

# Ministry of Education and Child Care

## FIPA Access Assessments

This organization was listed as an independent public body at the start of 2024 under British Columbia's [Freedom of Information and Protection of Privacy Act](#) (FOIPPA) and the [Information Management Act](#) (IMA).

FIPA conducts empirical research as part of its program activities. Its access assessment activities are meant to monitor freedom of information. <https://fipa.bc.ca/research-resources/access-assessments/>

This PDF contains the requests that were sent to this public body, as well as the records that were subsequently released.

These records were originally collected as data for a more in-depth study as part of FIPA's empirical research. That involved submitting focused freedom of information (FOI) requests to determine how this public body, which we classified as a core government organization, was interpreting and applying FOIPPA and IMA legislation.

That project is called *Access Regimes: Social Studies of Recordkeeping, Bureaucracy, and Secrecy under Freedom of Information Law*. Further information about that study can be found on the Open Science Foundation's [registration platform](#).

Distinct from the original study, FIPA has also assessed whether this public body meets expectations identified in an IPSOS poll we commissioned. That poll can be found on the FIPA website here. <https://fipa.bc.ca/ministry-of-education-and-child-care/>

### 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 their access to information and their control over their own 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.

## Requests sent to core government organizations

### Request item 1

Current organizational charts that indicate freedom of information personnel and information management personnel; (ARCS 105-02).

#### Summary

Charts that outline where freedom of information personnel and information management personnel exist within an organization.

#### Rational

Organizational charts help identify who is responsible for fulfilling certain obligations.

### Request item 2

Delegation of authority charts for the Freedom of Information and Protection of Privacy Act; (ARCS 265-20).

#### Summary

Charts that outline who has certain powers under the Freedom of Information and Protection of Privacy Act.

#### Rational

Delegation of authority charts are standard instruments across the implementation of any law with delegable and discretionary powers.

### Request item 3

Policies or procedures regarding freedom of information (not privacy), including policies and procedures regarding the routine release of information and proactive disclosure, but excluding the *FOIPPA Policy & Procedures Manual*; (ARCS 292-00, 292-27).

#### Summary

Freedom of information policies.

#### Rational

Policies are the core of implementing any new public initiative.

### Request item 4

Final reports regarding public body-specific performance reporting, program evaluations, or project implementation plans or reviews with respect to freedom of information; (ARCS 400-02, ARCS 400-10, ARCS 400-20, ARCS 400-40, ARCS 400-50, ARCS 440-02, ARCS 400-20).

#### Summary

Internal reports about freedom of information.

#### Rational

How public bodies monitor their performance matters.

### **Request item 5**

Delegation of authority charts for the *Information Management Act*, as applicable; (ARCS 265-20).

#### Summary

Charts that outline who has certain powers under the Information Management Act.

#### Rational

Delegation of authority charts are standard instruments across the implementation of any law with delegable and discretionary powers.

### **Request item 6**

Interoffice memoranda about freedom of information and records/information management; (ARCS 195-20, 195-45).

#### Summary

Memos about freedom of information and records/information management.

#### Rational

Internal communications can structure organizational activity.

### **Request item 7**

Metadata Application Profiles and Information Destruction Models, as well associated policies and procedures and implementation plans and reports.

#### Summary

Metadata schemas for records management systems.

#### Rational

Metadata is an essential part of establishing control over records.

### **Request item 8**

Office of primary responsibility designations/matrices; (ARCS 432-12).

#### Summary

Lists of offices responsible for certain organizational records.

#### Rational

Lists like this are often a reflection of the classification logics used to manage records.

### **Request item 9**

Technical manuals for records management systems.

#### Summary

User manuals for records management software.

#### Rational

Manuals contribute to how staff interact with technology.

### **Request item 10**

File lists and indexes; (ARCS 432-10).

#### Summary

Lists of regularly created files.

#### Rational

File lists are a prerequisite to an up-to-date file classification plan.

### **Request item 11**

Final training packages and training implementation history files (excluding correspondence; ARCS 1735-25) for freedom to information and records/information management training.

#### Summary

Training materials for freedom of information and records management.

#### Rational

Training is necessary for the successful implementation of FOIPPA and IMA.

### **Request item 12**

Ministry self-assessments for records/information management based on the frameworks provided by the Chief Records Officer.

#### Summary

Self-assessments conducted according to an internal government standard.

#### Rational

Part of the Chief Records Officer's mandate is to evaluate records management.

### **Request item 13**

The public body's policies and procedures regarding records/information management (ARCS 432-00).

#### Summary

Records management policies.

#### Rational

Policies are the core of implementing any new public initiative.

### **Request item 14**

The public body's Information Resource Management Plans.

#### Summary

A type of information management plan required by core government policy.

#### Rational

Information resource plans are a key reporting and planning mechanism under core government policy.

### **Request item 15**

Copies of licenses, contracts, and agreements between the public body and recordkeeping system service providers or contractors.

#### Summary

Contracts for recordkeeping systems.

#### Rational

Contracts detail roles and responsibilities with respect to system implementation and maintenance.

### **Request item 16**

Acceptable use of technology policies and procedures.

#### Summary

Acceptable use of technology policies.

#### Rational

AUPs govern how employees may appropriately interact with technology over the course of their job.

### **Request item 17**

Final job description files for any employee who regularly performs a role or responsibility in responding to a freedom of information request or fulfilling public body's records/information management program (ARCS 1360-20).

#### Summary

Job descriptions for records management and freedom of information staff.

#### Rational

Job descriptions articulate the necessary skills and anticipated responsibilities of people charged with doing FOI or RM work.

### **Request item 18**

"Documenting government decisions" policy instruments (where "instrument" has the same meaning as in [Treasury Board Directive 1/23](#)).

#### Summary

Duty to document policies.

#### Rational

The Chief Records Officer has developed directives instructing public bodies to develop organization-specific policies for documenting government decisions.

### **Request item 19**

Policies and procedures concerning incidents regarding sections 65.3 [*Offence to willfully evade access provisions*] and 30.3 [*whistle-blower protection*] of the *Freedom of Information and Protection of Privacy Act*.

#### **Summary**

Policies concerning offences to willfully evade FOI requests.

#### **Rational**

The offence was created to deter bad practices frustrating the public's right to know.

### **Request item 20**

Final Requests for Proposals (and any attachments to those proposals) concerning records management/freedom of information (not privacy).

#### **Summary**

Requests for proposals for freedom of information and records management projects.

#### **Rational**

RFPs document a public body's needs in order to identify the solutions they are seeking proposals to address.

### **Request item 21**

Final Requests for Proposals (and any attachments to those proposals) concerning records management/freedom of information (not privacy).

#### **Summary**

Requests for proposals for freedom of information and records management projects.

#### **Rational**

RFPs document a public body's needs in order to identify the solutions they are seeking proposals to address.

### **Request item 22**

Contracts and statements of work for consultant services for freedom of information related work (if more than one, please provide only the last five).

#### **Summary**

Contracts and statements of work for consultants' work related to freedom of information and records management.

#### **Rational**

Contracts and statements of work define the boundaries of what work the public body performs and what work it relies on others' to perform.

### **Request item 23**

Copies of records management ontologies/thesauri.

#### Summary

Controlled vocabularies for records management.

#### Rational

Controlled vocabularies are a prerequisite to applying metadata.

### **Request item 24**

Copies of checklists, forms, templates, guides, and other tools used in relation to processing freedom of information requests (please include intranet files when responsive, by print PDF or screen capture if necessary).

#### Summary

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#### Rational

Workflow materials for freedom of information processing.

### **Request item 25**

Records confirming the appointment and responsibilities of FOI Oversight Liaison Officers and Duty to Document Champions, or roles that perform a similar function if those titles are antiquated.

#### Summary

Records concerning the appointment of employees responsible for promoting freedom of information and records management.

#### Rational

Internal promotion of FOI and RM contributes to effective implementation.

### **Request item 26**

Case management procedures for freedom of information requests;

#### Summary

Case management software helps public bodies keep track of requests and organize their responses.

#### Rational

Procedures for managing request workflows.

### **Request item 27**

Onboarding manuals.

#### Summary

Manuals given to employees when they first enter an organization.

#### Rational

Onboarding employees should include both awareness of FOI and RM.

### **Request item 28**

The public body's duty to document readiness assessments (produced in Winter 2019).

