Making Freedom of Information Requests

Workshop facilitated by

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on behalf of

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Territorial Acknowledgement

FIPA acknowledges with respect the Indigenous Peoples on whose traditional territory we conduct activities. We acknowledge the insight and knowledge of Elders past, present, and emergent and their relationship to this land and these issues. While striving to increase privacy protection and access to information for everyone, we recognize that colonization and associated attitudes, policies and institutions have significantly changed Indigenous Peoples' relationship with this land. For many years, those same things served to exclude Indigenous Peoples from the privacy protection and access to information afforded to others. FIPA is committed to redressing those historic and continued barriers.

Institutional Funders

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About FIPA

The BC Freedom of Information and Privacy Association (FIPA) is a non-partisan, non-profit society that was established in 1991 to promote and defend freedom of information and privacy rights in Canada. While we are based in BC, our membership extends across Canada, and we regularly partner with organizations throughout the country.

Our goal is to empower citizens by increasing access to, and control over, their personal information. We serve a wide variety of individuals and organizations through programs of public education, public assistance, research, and law reform. We are one of very few public interest groups in Canada devoted solely to the advancement of freedom of information and privacy rights.

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FIPA Supporting Materials

Your Health Information
- https://fipa.bc.ca/get-help/your-health-information/

Rights to Your Personal Information
- https://fipa.bc.ca/get-help/rights-to-your-personal-information/

Rights to General Information
- https://fipa.bc.ca/get-help/rights-to-general-information/

Your Privacy Rights
- https://fipa.bc.ca/get-help/privacy-rights-in-canada/

Complaint and Review Mechanisms
- https://fipa.bc.ca/get-help/complaint-and-review-mechanisms/

Canadian Frameworks
- https://fipa.bc.ca/get-help/canadian-frameworks/

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- https://fipa.bc.ca/get-help/definition/

Frequently Asked Questions
- https://fipa.bc.ca/get-help/faq/

Resources for Teachers
- https://fipa.bc.ca/research-resources/for-teachers/

Educational Resource Materials
- https://fipa.bc.ca/research-resources/education-materials/

FIPA E-Library
- https://fipa.bc.ca/elibrary/

Before you File: Accessing Previously Released Records

When the processing of a given ATI/FOI request is complete, the original applicant is provided with a release package consisting of 'responsive ' records (subject to any exclusions, exemptions, etc.). After a short time, the contents of these release packages become available to the broader public. Recently, some public bodies governments have been publishing request information and / or full release packages online. You can use these resources to obtain the results of previous requests.

