



May 13, 2016

TO: Park Board Chair and Commissioners
FROM: General Manager - Vancouver Board of Parks and Recreation
SUBJECT: Freedom of Information and Protection of Privacy By-Law

RECOMMENDATION

- A. THAT the Vancouver Park Board approve the repeal and replacement of the Park Board Freedom of Information and Protection of Privacy By-law to update the fee schedule to remove outdated items and to remove provisions that are not necessary because they are included in the governing provincial legislation, generally as set out in Appendix A of this report; and
- B. THAT the Director of Legal Services be instructed to bring forward a by-law for consideration by the Board generally in accordance with Appendix A.

POLICY

As a local public body, the Vancouver Park Board is subject to Section 77 of the Freedom of Information and Protection of Privacy Act.

BACKGROUND

The existing Park Board Freedom of Information and Protection of Privacy By-law was last reviewed and amended in 2003.

The existing by-law contains a number of sections listing the duties of the Head. The duties of the Head are actually contained in the provincial statute that governs access to information in the possession of the Park Board: the Freedom of Information and Protection of Privacy Act of British Columbia. Listing the duties of the Head in the by-law is therefore unnecessary and of no legislative effect. Staff propose to remove the references to the duties of the Head as these duties are clearly set out in the governing provincial legislation.

Staff also recommend the existing fee schedule be updated and the fees for outdated technology be removed.

DISCUSSION

As indicated previously, the existing FOI By-law has not been amended since 2003.

Staff are proposing the repeal and replacement of the Freedom of Information and Protection of Privacy By-law to align the by-law with the provincial legislation and to remove fees for outdated technology.

The proposed draft by-law is attached as Appendix A.

Specifically, the following changes are proposed:

1. That the FOI fee schedule of the by-law be updated.

The existing fee schedule requires updating as it includes some outdated references to technology. For example, the schedule specifies the charge for copying to a floppy disk and duplication of microfilm. See Schedule 1 of the proposed draft by-law.

2. That the by-law be revised to remove the sections of the by-law that are set out in the governing provincial legislation.

The existing by-law includes many sections that are actually set out in the Freedom of Information and Protection of Privacy Act of British Columbia, (the Act or FIPPA). Many of these sections are out-of-date and unnecessary due to changes made to the provincial legislation.

SUMMARY

The existing Freedom of Information and Protection of Privacy By-law was last updated in 2003.

The existing by-law contains a number of sections listing the duties of the Head as set out in the provincial legislation. Listing the duties of the Head in the by-law is, therefore, unnecessary and of no legislative effect. The fee schedule is also being updated to remove outdated technology. Repealing and replacing the by-law as proposed will ensure compliance with FIPPA and accurately reflect department processes.

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bf/jk/clc

APPENDIX A

DRAFT Freedom of Information and Protection of Privacy By-law BY-LAW NO. _____

A By-law to Provide for the Administration of the Freedom of Information and Protection of Privacy Act for the Vancouver Board of Parks and Recreation

Whereas in the Freedom of Information and Protection of Privacy Act, Section 77 requires that the Vancouver Board of Parks and Recreation designate a person or group of persons as the "head" for the purposes of the Act, Section 66 of the Act authorizes the "head" to delegate to any person any duty, power or function of the head and section 13 of the Freedom of Information and Protection of Privacy Regulation sets out the maximum fees for services provided pursuant to the Act;

THE Vancouver Board of Parks and Recreation, in public meeting, enacts as follows:

1. The name of this By-law, for reference, is the "Freedom of Information and Protection of Privacy By-law".
2. In this By-law:
 - "Act" means the Freedom of Information and Protection of Privacy Act;
 - "Head" means the person designated as the head of the public body for the purposes of the Act in accordance with Section 77 of the Act; and
 - "Public body" means the Vancouver Board of Parks and Recreation.
3. The General Manager is designated as the Head for the purposes of the Act.
4. The Head is authorized to delegate to any person any duty, power or function of the head , except that the delegation:
 - a. must be in writing;
 - b. may be subject to such conditions or restrictions as the head considers appropriate; and
 - c. must comply with Section 66 of the Act.
5. Fees must be in accordance with Schedule 1.
6. The Vancouver Board of Parks and Recreation repeals the Park Board Freedom of Information and Protection of Privacy By-law enacted December 1, 2003.
7. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
8. This By-law is to come into force and take effect on the date of enactment.

ENACTED by the Vancouver Board of Parks and Recreation this ____ day of _____, 2016

Chair, Board of Parks and Recreation

General Manager, Board of Parks and Recreation

SCHEDULE 1: Schedule of Fees

Description of Services	Management Fees
1. For applicants other than commercial applicants: (a) for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
(b) for producing a record manually	\$7.50 per ¼ hour
(c) for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
(d) for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
(e) for shipping copies	actual costs of shipping method chosen by applicant
(f) for copying records: (i) CDs and DVDs, recordable or rewritable	\$4 per disk
(ii) microfiche or microfilm to paper duplication	\$0.50 per page (8.5"x11")
(iii) photographs	Digital file - \$17 per image
(iv) ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5"x11", 8.5"x14" or 11"x17")
(v) ink jet, laser print or photocopy, colour	\$1.65 per page (8.5"x11", 8.5"x14" or 11"x17")
(vi) scanned electronic copy of a paper record	\$0.10 per page
(vii) slide duplication	Digital file - \$17 per image
2. For commercial applicants for each service listed in Item 1	the actual cost to the public body of providing that service

Note: In keeping with the Vancouver Park Board's Greenest City goals, the FOI office does not provide hard copies of responsive records unless there are exceptional circumstances. All responsive records are provided in electronic formats.

EXPLANATION

Park Board Freedom of Information and Protection of Privacy By-law

Enactment of the attached By-law will implement the Park Board's resolution of X date, 2016 to repeal and replace the Park Board Freedom of Information and Protection of Privacy by-law dated December 1, 2003 in order to replace outdated and unnecessary provisions.

Director of Legal Services -----, 2016