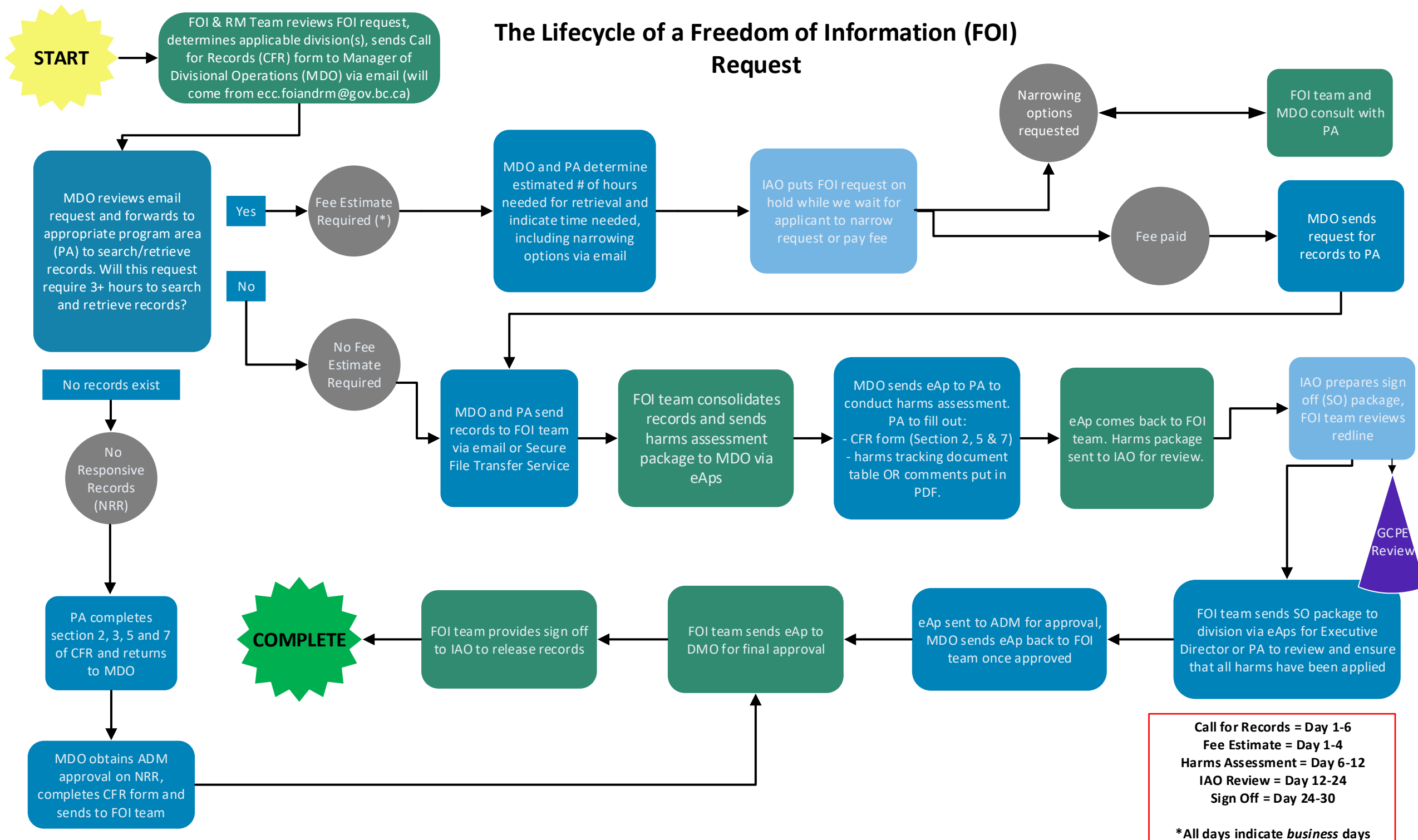
## Summary

Reports produced to prepare to implement duty to document.

## Rational

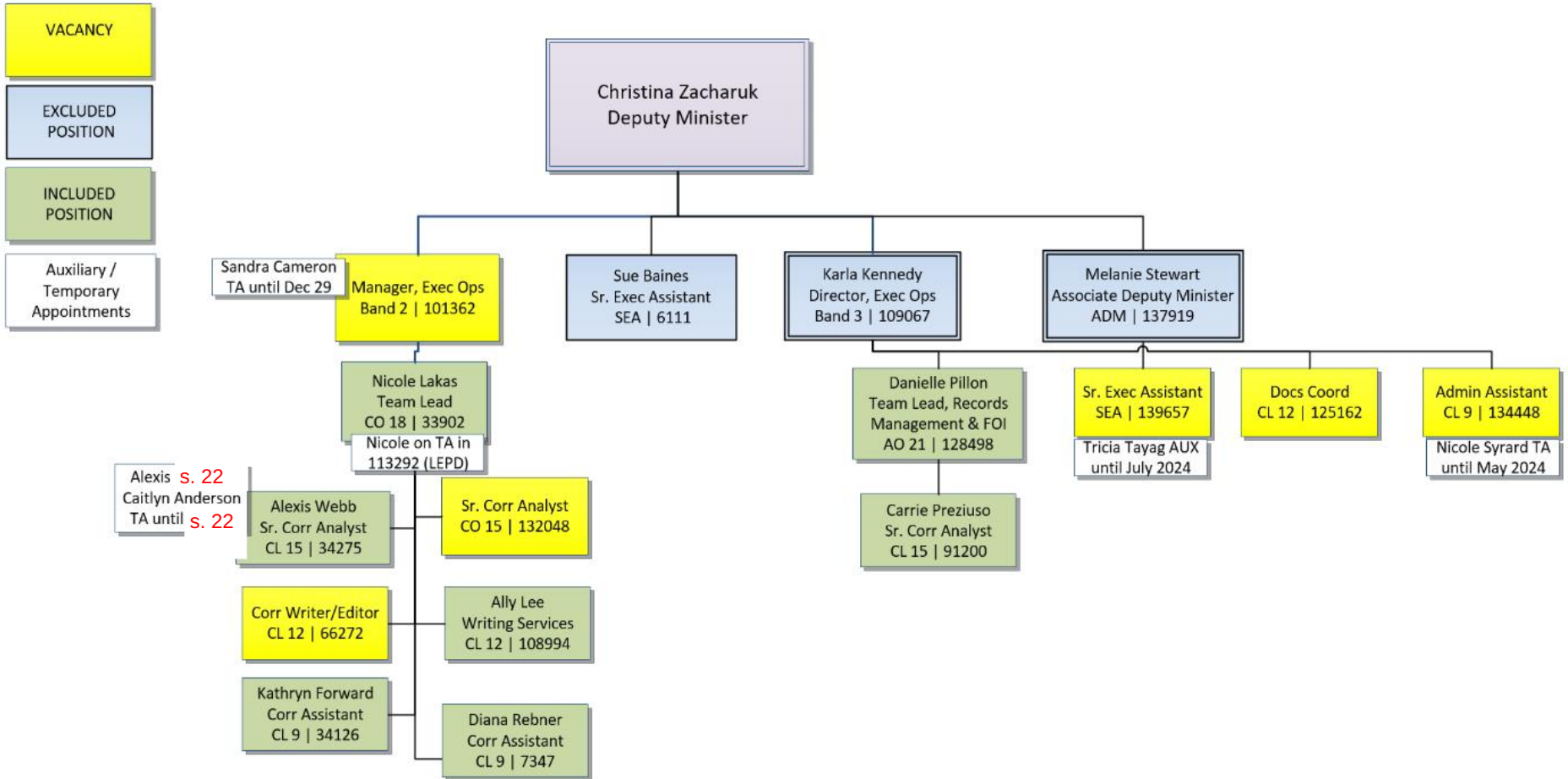
These reports established the baseline position from which duty to document was purportedly implemented.

# The Lifecycle of a Freedom of Information (FOI) Request



**Call for Records = Day 1-6**  
**Fee Estimate = Day 1-4**  
**Harms Assessment = Day 6-12**  
**IAO Review = Day 12-24**  
**Sign Off = Day 24-30**  
 \*All days indicate *business days*

# Deputy Minister's Office



**DELEGATION OF THE DUTIES, POWERS AND FUNCTIONS OF A MINISTER  
AS HEAD OF A PUBLIC BODY UNDER THE *FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT***

**Ministry of Education**

Instructions:

Under the *Freedom of Information and Protection of Privacy Act*, the “head” of a public body (in the case of a ministry, a minister) is assigned a number of duties, powers and functions. FOIPPA permits the head to delegate any of these duties, powers or functions to any person. It stipulates that this delegation must be in writing and may contain any conditions or restrictions the head of the public body considers appropriate.

This template is provided for use by ministers in making these delegations. A minister may modify the template as appropriate to set additional conditions or restrictions on any duty, power or function.

Where a person is delegated in Column 2 of the table below, that delegation does not limit the authority of individuals in positions directly above the listed positions to exercise any of the delegated powers, duties, or functions in their area of responsibility. Notwithstanding the delegations, the minister may exercise at any time any of the powers, duties, or functions conferred on them under FOIPPA.

A minister may delegate a duty, power or function to **any person**; Column 3 of the table below provides guidance on the position title to which ministries have historically delegated each duty, power or function.

Ministries may contact the Privacy Helpline at 250 356-1851 or [Privacy.Helpline@gov.bc.ca](mailto:Privacy.Helpline@gov.bc.ca) if they have any questions about how to use this template.

DUTY, POWER OR FUNCTION OF THE MINISTER	POSITION TITLE MINISTRY OF EDUCATION	SUGGESTED LEVEL OF DELEGATION
FREEDOM OF INFORMATION (FOI)		
<p><b>Section 6 – Duty to assist applicants</b> The head of a public body must make every reasonable effort to assist FOI applicants and to respond openly, accurately, and without delay. The head also must create a record in limited, specified circumstances. <i>Note: While fulfilling this duty is the responsibility of all employees, this person is accountable.</i></p>	ADM(s) and/or EDs of applicable area, per the formal FOI process via Information Access Operations (IAO Access Manager) and via EDUC FOI Coordinator	<i>Assistant Deputy Minister</i>
<p><b>Section 7 – Time limit for responding</b> The head of a public body must respond to an FOI applicant within 30 business days of receiving a request unless;</p> <ul style="list-style-type: none"> <li>a) A valid extension is taken (see s. 10);</li> <li>b) The request is transferred to another public body (see s. 11);</li> <li>c) The head has requested the Commissioner authorize the public body to disregard a request that is frivolous or vexatious (see s. 43);</li> <li>d) The applicant has been issued a fee estimate; or</li> <li>e) The Commissioner has been requested to review any of the matters set out in 7(5) and (6)</li> </ul> <p><i>Note: While all persons involved in responding to a request must exercise diligence in this regard, this person is accountable.</i></p>	ADM(s) and/or EDs of applicable area, per the formal FOI process via Information Access Operations (IAO Access Manager) and via EDUC FOI Coordinator	<i>Assistant Deputy Minister</i>
<p><b>Section 8 – Contents of response</b> The head of a public body must inform the applicant whether they are entitled to access a record, and provide details about how access will be given. If access is refused, the head of the public body must inform the applicant why, and provide contact information of an officer or employee of the public body who can answer the applicant's questions about the refusal. The head of a public body may refuse to confirm or deny the existence of a record if specified conditions are met (see s. 8(2)).  <i>Note: Information Access Operations staff will issue the response to the applicant that meets the legislated obligations. However, this person is accountable for making the decision to provide or refuse access, or to refuse to confirm or deny the existence of a record.</i></p>	ADM(s) and/or EDs of applicable area, per the formal FOI process via Information Access Operations (IAO Access Manager) and via EDUC FOI Coordinator	<i>Assistant Deputy Minister</i>

