



FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY BYLAW

PARK BOARD
REGULAR MEETING
May 30, 2016



On May 16, 2016, the Board unanimously approved the following 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of the Park Board Freedom of Information and Protection of Privacy By-law to update the fee schedule to remove outdated items and to remove provisions that are not necessary because they are included in the governing provincial legislation, generally as set out in Appendix A of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.

Purpose of the Vancouver Park Board Freedom of Information and Protection of Privacy Bylaw

- Section 66 of FIPPA requires a local public body to designate a Head for the purposes of FIPPA by Bylaw; and
- To set fees within the prescribed limits of the FIPPA Regulation.
- The Vancouver Park Board's Freedom of Information and Protection of Privacy By-law designates the Park Board General Manager as the FOI Head;
- Schedule 1 of the Bylaw details the Fee Schedule.

Summary of By-law Changes:

- 1. That the by-law be revised to remove all sections that are set out in the governing provincial legislation:**
 - Existing by-law contains a number of sections listing the duties of the Head
 - The duties of the Head are contained in the provincial statute
 - Listing the duties of the Head in the by-law is unnecessary and of no legislative effect

- 2. That the FOI fee schedule of the bylaw be updated to reflect current technology**
 - Existing Fee Schedule contains outdated references to technology, i.e. a fee for copying a record to a floppy disk

Enactment of the attached By-law, in accordance with Park Board procedures, will implement the Park Board's resolution of May 16, 2016 to repeal and replace the Park Board Freedom of Information and Protection of Privacy By-law, in order to replace outdated and unnecessary provisions.

Director of Legal Services

May 30, 2016

RECOMMENDATION:

THAT the Vancouver Park Board allow the new Freedom of Information and Protection of Privacy By-Law to be introduced and read for a first time.

Freedom of Information and Protection of Privacy By-law

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: Section 77 of the Freedom of Information and Protection of Privacy Act (“the Act”) 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 to the Act 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.

RECOMMENDATION:

THAT the Vancouver Park Board allow the new Freedom of Information and Protection of Privacy By-Law be read a second and third time and be adopted.

