

Notification for Collection

Meeting your responsibilities under section 27(2) of the *Freedom of Information and Protection of Privacy Act*

Do I need to provide a notification for collection?

Yes. Except in limited circumstances, a notification must be provided every time a public body collects personal information. A notification that meets the requirements under section 27(2) of the *Freedom of Information and Protection of Privacy Act* (FOIPP Act) must appear on all forms or documents— whether print or electronic— used by a public body to collect personal information.

The FOIPP Act permits a public body to collect personal information where it is authorized by another Act. What if I am collecting personal information under the authority of another Act?

A public body in British Columbia that is collecting personal information under any legal authority must provide a notification for collection that meets the requirements under section 27(2) of the FOIPP Act. The legal authority may be under a federal or provincial Act, regulation, order, municipal bylaw, contractual agreement, or another duty or obligation at common law.

Why is it important to provide a notification for collection?

Providing notification recognizes a person's right to know and understand the purpose for the collection. It also allows the person to make an informed decision as to whether or not to provide the information in cases where a response is not mandatory. It provides a person with important contact information should they have a question about the collection in the future.

How do I provide a notification for collection?

Notification should be provided before the personal information is collected. Notification should be provided in writing wherever possible. If notification is provided verbally, the public body should follow up with a written notification to the person concerned.

What must be included in a notification for collection?

Under section 27(2) of the FOIPP Act, a public body is obligated to notify the individual from whom it collects personal information:

- the **purpose** for the collection;
- the **legal authority** for the collection; and

- the **title, business address** and **business telephone number** of a public body employee who can answer questions about the collection.

A notification is not considered to have met the requirements under the Act unless it contains all of the highlighted elements. While there is no standard language for such requirements, a sample notification is provided at the end of this Tip Sheet.

Who should be identified as the employee who can answer questions about the collection?

This officer or employee must be able to explain **why** the personal information is being collected and **how** it will be **used, retained** and **disclosed** to other organizations. Otherwise, at a minimum, the employee should be able to redirect the individual to other employees and officers of the public body who would be best able to answer the individual's questions.

What are the exceptions to the requirement to provide notification?

The requirements to provide notification may be set aside if the collection meets one of four criteria set out in section 27(3) of the Act. A public body should refer to section 27(3) of the FOIPP Act and relevant guidance issued by the Office of the Chief Information Officer for detailed information about these exceptions. Notification is not required if:

- The information is about law enforcement or anything referred to in section 15(1) or (2) of the Act;
- The minister responsible for the FOIPP Act excuses the public body from complying for any of the reasons set out in section 27(3)(b);
- The individual providing the personal information is not the same individual the personal information is about and the public body is collecting the information indirectly under section 27(1);
- The information is collected by observation at an event that is open to the public and at which the individual voluntarily appears.

Sample notification for collection:

This information is collected by [name of public body] under [section] of the [name of enactment] and will be used to [purpose]. Should you have any questions about the collection of this personal information please contact

[Position Title]

[Address]

[Phone Number]