DUTY, POWER OR FUNCTION OF THE MINISTER	POSITION TITLE MINISTRY OF EDUCATION	SUGGESTED LEVEL OF DELEGATION
<p><b>Section 9 – How access will be given</b> If access will be given, the head of a public body must comply with the following:</p> <ul style="list-style-type: none"> <li>a) If the record can be reasonably reproduced, either electronically or in hard copy, then it must be provided in the form requested by the applicant.</li> <li>b) Where the above is not possible, the applicant can also be permitted to examine the record.</li> </ul>	FOI Analyst	<i>FOI Analyst, Corporate Information and Records Management Office (CIRMO)</i>
<p><b>Section 10 – Extending the time limit for responding</b> The head of a public body may extend the timeline for responding to a request if specified criteria are met. If an extension has been taken, the applicant must be provided the reason and when the response can be expected.</p>	Decision to take an extension: FOI Analyst	Decision to take an extension: <i>FOI Analyst, CIRMO</i>
	Requirement to inform applicant: FOI Analyst	Requirement to inform applicant: <i>FOI Analyst, CIRMO</i>
<p><b>Section 11 – Transferring a request</b> If the record was produced, obtained, or is under the control or custody of another public body, then the request can be transferred within the first 20 days. The head of the other public body must respond to the applicant no later than 30 days after the transferred request is received, unless the time limited is extended under section 10.</p>	Decision to transfer: FOI Analyst	Decision to transfer: <i>FOI Analyst, CIRMO</i>
	Requirement to notify applicant: FOI Analyst	Requirement to notify applicant: <i>FOI Analyst, CIRMO</i>
<p><b>Section 43 – Power to authorize a public body to disregard requests</b> The head of a public body may ask the Commissioner for authorization to disregard requests that are frivolous or vexatious or would unreasonably interfere with operations of the public body due to their repetitious or systematic nature.</p>	DM	<i>Deputy Minister</i>
FOI FEES		
<p><b>Section 75(1) – Fees for services</b> The head of a public body may require payment of fees for locating, retrieving, producing, preparing, shipping and handling, and/or providing a copy of the record.</p>	FOI Analyst	<i>FOI Analyst, CIRMO</i>
<p><b>Section 75 (4) – Fee estimate</b> If an applicant is required to pay a fee for services, the head of the public body must provide a written fee estimate and may set amount of deposit required.</p>	FOI Analyst	<i>FOI Analyst, CIRMO</i>
<p><b>Section 75 (5) – Fee waiver</b> If the head of a public body receives an applicant’s written request to be excused from paying all or part of the fees for services, the head may excuse all or part of the fee.</p>	ADM(s) of applicable area	<i>Assistant Deputy Minister</i>
<p><b>Section 75 (5.1) – Fee waiver response</b> The head of a public body must respond in writing to applicant’s fee waiver request within 20 days.</p>	FOI Analyst	<i>FOI Analyst, CIRMO</i>
EXCEPTIONS TO DISCLOSURE UNDER FOI		

DUTY, POWER OR FUNCTION OF THE MINISTER	POSITION TITLE MINISTRY OF EDUCATION	SUGGESTED LEVEL OF DELEGATION
<p><b>Section 12(1) – Cabinet confidences</b> The head of a public body must refuse to disclose the substance of deliberations of the Executive council or any of its committees. This includes any advice, recommendations, policy considerations, draft legislation or regulations submitted or prepared for submission.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
<p><b>Section 13 – Policy advice or recommendations</b> The head of a public body may refuse to disclose information that would reveal advice or recommendations developed by or for a public body or a minister.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
<p><b>Section 14 – Legal advice</b> The head of a public body may refuse to disclose information subject to solicitor client privilege.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
<p><b>Section 15 – Disclosure harmful to law enforcement</b> The head of a public body may refuse to disclose information which could reasonably be expected to harm law enforcement.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
<p><b>Section 16 – Disclosure harmful to intergovernmental relations or negotiations</b> The head of a public body may refuse to disclose information that could reasonably be expected to harm relations between the government of B.C. and other governments or their agencies.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
<p><b>Sections 17 – Disclosure harmful to the financial or economic interests of a public body</b> The head of a public body may refuse to disclose information that could reasonably be expected to harm the financial or economic interests of a public body or the government of B.C.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
<p><b>Section 18 – Disclosure harmful to the conservation of heritage sites, etc.</b> The head of a public body may refuse to disclose information that could reasonably be expected to damage or interfere with the conservation of fossil sites, heritage sites, or endangered species.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
<p><b>Section 19 – Disclosure harmful to individuals or public safety</b> The head of a public body may refuse to disclose information which could reasonably be expected to threaten anyone else’s safety, mental or physical health; interfere with public safety; or cause the applicant immediate and grave harm.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
<p><b>Section 20 – Information that will be published or released in 60 days</b> The head of a public body may refuse to disclose information that will be published or released to the public within 60 days of the receipt of the applicant’s request, or that must be published or released to the public under an enactment.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>

DUTY, POWER OR FUNCTION OF THE MINISTER	POSITION TITLE MINISTRY OF EDUCATION	SUGGESTED LEVEL OF DELEGATION
<p><b>Section 21 – Disclosure harmful to business interests of a third party</b> The head of a public body must refuse to disclose trade secrets, commercial, financial, labour relations or scientific information of or about a third party; that was supplied in confidence; and disclosure of which could reasonably be expected to cause specified harm.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
<p><b>Section 22 – Disclosure harmful to personal privacy</b> The head of a public body must refuse to disclose information that would be an unreasonable invasion of a third party's personal privacy.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
<p><b>Section 22.1 (2) – Disclosure of information relating to abortion services</b> The head of a public body must refuse to disclose information that relates to the provision of abortion services.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
THIRD-PARTY NOTICE UNDER FOI		
<p><b>Section 23 – Notifying the third party</b> The head of a public body must give a third party written notice when it intends to give access to a record containing information that it has reason to believe might be excepted from disclosure under s. 21 or 22 and may give a third-party notice when it intends to refuse access to information pursuant to s. 21 or s. 22.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>FOI Analyst, CIRMO</i>
<p><b>Section 24 – Time limit and notice of decision</b> The head of a public body must decide within 30 days after notice is given under section 23 to give access to all or part of a record, provide the applicant and the third party with written notice of the decision and tell the third party of the right to request a review.</p>	ADM(s) of applicable area, per IAO Access Manager via formal FOI Process	<i>Assistant Deputy Minister</i>
DISCLOSURE OF INFORMATION IN THE PUBLIC INTEREST		
<p><b>Section 25 – Information must be disclosed if in the public interest</b> The head of a public body must disclose information about a risk of significant harm to environment or to health or safety of the public or a group of people, or disclosure of which is clearly in the public interest.</p>	DM Ministry Privacy Officer CIRMO OIPC, BC	<i>Deputy Minister</i>
DISCLOSURE OF INFORMATION WITHOUT AN FOI REQUEST		
<p><b>Section 70 – Policy manuals available without request</b> The head of a public body must make available manuals, instructions, guidelines, or substantive rules or policy statements adopted by public body.</p>	ED(s) of applicable area	<i>Executive Director</i>
<p><b>Section 71 – Records available without request</b> The head of a public body must establish categories of records available to the public without a request for access under the Act.</p>	ED(s) of applicable area	<i>Executive Director</i>
PRIVACY PROTECTION		

DUTY, POWER OR FUNCTION OF THE MINISTER	POSITION TITLE MINISTRY OF EDUCATION	SUGGESTED LEVEL OF DELEGATION
<b>Section 29 – Right to request correction of personal information</b> The head of a public body must correct or annotate applicant’s personal information on request.	ED(s) of applicable area	<i>Executive Director</i>
<b>Section 30.2 (2) – Obligation to report foreign demand for disclosure</b> The head of a public body must notify the minister responsible for this Act if a foreign demand for disclosure is received or unauthorized disclosure of personal information has occurred in response to a foreign demand for disclosure.	DM ADM Ministry Privacy Officer Via CIRMO	<i>Assistant Deputy Minister</i>
<b>Section 30.5 (2) – Notification of unauthorized disclosure</b> The head must be notified by an employee, officer, or director of a public body, or an employee or associate of a service provider, if there has been an unauthorized disclosure of personal information that is in the custody or under the control of the public body.	MCIO Ministry Privacy Officer Via CIRMO ( <a href="#">IIMP</a> )	<i>Ministry Chief Information Officer in accordance with the Information Incident Management Policy</i>
<b>Section 33.1 (1)(m) – Disclosure inside or outside Canada</b> For the purposes of authorizing disclosure inside or outside Canada, the head of the public body may determine that there are compelling circumstances affecting anyone’s personal health or safety.	DM	<i>Deputy Minister</i>
<b>Section 69 (5) – Privacy Impact Assessments</b> The head of a public body must conduct a privacy impact assessment (PIA) in accordance with directions of the Minister responsible for FOIPPA.	Where Personal Information is involved: ADM(s) of applicable area Ministry Privacy Officer	Where Personal Information is involved: <i>Assistant Deputy Minister</i>
	Where no Personal Information is involved: ED(s) of applicable area Ministry Privacy Officer	Where no Personal Information is involved: <i>Executive Director</i>
<b>GENERAL</b>		
<b>Section 44 (4) – Examination of a record by the Commissioner</b> If a public body is required by the commissioner to produce a record and it is not practicable to make a copy, the head of the public body may require the commissioner to examine the original at its site.	ADM(s) of applicable area	<i>Assistant Deputy Minister</i>
<b>Section 69 (4) – Correcting errors in Personal Information Directory</b> The head of a public body must correct any errors or omissions in personal information directory that relates to ministry and provide corrected information to Minister responsible for this Act.	Ministry Privacy Officer	<i>Assistant Deputy Minister</i>
<b>Section 69 (5.5) – Notifying Commissioner of data-linking initiatives or common or integrated programs or activities</b> The head of a public body must notify commissioner of data-linking initiative or common or integrated program or activity.	Ministry Privacy Officer	<i>Executive Director</i> <i>*Note: CIRMO staff should liaise on communications with the Office of</i>

