SOFI or union agreement	Human Resources	
Servicing and Subdivision Agreements-completed- remove personal name and all signatures	Engineering Department	
Sign Permits	Building and plumbing Division	
SOFI report	Finance and IT	
Special Events/Occasion Permits - no personal information will be provided other than name	Engineering	
Speeches	Communications and Economic Development	

Staff expense accounts - as part of the SOFI report	Finance and IT	
Staff salaries - as part of the SOFI report	Finance and IT	
Staff Travel Expenses - as part of the SOFI report	Finance and IT	
Statistics	Planning Division	
Strategic Plan	Communications and Economic Development	
Street Use Permits	Engineering	
Street Vendor Permits	Engineering	
Subdivisions	Engineering Department	
Survey Certificates - to owner or owners representative	Building and plumbing Division	
Sustainable Transportation - general information	Engineering	
Tax Certificate (to owners only)	Finance and IT	Charge for service
Tax Exemptions	Finance and IT	
Tax Notice (to owners only)	Finance and IT	
Tax rates	Finance and IT	
Tax receipts to donor	Finance and IT	
Tax Sales - only available in September	Finance and IT	
Taxation Assessments Roll - only between January and march	Finance and IT	
Taxes Paid - only to owner	Finance and IT	
Temporary Use Permits	Building and plumbing Division	
Tenders - award amount, and winning contractor - if posted	Finance and IT	
Tenders (where the purchasing policy requires the posting of the document on the website)	Finance and IT	
Traffic Counts	Engineering	
Traffic Signal Timing	Engineering	
Travel Allowance & Expenses	Finance and IT	
Underground Storage Tank Locations	Fire Department	
Utility Rates	Finance and IT	
Utility Service Record Cards	Engineering Operations	
Works & Services Agreement	Engineering	
Zoning and Rezoning - General information and regulations	Planning Division	
Zoning and rezoning - public hearing notices/agendas/notes/reports to Council/letters of support or objections.	Legislative Services	