Federal Government Records

- There is a centralized search engine for federal government ATI release packages. However, with very few exceptions, you will need to order release packages of interest using an online order form. These packages will then be sent to you.
- Visit the Government of Canada Open Government website: http://open.canada.ca/en .
- Click on the Open Information link - then click on the Access to Information link - then select 'Search Access to Information Requests'
- This will take you to a search page. You can run keyword searches or click on the links to specific federal government bodies.
- When you identify a request of interest, you will be able to click on a link to 'make an informal request 'for the release package. This involves filling out a brief online order form.
- Depending on the government body in question, it can take between one and four weeks for your release package to arrive - either in PDF format on a CD or via email.
- There is no fee for making an informal request.
- Note that release packages are 'flattened 'photocopies of records, which means that they are essentially large image files.
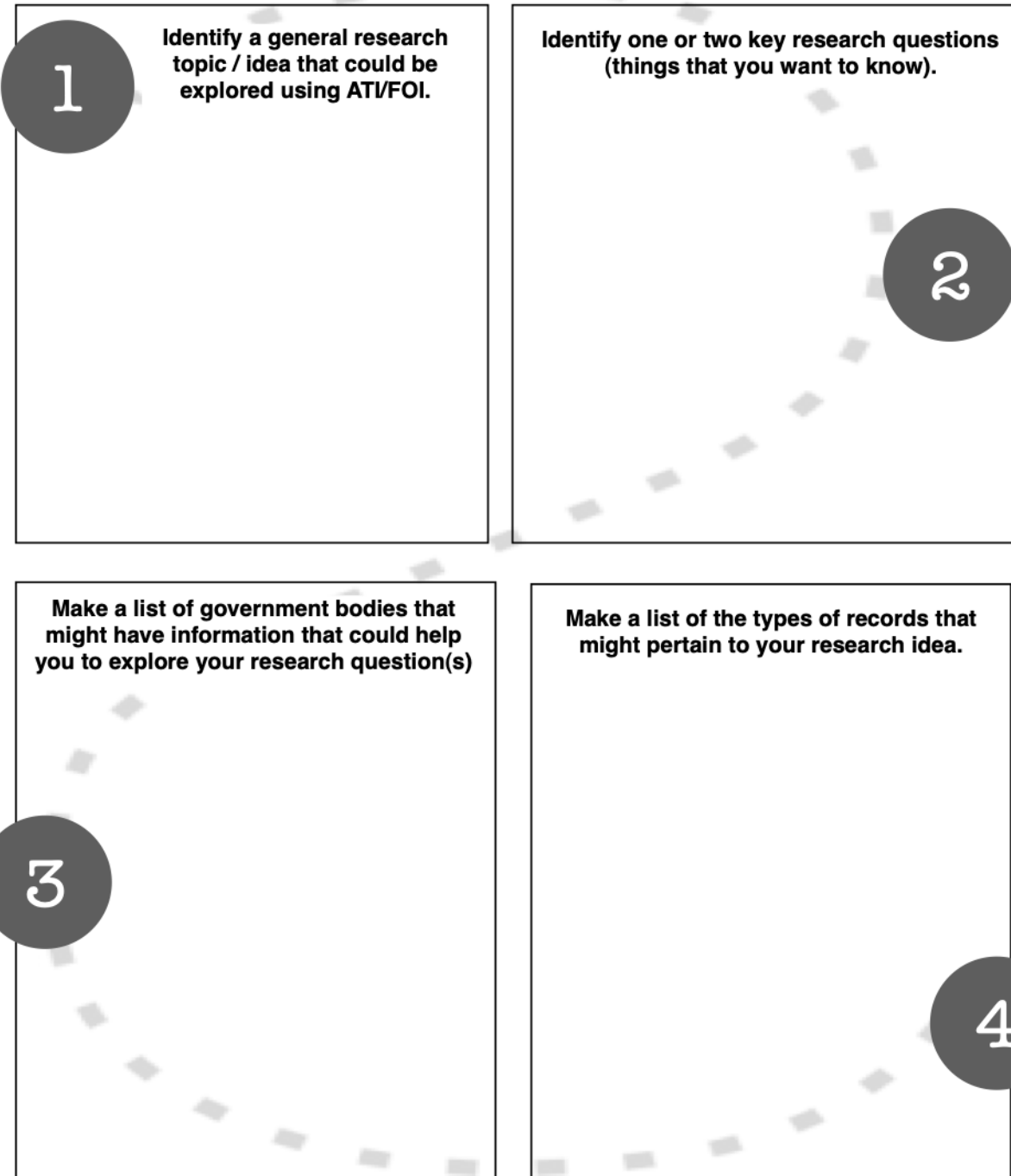
BC Ministries and the Premier's Office

- Visit the BC Open Information website: http://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information (or simply run a web search for 'BC Open Information' - it should be the first hit) .
- Click on 'Browse Information Releases'.
- This will take you to a search page. You can run keyword searches or click on the links to specific ministries.
- The search engine returns request file numbers and brief summaries.
- When you click on a given file number, you will be taken to a page where you will have the opportunity to download the entire release package (generally in PDF format).

BC Municipalities and other public bodies

- There is no centralized hub or search engine for municipal government records. Some municipalities and provincial / municipal government bodies include transparency / freedom of information links on their websites. Some make full release packages available for immediate and free download, while others invite interested parties to contact them in order to obtain release packages.

Getting Started

Objective: Walk through the steps that connect the identification of a new research idea with the preparation of an ATI/FOI request.

1 Identify a general research topic / idea that could be explored using ATI/FOI.

2 Identify one or two key research questions (things that you want to know).

3 Make a list of government bodies that might have information that could help you to explore your research question(s)

4 Make a list of the types of records that might pertain to your research idea.

Drafting a Request

Objective: Build on the 'Getting Started' exercise by drafting a formal ATI/FOI request.

Request Preparation Checklist

- ☐ Target agency is specified
- ☐ Records of interest are clearly described
  - ☐ Optional: Contextualizing statement is included
  - ☐ Optional: Desired record format is described
  - ☐ Optional: Document versions of interest are indicated
  - ☐ Optional: Indication of types of records that are *not* of interest
- ☐ 'Problem phrasing' is avoided
- ☐ Date range is indicated (if possible)
- ☐ Contact information is included (and preferred mode of contact, if desired)
- ☐ Request form / letter specifies preferred method of viewing records (attend government office / receive copies of originals)

Consider: Is the request too broad? Should it be split into several focused requests?

Government Body:

Description of Records:

Helpful Tips and Reminders

This material builds upon ideas discussed in Access in the Academy, available through BC FIPA: https://fipa.bc.ca/access-in-the-academy-bringing-foi-and-ati-to-academic-research/

1. **KNOW YOUR FILE:** When you file your initial request, you will receive a letter confirming receipt. This letter will contain three important pieces of information: (1) the official 'date received 'for your request, which is the 'day zero 'from which your request deadline will be measured, (2) the file number for your request, which should be cited in all future correspondence, and (3) the name of the analyst working on your file and his or her contact information. Upon receipt of your confirmation letter, you should identify the approximate 'due date 'for your request. Be sure to keep track of any changes to this date due to extensions or pauses.