DUTY, POWER OR FUNCTION OF THE MINISTER	POSITION TITLE MINISTRY OF EDUCATION	SUGGESTED LEVEL OF DELEGATION
		<i>the Information and Privacy Commissioner</i>
<p><b>Section 69.1 (4) – Health information banks</b> The head of a public body that is a healthcare body must (a) provide to the minister responsible for this Act information about health information banks of health care bodies and (b) correct as soon as possible any errors or omissions in the portion of the personal information directory that relates to the health care body, and provide the corrected information to the minister responsible for this Act.</p>	N/A	N/A
<b>RECOVERY AND RETURN OF PERSONAL INFORMATION</b>		
<p><b>Section 73.1 – Recovery of personal information</b> The head of a public body may issue written notice demanding that a person or entity return personal information, securely destroy the information or respond in writing to declare they are authorized by law to possess this information.</p>	ADM or ED of program area, per the Information Incident Management Policy and advice from CIRMO Privacy Investigations Unit Manager	<i>Deputy Minister</i>  <i>With advice from Legal Services Branch and CIRMO staff</i>
<p><b>Section 73.2 – Court order for return of personal information</b> The head of a public body may ask the Attorney General to petition the superior court for an order requiring return of personal information.</p>	DM/ADM/ED	<i>Deputy Minister</i>
<b>INFORMATION SHARING AGREEMENTS</b>		
<p><b>Section 69 (5.7) – Information-sharing agreements</b> The head of a public body must prepare an information-sharing agreement in accordance with directions of Minister responsible for this Act.</p>	ADM(s) and EDs of all Divisions, per Ministry Privacy Officer	<i>Executive Director</i>
<b>FOIPPA REGULATION</b>		
<p><b>Section 7 (1) – Disclosure of information relating to mental or physical health to a medical professional</b> The head of a public body may disclose information relating to the mental or physical health of an individual to a health professional for an opinion on whether disclosure of the information could reasonably be expected to result in grave and immediate harm to the individual's safety or mental or physical health.</p>	N/A	N/A
<p><b>Section 7 (3) – Requiring a health professional to enter into a confidentiality agreement or examine records on public body's premises</b> The head of a public body may require a health professional to whom information is disclosed under this section to do either or both of the following: a) enter into a confidentiality agreement; b) examine the record containing the information on the public body's premises.</p>	N/A	N/A

DUTY, POWER OR FUNCTION OF THE MINISTER	POSITION TITLE MINISTRY OF EDUCATION	SUGGESTED LEVEL OF DELEGATION
<p><b>Section 7 (5) – Recommendation for accompaniment while viewing a record containing mental or physical health information</b> The head of a public body may recommend that an applicant who makes a request for access to a record containing information relating to the applicant's mental or physical health should not examine the record until a health professional or a member of the applicant's family is present to assist the applicant in understanding the information in the record.</p>	N/A	N/A
<p><b>12 (a)(i) Signing written agreement that confirms a common or integrated program or activity</b> The head of each public body or agency must sign the written agreement that meets the requirements of section 12 of the regulation.</p>	ADM(s) of applicable area, per Ministry Privacy Officer (Privacy Impact Assessments and Integrated Program Agreements)	<i>Assistant Deputy Minister</i>

Pursuant to section 66 of the *Freedom of Information and Protection of Privacy Act* (the Act), I hereby delegate my powers, duties and functions as head of the public body to the persons who hold the positions, and to the extent, set out in the Schedule above, subject to the following conditions:

- (a) that the persons to whom my powers, duties or functions are delegated are bound in the exercise of those powers, duties or functions by the jurisdictional, legislative and administrative limitations to which I am subject;
- (b) that the powers, duties or functions delegated to any person may also be exercised by another person who holds the person's position in an acting capacity to which he or she has been duly appointed;
- (c) that, notwithstanding the delegation of my powers, duties or functions, I may exercise at any time any of the powers, duties or functions delegated.

This delegation is effective on and from the date shown below and shall remain in effect until revoked. This delegation may be revoked or amended.

Honourable Jennifer Whiteside  
Minister of Education



April 21, 2021

\_\_\_\_\_  
Name and position title of the head of the  
public body

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**TITLE:** FREEDOM OF INFORMATION COORDINATOR

**CLASSIFICATION:** AO14

**MINISTRY:** EDUCATION

**DIVISION:** DEPUTY MINISTER'S OFFICE

**SUPERVISOR TITLE:** TEAM LEAD, CORPORATE WRITING SERVICES

**SUPERVISOR POSITION:** 33902

### PROGRAM

The Ministry provides leadership and funding to the K-12 education system through governance, legislation, policy and standards. The Ministry's role in helping to meet the purpose of the school system involves co-governing the K-12 education system with boards of education, working closely with a network of partners, including independent school authorities, professional education organizations, public libraries, First Nations representatives, provincial ministries and agencies and the private sector. Specific roles and responsibilities are set out under the *School Act*, the *Independent School Act*, the *Teachers Act*, the *Library Act*, the *First Nations Education Act*, the *Community Care and Assisted Living Act*, the *Special Accounts Appropriation and Control Act*, and accompanying regulations.

### JOB OVERVIEW

The Freedom of Information Coordinator provides leadership and guidance on the implementation of the Freedom of Information and Protection of Privacy Act and makes recommendations on the release of information and the protection of privacy for the Ministry. The position also provides writing services to facilitate the accurate and timely communication of Ministry information to internal and external audiences through a wide variety of media.

### ACCOUNTABILITIES

- Reviews, analyses, recommends, develops and authorizes responses to access requests for sensitive, confidential and complex information within specified timeframes.
- Reviews and ascertains the nature and extent of information requests, making preliminary decisions, such as whether the request is within the ministry's jurisdiction or if another public body has a greater interest.
- Analyzes requested records to determine if any mandatory or discretionary exceptions specified in the FOIPP Act apply and what materials can be released ensuring risks, legal and security issues to the author, applicant, third parties and/or the client are considered.
- Reviews records provided by staff to determine if they are within the scope of the request and to ensure that all relevant records have been provided.
- Determines the need to withhold and/or release information or records ensuring risks, legal and security issues to the author, applicant, third parties and/or the ministry are considered.
- Makes determinations to involve senior management and/or executive if there are any extraordinary issues that arise during the processing of a request.
- Severs required information, in accordance with statutory requirements, prior to the release of information.
- Acts as ministry liaison with Information Access Operations (IAO) to discuss requests, negotiate required responses, time extensions, etc.

Career Group:

Job Family:

Job Stream:

Role:

Revised Date:

Oct 2017

- Interprets and applies FOIPPA and regulations.
- Develops privacy impact assessments and information sharing agreements for program areas, under Part 3 of FOIPPA.
- Researches ministry programs, policy, reviewing background materials, consulting ministry briefing notes and obtaining content from ministry subject matter experts to develop written responses to ministerial correspondence for the signature of the Minister, Deputy Minister, and Assistant Deputy Ministers as required.

## JOB REQUIREMENTS

- Degree/Diploma in Information Management, Public Administration or other directly-related discipline and minimum 1 years of recent experience performing FOI analytical work or; an equivalent combination of education/training and experience.
- Experience interpreting and applying information access legislation, policies and directives (examples include: policies and laws of the provincial, federal, or municipal governments).
- Preference may be given to applicants who have one or more of the following types of experience:
  - Direct experience in interpreting freedom of information /privacy or similar legislation.
  - Experience in managing caseloads.
  - Experience working in a high-volume customer-service environment.
- Knowledge of the Freedom of Information and Protection of Privacy Act, Document Disposal Act and procedures related to the collection, use and disclosure of information.

Successful completion of security screening requirements of the BC Public Service, which may include a criminal records check, and/or Criminal Records Review Act (CRRA) check, and/or enhanced security screening checks as required by the ministry.

## BEHAVIOURAL COMPETENCIES

- **Analytical Thinking** is the ability to comprehend a situation by breaking it down into its components and identifying key or underlying complex issues. It implies the ability to systematically organize and compare the various aspects of a problem or situation, and determine cause-and-effect relationships ("if...then...") to resolve problems in a sound, decisive manner. Checks to ensure the validity or accuracy of all information.
- **Information Seeking** is driven by a desire to know more about things, people or issues. It implies going beyond the questions that are routine or required in the job. It may include "digging" or pressing for exact information; resolution of discrepancies by asking a series of questions; or less-focused environmental "scanning" for potential opportunities or miscellaneous information that may be of future use.
- **Impact and Influence** is the ability to influence, persuade, or convince others to adopt a specific course of action. It involves the use of persuasive techniques, presentations or negotiation skills to achieve desired results.
- **Service Orientation** implies a desire to identify and serve customers/clients, who may include the public, co-workers, other branches/divisions, other ministries/agencies, other government organizations, and non-government organizations. It means focusing one's efforts on discovering and meeting the needs of the customer/client.
- **Teamwork and Co-operation** is the ability to work co-operatively within diverse teams, work groups and across the organization to achieve group and organizational goals. It includes the desire and ability to understand and respond effectively to other people from diverse backgrounds with diverse views.

Career Group:

Job Family:

Job Stream:

Role:

Revised Date:

Oct 2017

**TITLE: TEAM LEAD OF RECORDS MANAGEMENT AND FOI**

**MINISTRY: EDUCATION AND CHILDCARE**

**SUPERVISOR: DIRECTOR, EXECUTIVE OPERATIONS**

**CLASSIFICATION: ADMINISTRATIVE OFFICER 21**

**WORK UNIT: DEPUTY MINISTER'S OFFICE**

**SUPERVISOR POSITION #: 00109067**

## **JOB OVERVIEW**

Residing within the Deputy Minister's Office, the role leads a team overseeing and administering an integrated ministry-wide approach for Freedom of Information (FOI) requests and records management processes in accordance with applicable legislation, regulations, and best practices. The Team Lead acts as a primary conduit for information exchange between the minister's office, the deputy minister's office, ministry program areas and the Ministry of Citizens' Services. The manager also assists ministry executive and senior management by researching and preparing reports, briefings materials and overseeing ad hoc projects.

## **ACCOUNTABILITIES**

- Develop and implement a Strategic Records Management Project Plan for the Ministry to meet and maintain requirements under Information Management legislation and policy.
- Develop a RACI (responsible, accountable, consulted, and informed) responsibility matrix assignment matrix to identify positions within the Ministry that perform a records management function. Defines accountabilities attached to those positions.
- Directs the development of and provides training programs, materials, and standards for ministry ORCS, ARCS, and records and information management systems.
- Provides expert advice and guidance to ministry management and staff regarding Freedom of Information and Protection of Privacy Act (FOIPPA) policy, procedures, and practices to ensure compliance with statutory requirements and government policy.
- Manages complex and contentious Ministry FOI reviews that have unclear risks or harm factors, are high-profile, often involve multiple stakeholders and are subject to critical scrutiny by media, organizations, or other public bodies.
- Works closely with staff from the ministry's Privacy and Security team on FOIPPA requirements, including privacy management accountability principles and facilitating proactive disclosures.
- Advises senior executive on any extraordinary issues arising from FOIPPA requests and identifies mitigation options
- Research legal, fiscal, operational, and other retention and disposition requirements including those in other jurisdictions.
- Identify cost saving and risk mitigation strategies through new information management initiatives and best practices and provide advice on how these could best be utilized by the Ministry.
- Maintain awareness of legislative or policy changes to recorded information management standards or practices and recommends mitigating strategies to Ministry leadership.
- Provides information regarding changes to recorded information management, identifies challenges within the Ministry and develops solutions to modernize processes. Provides guidance and templates to enable

each division to develop accurate file lists as per Government Records Services approved Information Schedules.

- Inventories all recorded information management systems inputs and outputs to prepare information systems overviews (ISOs).
- Conducts risk analyses to determine classification, retention, storage and disposition requirements or liabilities.
- Develops and delivers records management training in line with the needs of the Ministry, and to compliment existing corporate learning resources.
- Provides direction to and coordinates with records staff throughout the Ministry.
- Serves as Ministry's main point of contact to CIRMO and facilitates the recently formed Community of Practice (CoP) group.
- Leads the definition and delivery of a variety of information management projects, provides project management leadership, or contributes IM expertise to other projects as assigned.
- Provides advice to senior leadership on information management issues and systems.
- Provides periodic verbal and/or written updates to senior leadership with regards to the Ministry's status in terms of legislated records management compliance.
- Provides information management policy, advisory and review services for the Ministry.
- Provides analysis, advice and support for the implementation, expansion or enhancement of Enterprise Document and Records Management Systems (e.g., EDRMS) in the Ministry.
- Supervises staff including assignment of work, development and evaluation of performance plans and approval of leave.

## **JOB REQUIREMENTS**

- Diploma or certificate in a field related to information management (i.e. archives, library studies), or an equivalent combination of education and experience may be considered.
- A minimum of two years experience in classification and management of recorded information in a large organization.
- Minimum two years of experience leading, coaching and supervising professional staff and/or project teams.
- A minimum of two years of experience interpreting and applying legislation, policies and procedures related to the collection, use and disclosure of information.
- Experience interpreting and administering Freedom of Information, BC, and policy related legislation and providing advice on policy, procedures and guidelines related to freedom of information and records management.

## **KNOWLEDGE, SKILLS, AND ABILITIES**

- Knowledge of legislation, policies and procedures related to the collection, use and disclosure of information.
- Ability to organize workload, set priorities, meet deadlines and performance targets.
- Excellent written and verbal communication skills.

## **PROVISOS**

- Successful completion of security screening requirements of the BC Public Service, which may include a criminal records check, and/or Criminal Records Review Act (CRRA) check, and/or enhanced security screening checks as required by the ministry (**Note: It is important that you read the job posting carefully to understand the specific security screening requirements pertaining to the position**).

## WILLINGNESS STATEMENT

- Travel may be required.

## BEHAVIOURAL COMPETENCIES

- **Concern for Order** reflects an underlying drive to reduce uncertainty in the surrounding environment. It is expressed as monitoring and checking work or information, insisting on clarity of roles and functions, etc.
- **Analytical Thinking** is the ability to comprehend a situation by breaking it down into its components and identifying key or underlying complex issues. It implies the ability to systematically organize and compare the various aspects of a problem or situation and determine cause-and-effect relationships ("if...then...") to resolve problems in a sound, decisive manner. Checks to ensure the validity or accuracy of all information.
- **Decisive Insight** combines the ability to draw on one's own experience, knowledge and training and effectively problem-solve increasingly difficult and complex situations. It involves breaking down problems, tracing implications and recognizing patterns and connections that are not obviously related. It translates into identifying underlying issues and making the best decisions at the most appropriate time. At higher levels, the parameters upon which to base the decision become increasingly complex and ambiguous and call upon novel ways to think through issues.
- **Teamwork and Cooperation** is the ability to work co-operatively within diverse teams, work groups and across the organization to achieve group and organizational goals. It includes the desire and ability to understand and respond effectively to other people from diverse backgrounds with diverse views.
- **Service Orientation** implies a desire to identify and serve customers/clients, who may include the public, coworkers, other branches/divisions, other ministries/agencies, other government organizations, and nongovernment organizations. It means focusing one's efforts on discovering and meeting the needs of the customer/client.
- **Planning Organizing and Co-ordinating** involves proactively planning, establishing priorities and allocating resources. It is expressed by developing and implementing increasingly complex plans. It also involves monitoring and adjusting work to accomplish goals and deliver to the organization's mandate.

## INDIGENOUS RELATIONS BEHAVIOURAL COMPETENCIES

- **Self-discovery and awareness** are understanding one's thoughts, feelings, values, and background and how they impact the success of the interaction and relationship, or how they may influence one's work.

# ECC Fee Estimate Guide

Manager of Divisional Operations (MDO) to advise FOI & RM team total time estimate for entire division, separating time taken by program area to locate/retrieve, produce, prepare, or advise on volume of records, with narrowing options via email ([ecc.foiandrm@gov.bc.ca](mailto:ecc.foiandrm@gov.bc.ca))

## Producing Records

*How much time would it take me to prepare a record that fulfills the applicant's request?*

E.g. developing a program to create new records from a database

Note: this only applies where you are creating records from other sources

> Advise us of total time via email

## Locating/Retreiving Records

*How much time will it take to search all places where digital or physical records may exist?*

- > Perform preliminary search (e.g. within email, LAN, etc.) to confirm existence of records
- > Exhaust all digital and physical options (see below) to come up with a total time estimate
- > Advise us of total estimated time via email
- > If no records exist, fill out section 2, 3, 5 & 7 of Call for Records (CFR) form

Note:

- Increments of 15 min. apply
- The first 3 hours of locating/retrieving are free

## Preparing Records

*How much time will it take to convert a physical record into a digital one, or simplify existing digital records?*

Applies to:

- > Photocopying or scanning records from offsite or onsite storage into a pdf
- > Converting and consolidating records into one pdf

> Advise us of total time via email

## Volume Estimate

*How large is the FOI request?*

- > For electronic records, please provide the estimated # of files via email
- > For hardcopy records please provide the total # of pages to us via email

## Narrowing Options

*How can we lower the cost of this request?*

Provide us with options we can suggest to the applicant to reduce the overall fee via email:

- > Date range reductions
- > Limiting search to individuals/branches/divisions
- > Only using key words in search terms
- > Offering up similar, alternative reports that already exist

### Physical Options:

- Notebooks
- Filing Cabinets/Folders
- Post-it notes
- Binders

### Digital Options:

- Outlook
- Teams
- EDRMS
- LAN / H-Drive
- OneDrive
- Sharepoint
- OneNote
- CLIFF



*If you still have questions after reading this document, please contact [ecc.foiandrm@gov.bc.ca](mailto:ecc.foiandrm@gov.bc.ca)*



## FOI Guide for Minister's Office

When an FOI request is sent to your team from [ecc.foiandrm@gov.bc.ca](mailto:ecc.foiandrm@gov.bc.ca), there are a few steps that will need to be taken:

### 1. Step 1 – Prepare a Fee Estimate


The point of a fee estimate is to confirm that records exist and get a better idea of the volume of records that may pertain to the request. To test this out, we encourage you to perform a preliminary search in Outlook, LAN or Teams to determine that records exist once you receive the original FOI request email from our team (see image below).




Note: Once a fee estimate is submitted to the IAO team, this “stops the clock” and gives us more time to respond to the FOI request before the legislative due date. There is also a possibility that after a fee estimate is submitted and proposed to the applicant, they may choose to not pay the fee, which would result in the request being withdrawn.

FOI Request: ECC-2023-33498 - Call for Records

 ECC FOI & Records Management ECC:EX  
To:  Sather, Kelly ECC:EX  
Cc:  ECC FOI & Records Management ECC:EX

 You replied to this message on 2024-01-08 3:26 PM.

 ECC-2023-33498 - CFR.docx  
62 KB

 Reply  Reply All  Forward  

Thu 2023-12-21 3:24 PM

Hi Kelly,

Please see the call for records information below and attached to this email. Please note that this request is similar in nature to two other pending requests, 31459 and 33485, which will be sent to you momentarily.

#### Our asks:

1. If you believe that a **fee estimate** will be required for this request, **please let us know before you begin to gather records.** (Information about fee estimates and how to prepare can be found [here](#)).
2. Fill out the requested record using the attached form and provide back to this email address (along with records, if applicable) by **4:00 PM on Thursday, January 4<sup>th</sup>, 2024.**

If records do exist, take note of the approximate volume, and come up with a rough time estimate of how long it would take you to provide specific records pertaining to this request. If physical records do exist for this request, provide approximate page count or banker box size of records. Respond to the original CFR email with this time estimate, and then wait for our team to respond advising if a fee estimate will apply or not.

### 2. Step 2 – Search for Records

Once we've given you the go ahead to search for records, the first step to searching records is determining what key words will need to be searched.

Here's an example of a request description:

Records of any and all emails on the topic of the Foundational Skills Assessment and/or the Fraser Institute - excluding attachments - sent or received by the Minister, Deputy Minister(s), and Minister's Executive Assistant(s) - where such a position existed and was staffed during the period. Email search is limited to the individual's Outlook account (Date Range for Record Search: From 1/1/2020 To 10/25/2023)

From looking at the request description from the image above, it clearly indicates what, where and how to search. In this example, we would expect that an **individual that has access to the Minister's inbox** is searching all sent and received folders for the key words, "**Foundational Skills Assessment**" or "**FSA,**" or "**Fraser Institute.**" The **Administrative Coordinator or Administrative Assistant** for the MO would also need to search their records for these same key words. The LAN would not need to be searched in this instance, as it mentions **Outlook only**. Additionally, you will need to be mindful of the **date range** and ensure that all records sent to us are within that 3 year date range.