2. **KEEP DETAILED NOTES:** Keep a research diary that tracks every stage of the request process, from formulation, through brokering access to the conclusion of your request. Your notes should provide an account of all interactions with ATI/FOI analysts and your impressions about the request process.

3. **REQUESTS MUST BE INTERPRETED:** There are multiple moments of translation and interpretation associated with the processing of a given request. When drafting a request, you use the language that you feel best captures your objectives. This request must be interpreted by the analyst, and then conveyed to the Office of Primary Interest (OPI). Queries from the OPI must be interpreted by the analyst and then passed along to you. There are opportunities for misinterpretation and uncertainty built into this process. When communicating with an analyst, be sure to take the time to clarify concepts and clearly explain your intent. Make sure that you are on the same page.

4. **DON'T RUSH IT:** If you speak to an ATI/FOI analyst over the telephone (or communicate via email), be sure to take your time to clarify what is being asked of you, and to ask follow- up questions of your own. Ostensibly, the job of ATI/FOI analysts is to facilitate your quasi- constitutional right to know and assist you in the navigation of the request process, so use them as a resource. If you are asked about your purpose or intentions, be honest - explain the nature of your research project and discuss your options.

5. **BE PERSISTENT:** If you contact a ATI/FOI analyst with a question about your file and you do not hear back promptly, follow up. Remember: analysts are often working on many files at the same time, each at a different stage in the request process. Requests sometimes migrate to the bottom of the 'to-do 'stack. One way to ensure that your request is handled in a timely fashion is to be an active and persistent participant in the process.

6. **GET IT IN WRITING:** Insist that all proposed changes in the wording of your request be sent to you via email. This will help you to know your file and to track its evolution. It will also allow you to compare and contrast your original objectives with the outcomes of your request. If your ATI/ FOI analyst proposes new/revised wording for your request that you understand and agree with, tell them to proceed, but ask that they send you an email describing the revised wording. If your ATI/FOI analyst proposes new/revised wording for your request that you do not understand fully, ask them to send you an email describing the proposed wording. If you are still uncertain, check with a trusted ATI/ FOI expert before proceeding. Whenever you authorize a change to a request, ask your ATI/FOI analyst to explain whether and how it will alter the request timeline.

7. **FOLLOW THE 'HOT POTATO 'PRINCIPLE:** Bearing all of the above points in mind, all queries regarding your request should be treated like a 'hot potato '- your objective is to pass the potato back to the recipient agency as soon as possible. Do not 'hold onto 'queries or requests for clarification. Answer questions promptly. Respond to messages. Where possible, never let any correspondence go unanswered for more than a few hours. In many cases, requests for clarification also function as 'pauses 'or 'stopped clocks 'in the life cycle of a request. When an ATI/ FOI analyst sends such a request, the timeframe for the processing of the request is paused until a reply is received. This means that the longer you take to reply, the further back you push the deadline for the agency to respond to your request.

8. **FILE ASAP**: This is especially important when starting out. File requests when ideas strike you. Don't be daunted by the apparent complexity of the system. Try to craft good requests, but don't let the pursuit of a perfectly worded application take up too much of your time.

9. **COMPLEX COMPONENTS CAN CREATE REQUEST LAG:** An ATI/FOI file will generally move through the system at the speed of its most complex component element. This relates to the scope of a request. When you file an ATI/FOI that specifies a range of records, take a moment to consider whether any one element is more likely than others to generate extensions, delays, or requests for clarification. Consider filing a separate request for this element. This may 'free up 'the processing of the other records of interest. Alternatively, when you encounter an extension or delay while a request is in- progress, consider asking for an 'interim release package 'of the already-processed records.

10. **TREAT THE PROCESS AS AN OPPORTUNITY FOR EXPERIENTIAL LEARNING:** Every experienced ATI/FOI user that I know learned the ins and outs of the process through trial and error. Keep good notes while your ATI/FOI files are being processed, and especially during any brokering that comes up.

11. **COLLABORATE AND ASK QUESTIONS**: Experienced users of ATI/FOI mechanisms in BC and across Canada are often glad to answer questions and provide advice regarding the tricks of the trade. There is a great deal of sharing (of tips, and of information) and collaboration within this community.

12. **KNOW YOUR RIGHTS, AND STAND UP FOR THEM:** Become familiar with the ATI/FOI laws that you are using, and make a habit of following the decisions and investigations of Information Commissioners. If you feel that your information rights have been violated, follow up by launching a complaint or appeal.