All emails (sent and received, including attachments but excluding Media Watch or TNO records), any MS Teams Chat/Channel history, briefing notes, issue notes, decision notes or other documents regarding review of special education policy (final versions only). Restrict search to Minister's office, Deputy Minister Office and Assistant Deputy Minister office. (Date Range for Record Search: From 3/1/2023 To 8/2/2023)

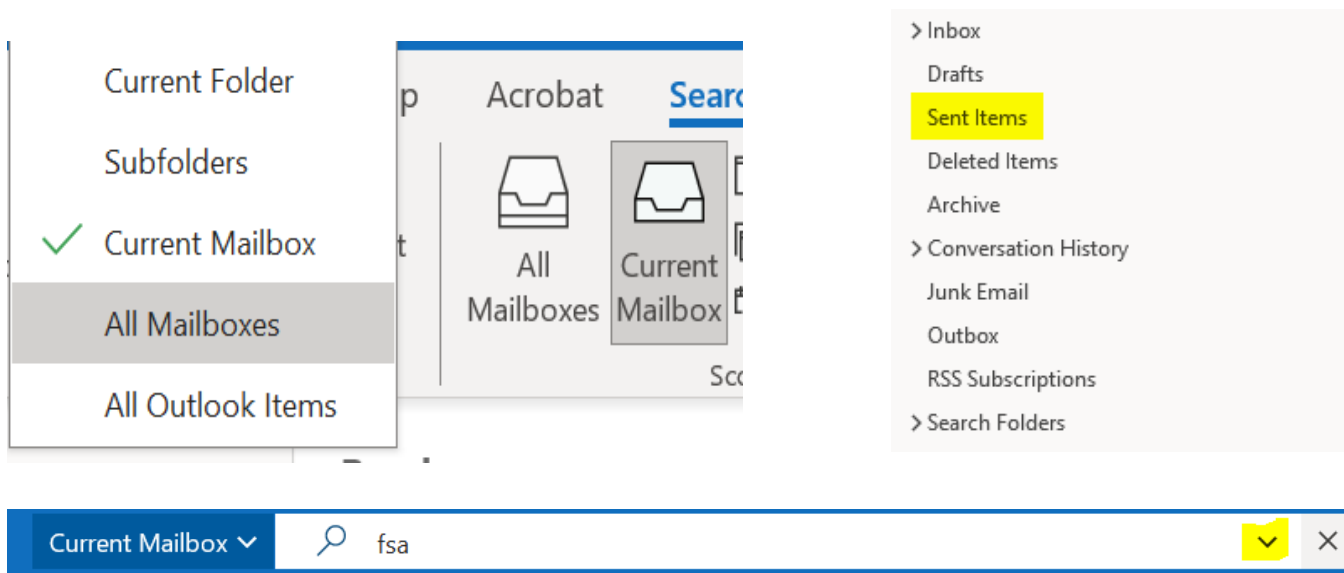
In this example, you should be searching your **MS Teams Chats**, look in **CLIFF** for all **briefing notes, issue notes or decision notes**, and be sure to only include **final copies**. Noting here that Minister's Office is mentioned instead of Minister, which means that **all staff in the MO** will need to search their own records.

## 2.1 How to Search your Outlook to find records for an FOI request:

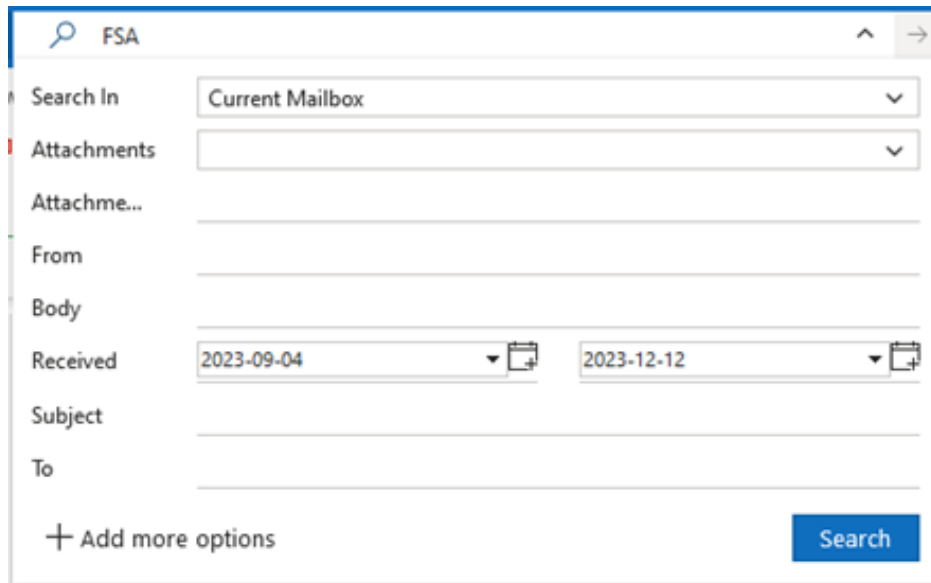
When searching your inbox, you have the option to select "Current Mailbox" or "All Mailboxes." Be sure to select the option that best fits the request description.

For example:

- If the request asks to search the Minister's Office, that will include all the MO, meaning that your individual email as an employee as well as any joint admin accounts for the MO should be included.
- If the request asks you to search sent emails from the Minister, someone with access to that inbox would need to select "sent items" under that inbox, and then select "Current Folder" after searching for a key word



If the request asks you to search within a specific date range, search for your key terms in the main search bar at the top of your Outlook, and then click the down arrow on the right-hand side, as highlighted below, and pick your date range. This drop-down also allows for more specific search features.








## 2.2 How to Search your LAN to find records for an FOI request:

When searching your LAN, please be advised that the LAN’s searching capability is not as advanced as that of Outlook. You can only search for folder titles and document names, as the search function will not include those files' content. The search time within the LAN will also take longer than in Outlook.

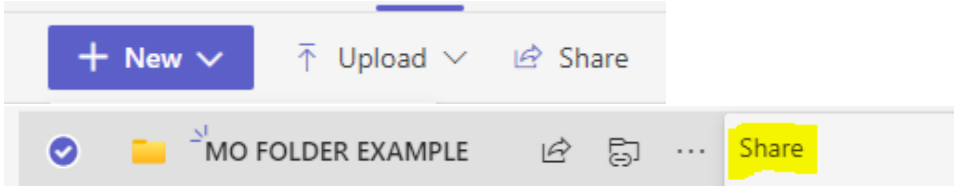
As such, we highly recommend keeping your LAN current and well-named, consistent with the ARCS structure. This will enable a more fruitful search for FOI’s and make your life easier!

Please see below for an example of an FOI # search within our team’s LAN:

	<b>32224</b>	Date modified: 2024-01-17 12:30 PM
	ECC-2023-32224 - Harms - Ministers Office	Size: 7.10 MB Date modified: 2024-01-17 8:04 PM
	ECC-2023-32224 Records - LEPD and MO	Size: 10.0 MB Date modified: 2024-01-17 12:30 PM
	ECC-2023-32224 Amended Call for Records	Size: 54.3 KB Authors: Onciul-Omelus, Jamie MTIC:EX Date modified: 2023-12-22 11:44 AM
	ECC-2023-32224 Call for Records	Size: 54.2 KB Authors: Onciul-Omelus, Jamie MTIC:EX Date modified: 2023-08-29 10:12 AM

### 3. Step 3 – Provide Records

Please share files located, which are related to the FOI request to [ecc.foiandrm@gov.bc.ca](mailto:ecc.foiandrm@gov.bc.ca), ideally in response to the CFR email that is initially sent from our team. If the number of files that pertains to the request is too large to house in a single email, we would encourage you to create a Teams folder with the files, and then share the link to that file via email. To create a Teams folder, navigate within any Microsoft Teams page, and find the “+ New” button to create a new folder. Add your files into the folder, then click on the 3 dots next to the folder and click on “Share” and share with Danielle Pillon and Carrie Prezioso, by searching for our names.



### 4. Step 4 – Harms Assessment (if applicable)

After you have provided records to our team, we will prepare a condensed redline package for your review and send it back to you via email for comments. At this stage, we are asking you to comment or mark up the pdf redline package identifying potential wording to be severed (anything that the MO would not feel comfortable releasing to the applicant/public). Details are encouraged – give us as much background information as possible, to best help IAO determine the applicable legislation.

### Additional Notes About Departing Staff & Older Records

When a staff member leaves the MO, it is the individual employee’s responsibility to save and maintain their records to ensure that they stay within the ministry. If an FOI request mentions past staff which no longer work in the MO, or records being requested pre-date current ministry staff, all efforts must be made to search & locate responsive records. Expect to receive more specific guidance on this topic from the FOI & Records Management team over the coming months.

# Harms Assessment

**The ask:** As a member of the program area, we are asking for your assistance in identifying any information within the responsive records provided (in this eApp) that may need to be withheld/severed. Be as specific as you can – note specific words, sections, bullets, images, etc. in the chart below. For a listing of all of the different sections of FOIPPA that may apply, please check out our [quick harms guide](#) or the [FOIPPA policies & procedures manual](#).

We created this Microsoft Word tracking document as an alternative to marking comments directly into the redline, as eApps cannot accommodate auto-updates with pdf documents. If you have a strong preference for downloading the redline pdf, marking your comments, and then uploading a revised version into the eApp, be our guest, but please note that you have provided comments in the pdf within the comment section of eApps.

After receiving potential harms, the FOI & Records Management team will pass this information onto Information Access Operations (IAO), who will then determine if a particular section of the Freedom of Information & Personal Privacy Act (FOIPPA) applies. The IAO Analyst may have questions for the program area regarding the harms identified, in which case, our team will liaise between the two groups/set up a conversation.

Page Number / Location	Harm	Contact Name / Harms Reviewer
#	<p style="color: red;"><i>E.g. Last bullet referencing a research project on class size/composition – labour relations sensitivities as this relates to bargaining.</i></p> <p style="color: red;"><b>Note: Putting basic information here such as “out of scope” or “not public” is NOT acceptable</b></p>	<p style="color: red;"><i>e.g. John Smith</i></p>


# FOIPPA – Quick Guide to Harms

## What is a harms assessment?

The context provided to IAO (Information Access Operations) during an FOI (Freedom of Information) request is called a harms assessment. Harms assessment provides important context to IAO when completing a line-by-line review of the records, to determine whether information should be withheld or released. Program area staff are not expected to know what section of FOIPPA may apply, but instead communicate what the harm would be.

## The method:

Please note your specific harms in the harms tracking guide template provided to you within the eApp. An alternative to using this tracking guide is to comment on your harms directly in the pdf document (redline), if applicable, which will also be within the eApp. **Again, please focus on the rationale for why a piece of info needs to be severed. What will happen if it's fully released to the public?**

## Most Frequently Used FOIPPA Sections:

Section 12	Section 13	Section 17	Section 22
<b>Cabinet Confidences</b>	<b>Policy Advice and Recommendations</b>	<b>Financial/Economic Interest</b>	<b>Personal Privacy</b>
Do the records contain information that was prepared for submission to any Cabinet Committee or Treasury Board (TB)?  <b>When</b> is it scheduled to go before cabinet or TB? Has it been made public? Is it a draft or final submission?  E.g. a powerpoint presentation	Do the records refer to a suggested course of action/plan that has not yet been implemented?  Could release reveal recommendations developed for a public body?  E.g. a draft briefing note	Do the records contain information that may harm the financial interests of a Public Body? Could the release harm government's position?  E.g. bank statements, tender application process for contractors, budget forecasting, etc.	Do the records contain information that if released, would be an unreasonable invasion of a third party's personal privacy?  E.g. employee personal cell phone #'s, IDIR's addresses, race, sex, age, marital status <b>Note: employee names and work emails are not considered</b>

## Seldomly used FOIPPA Sections:

### Section 14

#### Legal Advice

Do the records contain communication between a lawyer and client?

Do any of the records relate to a prosecution that has not been completed?

Does the Ministry of Attorney General need to be consulted?

### Section 15

#### Law Enforcement

Are the records part of an on-going investigation?

Could the info endanger the safety of a law enforcement officer?

Could it reveal the identity of a confidential source of info or investigative techniques?

### Section 16

#### Intergovernmental Relations/Negotiation

Is another level of government mentioned or have they been consulted with when preparing this record? (E.g. First Nation Governments, Federal Government, other municipalities, etc.)

### Section 21

#### Interest of a Third Party

Do the records contain information that could harm the business interests of a third party?

Was the information supplied in confidence?

Does the information impact the competitive position of the third party?

**\*Let us know if this third party needs to be consulted**

### Section 18

#### Conservation of Heritage Sites

Are the records about natural or heritage sites, such as cultural modified trees or Indigenous burial sites?

Do the records contain information about threatened or endangered animals?

### Section 18.1

#### Interest of an Indigenous People

Do the records contain information about cultural heritage, traditional knowledge, cultural expressions or manifestations of sciences, technologies or cultures?

### Section 19

#### Individual or Public Safety

Do the records contain information that could interfere with public safety or a person's physical/mental health?

Is there a reason to expect that a person would self-harm if the info was released?

### Section 20

#### Info Published/Released within 60 Days

Are the records going to be published or released to the public within the next 60 days? What is the date of publication?

Are any of the records available for purchase or online for free (DataBC)?

# Call for Records Guide for Divisions

When an FOI request is sent to your team from [ecc.foiandrm@gov.bc.ca](mailto:ecc.foiandrm@gov.bc.ca), there are a few steps that will need to be taken, by both the Program Area (PA) and the Manager of Divisional Operations (MDO):

## Step 1 – Review the Request Description

Example of a call for records email from the FOI team:

ECC-2024-41519 - Call for Records

ECC FOI & Records Management ECC:EX  
To: Karkera, Deepa ECC:EX  
CC: ECC FOI & Records Management ECC:EX

Reply Reply All Forward

Tue 2024-07-02 9:11 AM

ECC-2024-41519 - Call for Records.docx  
63 KB

Hi [MDO Name],

Please see the call for records information below and attached to this email.

Our asks:

1. If you believe that a **fee estimate** will be required for this request, **please let us know before you begin to gather records.** (We've created a guide on fee estimates and how to prepare them, [here](#)).
2. **Fill out the requested record** using the attached form and provide back to this email address (along with records, if applicable) by **4:00 PM on July 5, 2024.**

---

**Request Description:** Requesting attendance records for all BC School Districts and a copy of notices of Pride events in each School District. (Date Range for Record Search: From 5/31/2024 To 6/7/2024)

**Applicant Type:** Business  
**Request Type:** General  
**Records Due:** July 5, 2024  
**Legislated Due Date:** July 29, 2024

This email will be sent to the MDO first, and from there the MDO is to forward the request to the appropriate branch. If you, as an MDO, are unsure of which branch to send it to, we would encourage you to view the most up to date version of the [divisional responsibility list](#) on ConECCT.

Please note that the due date we give for records is the date that we would expect to have gone through the full fee estimate process (if applicable) and receive records by.

## Examples of FOI request descriptions:

### Scenario 1

All emails (received, including attachments but excluding media watch or TNO records), any MS Teams Chat/Channel history, briefing notes, issue notes, decision notes or other documents regarding "Fraser Academy", "Centre for Dyslexia". Restrict search to Rachna Singh, Dulcy Anderson, Melanie Stewart. (Date Range for Record Search: From 6/1/2023 To 10/30/2023)

**Interpretation:** This would require the program area to search for all emails (received only) via Outlook, Teams chats, briefing, issue and decision notes (in CLIFF) regarding the topics mentioned BUT restrict the searches to only the employees mentioned. In this case, we expect the individuals mentioned and their admin support to perform a search. Key words used could be "Fraser Academy" or "Dyslexia."

### Scenario 2

Copies of any correspondence and or procedure leading up to and regarding the BC School Trustee Associations decision on December 14, 2023 to rescind Barry Neufeld's Life Membership. (Date Range for Records Search: From 9/20/2023 To 1/18/2024)

**Interpretation:** In this example, you should be searching Outlook (all folders), EDRMS, LAN, and in CLIFF for all correspondence. Keywords to search: "Barry Neufeld" or "BCSTA" or "BC School Trustee Association". Noting the records must be between the provided date range.

### Scenario 3

All records containing any reference to accessibility or regulatory compliance received or sent to a saanichschools.ca email. Please include any advice on responding to any accessibility or disability related concerns. Records may include but are not limited to emails, bulletins, blackberry messages, meeting or personal notes etc. In particular I am seeking any records relating to accessibility and accessible BC Act compliance including any records relating to accessibility and/or regulatory compliance by the Saanich School District. (Date Range for Records Search: From 9/1/2023 To 11/28/2023)

**Interpretation:** In this example, we would expect that program area staff are searching **all possible** locations using key words such as "saanichschools.ca" or "accessibility" or "disability" or "accessible BC Act." As always, you will also need to be mindful of the **date range** and ensure that all records sent to us are within the date range provided.

### **Process:**

- MDO reviews the request description in collaboration with the program area to ensure the request is clear, and staff understand what records they will need to pull or create.
- If a request is too broad, please contact [ecc.foiandrm@gov.bc.ca](mailto:ecc.foiandrm@gov.bc.ca) ASAP so that the FOI team can liaise with IAO and the applicant to narrow or re-word the request.
- If you believe the request is a better fit for another division or ministry after reviewing, please tell the FOI team so we can re-assign the request.

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## **Step 2 – Prepare a Fee Estimate (if applicable).**

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**If a fee estimate does not apply, please proceed to Step 3 – Search for Records**

**PLEASE NOTE:** Fee estimates are discretionary, at the decision of the ministry and do NOT apply to personal requests - general requests only.

The point of a fee estimate is to make the applicant aware of the time involved in responding to their request. A preliminary search should be performed in all recordkeeping systems to determine that records exist. Once a fee estimate is submitted to the IAO team, this "stops the clock" until an applicant pays the fee. An applicant may choose to not pay the fee, which would result in the request being withdrawn. For this reason, records should not be gathered until you hear back from our team to confirm the applicant has paid.

Please take a look at our [fee estimate guide](#) for further reference and instruction, if needed.

**Our ask: please fill out the following sections of the CFR (Call for Records) form:**

### **Section 4: Fee Estimate**

There are 4 sections here, and each of them means something a little different:

## 1. Locating/Retrieving

This section refers to the original search for records and the time it would take to gather and send over the records to the FOI & RM team. The *first 3 hours of searching are free* of charge to the applicant; however, please still indicate the total # of hours needed to search in the “estimated hours” column. If the search takes more than 3 hours, the applicant will need to pay a fee before we can proceed with the FOI request.

Please ensure that all reasonable efforts are made to <a href="#">generate as accurate an estimate as possible</a>	Estimated Hours	Actual Hours
<b>Locating/Retrieving – this includes searching all relevant sources. Areas to consider searching include:</b>		
<ul style="list-style-type: none"> <li>• Outlook (including ‘deleted’ and ‘sent’ folders)</li> <li>• Records management systems (ex. EDRMS)</li> <li>• LAN, shared drives, SharePoint, databases</li> <li>• Offsite records</li> </ul>		

## 2. Producing

Producing refers to creating records from scratch. This often applies to data requests where a spreadsheet is being created. Please note that if a file is being produced, the “3-hours free” does not apply to the applicant.

<b>Producing – this only applies where you are creating records from other sources* (e.g. developing a program to create new records from a database) and tasks include:</b>		
<ul style="list-style-type: none"> <li>• Identifying relevant sources of data/information</li> <li>• Manual time spent creating and producing records</li> <li>• Ex: generating a custom report from a database using existing data</li> </ul> <p><b>Please see this checklist for further information regarding the obligation of the public body to produce a record</b>  <a href="https://intranet.gov.bc.ca/thehub/ocio/cirno/iao">https://intranet.gov.bc.ca/thehub/ocio/cirno/iao</a></p>		

## 3. Preparing

Preparing is seldom used as part of fee estimates within ECC; however, this refers to the conversion of records from physical to digital, when necessary.

<b>Preparing – this may include time spent by IAO (for electronic records) or the Ministry (for hardcopy records) and tasks include</b>		
<ul style="list-style-type: none"> <li>• Converting records to PDF</li> <li>• Consolidating records into a single PDF document</li> <li>• Organizing records packages (e.g. by date department, staff, records type, etc.)</li> <li>• Photocopying or scanning records into electronic format</li> <li>• Ensuring completeness of responsive records</li> <li>• Copying other types of media (audio and/or video)</li> </ul> <p><b>For electronic records, you do not need to provide a time estimate, please provide the number of files where requested below and IAO will be in a position to calculate the time required and to consider charging a fee.</b></p>		

#### 4. Volume

Finally, volume estimates help us determine if a volume extension can be taken to buy us more time. If the total # of records being provided exceeds 200 pages, we can apply for a volume extension (but we need to receive the records before applying for this).

<b>Volume – for electronic records please provide the estimated number of files and for hardcopy records please continue to provide the number of pages</b>		
<ul style="list-style-type: none"> <li>• <b>Electronic records</b> <ul style="list-style-type: none"> <li>○ Files (e.g. emails, Word Docs, Excel sheets, PDFs, photos, etc.)</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Hardcopy records</b> <ul style="list-style-type: none"> <li>○ Average file folder = 1” and holds approx. 200 pages (single-sided)</li> <li>○ 1 standard Records Centre Services box: <ul style="list-style-type: none"> <li>▪ Legal sized folders = 1800 pages</li> <li>▪ Letter sized folders = 2200 pages</li> </ul> </li> </ul> </li> </ul>		
<b>Suggestions for possible narrowing:</b>		

#### Narrowing Suggestions:

This final section refers to suggestions we can recommend to the applicant to shorten the time it will take to complete their request. Examples include:

- Modified date ranges
- Final copies of documents (e.g. briefing notes) only
- Received/Sent emails only



**PLEASE NOTE:** we often find that the most time in an FOI request is eaten up between these two phases. If something doesn't make sense, we urge you to reach out to [ecc.foiandrm@gov.bc.ca](mailto:ecc.foiandrm@gov.bc.ca) clarify.

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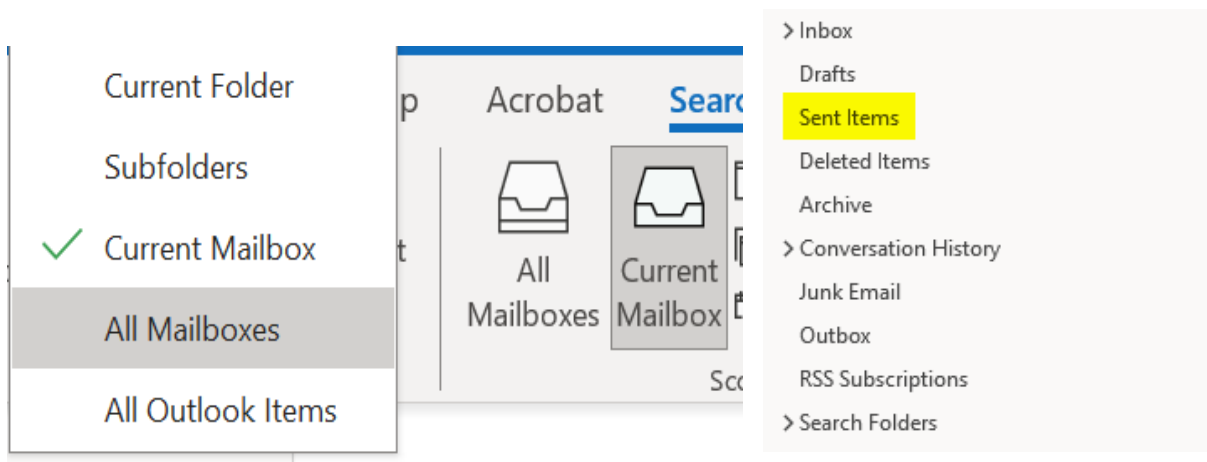
## Step 3 – Search for Records

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Once we've given you the go ahead to search for records, the first step to searching records is determining what key words will need to be searched.

### 3.1 How to Search your Outlook to find records for an FOI request:

When searching your inbox, you have the option to select "Current Mailbox" or "All Mailboxes."



If the request asks you to search within a specific date range, search for your key terms in the main search bar at the top of your Outlook, and then click the down arrow on the right-hand side and pick your date range.



The screenshot shows an email search interface with the following fields and values:

- Search In: Current Mailbox
- Attachments: (empty)
- Attachme...: (empty)
- From: (empty)
- Body: (empty)
- Received: 2023-09-04 to 2023-12-12
- Subject: (empty)
- To: (empty)

Buttons: + Add more options, Search

This drop-down also allows for more specific search features, including received date ranges, subject fields, includes attachments, etc.

### 3.2 How to Search your LAN to find records for an FOI request:

When searching your LAN, please be advised that the LAN’s searching capability is not as advanced as that of Outlook. You can only search for folder titles and document names, as the search function will not include those files' content. The search time within the LAN will also take longer than in Outlook.

As such, we highly recommend keeping your LAN current and well-named, consistent with the ARCS structure. Please see below for an example of an FOI # search within our team’s LAN:

Icon	File Name	Size	Date Modified
	32224		2024-01-17 12:30 PM
	ECC-2023-32224 - Harms - Ministers Office	7.10 MB	2024-01-17 8:04 PM
	ECC-2023-32224 Records - LEPD and MO	10.0 MB	2024-01-17 12:30 PM
	ECC-2023-32224 Amended Call for Records	54.3 KB	2023-12-22 11:44 AM
	ECC-2023-32224 Call for Records	54.2 KB	2023-08-29 10:12 AM

### 3.3 Other locations to search:

**CLIFF** - Please reach out to [ecc.correspondence@gov.bc.ca](mailto:ecc.correspondence@gov.bc.ca) for tips on how to search CLIFF.

**EDRMS** – Please contact [ecc.foiandrm@gov.bc.ca](mailto:ecc.foiandrm@gov.bc.ca) to set up a dedicated training session on how to search effectively in EDRMS

**OneNote** – search using the search area in the top center or top right of the OneNote app. If notes are found that contain key words, please use the file > print to PDF option

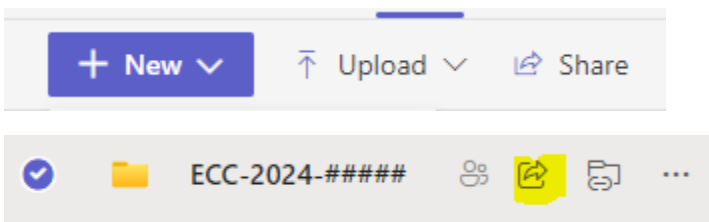
**Microsoft Teams** - use the search bar at the top center of the Teams app. Please note that chat logs refresh every 30 days and would not be responsive in this case.

**Physical Files** – a reminder that we have several locations for physical files onsite at both 620 Superior St. and 395 Waterfront. If not done so already, we would recommend that administrative staff frequently make note of the locations where their branch may have physical files

**Other** – text messages, notebooks, SharePoint sites, databases (e.g. ICM)

### 1. Step 3 – Provide Records

Please share files located, which are related to the FOI request to [ecc.foiandrm@gov.bc.ca](mailto:ecc.foiandrm@gov.bc.ca), ideally in response to the CFR email that is initially sent from our team. If the number of files that pertains to the request is too large to house in a single email, we would encourage you to create a **Teams folder** with the files, and then share the link to that file via email. To create a Teams folder, navigate within any Microsoft Teams page, and find the “+ New” button to create a new folder. Add your files into the folder, then click on the 3 dots next to the folder and click on “Share” and share with Danielle Pillon and Carrie Prezioso, by searching for our names.



### NRR Response:

#### Section 3: No Records Response Approval (if applicable):

Please fill Sections 2, 3 and 5 if *no records* are found in your search. This will still go up to DMO for approval in eApprovals.

### Section 2: Initial Records Assessment

Do you hold responsive records? YES  NO  **\*Email records MUST be sent in original format. Do not convert.**

If no, please provide an explanation that can be given to the applicant (if applicable):

Are you aware of other records that may be responsive to this request within your public body? YES  NO

Are you aware of other records that may be responsive to this request held by another public body? YES  NO

If yes, specify:

Please mark “no” and give a clear reasoning as to why your branch does not hold records. (e.g. this data would be managed by the school district and not the ministry). Also, indicate to us any other public bodies (divisions, ministries, school boards, etc.) that may have responsive records.

### Section 3: No Records Response Approval

Please forward to public body FOI contact (if applicable) for delegated head’s final public body approval if no records have been located

<b>Final public body approval (full name and title):</b>	<b>Signature:</b>	<b>Date: <span style="color: red;">Date</span></b>
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Please have a director or above sign off on this section. This is to confirm that no records exist within your division.

### Section 5: Search Summary

Please describe the search for records including what records were searched, (e.g., files, email, databases, EDRMS, offsite records, etc.) duration of search time, and who conducted the search for records:

Please describe in detail WHAT was searched here. What key words were used? Which email inbox was searched? Please refer to Section 3.3 with regards to what applications to search.

### Section 7: Contact Information

<b>Who completed this form (full name and title):</b>	<b>Phone Number:</b>	<b>Date: <span style="color: red;">Date</span></b>
<b>Harms Assessment completed by (full name and title):</b>	<b>Program Area:</b>	
<b>Harms Assessment approved by (full name and title):</b>		

Please provide a program area contact here. Only name, phone #, date, and program area info are required.

### You’re done! Now, onto the harms assessment phase....

Once the call for records process is complete, we then move into the harms assessment phase, which will be instigated by the FOI and RM team opening an eApp, where you will find the redline package, a harms tracking document, as well as the [Quick Harms Guide](#) to assist you with severing recommendations.