

# **FINANCIAL INFORMATION ACT (FIA) GUIDANCE PACKAGE**

**For use by:**

- **corporations in completing Statements of Financial Information (SOFIs)**
- **ministries in reviewing SOFIs for compliance and advising their FIA corporations**

This guidance is offered with regard to the following:

- *Financial Information Act* (as at May 14, 2001);
- *Financial Information Regulation* (B.C. Reg. 371/93, including amendments to B.C. Reg. 249/2002 approved September 6, 2002); and
- Minister of Finance Directive for the *Financial Information Act*, approved June 27, 2002, amended July 22, 2005

# Financial Information Act (FIA) Guidance Package

## TABLE OF CONTENTS

GENERAL.....	4
Financial Information Regulation (FIR) .....	4
Statement and Schedule Format.....	4
"Nil" Statements or Schedules .....	4
STATEMENTS OF FINANCIAL INFORMATION (SOFIs) .....	5
SCHEDULE OF GUARANTEE AND INDEMNITY AGREEMENTS .....	6
SCHEDULE OF REMUNERATION AND EXPENSES .....	7
General.....	7
Remuneration.....	7
Expenses .....	7
STATEMENT OF SEVERANCE AGREEMENTS .....	10
Definition and Explanation .....	10
Application.....	10
Reporting .....	11
Guidance .....	11
Sample Formats .....	12
SCHEDULE OF PAYMENTS TO SUPPLIERS OF GOODS AND SERVICES .....	13
Sample Format .....	14
REPORTS ON INACTIVE CORPORATIONS .....	15
Preparation .....	15
Access and Distribution .....	15
APPROVAL OF FINANCIAL INFORMATION .....	16
Sample Formats .....	16
THE MANAGEMENT REPORT .....	17
Accounting Guideline – The Management Report .....	17
Sample Format .....	20
ACCESS TO FINANCIAL INFORMATION.....	21
Reasonable Accommodation .....	21
Severing Information .....	21
Legislative Library.....	21

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY REGULATION..... 22  
Schedule of Maximum Fees..... **Error! Bookmark not defined.**

REPORTING COMPLIANCE BY CORPORATIONS TO THE OFFICE OF THE COMPTROLLER

GENERAL..... 24  
Reporting Timelines..... 24  
FIA Checklist..... 24  
Compliance Memo..... 24  
Sample Format ..... 26

## GENERAL

### *Financial Information Regulation (FIR)*

The FIR applies to corporations with fiscal years starting on or after April 1, 1994. The FIR was amended in 2002 to increase the reporting thresholds for employee remuneration and payments to suppliers for goods and services, and for various housekeeping changes.

**Schedule 1** of the FIR outlines the information corporations are required to report in the Statement of Financial Information (SOFI) and how the information is to be made available to the public. The SOFI consists of four core financial statements and schedules for employee remuneration and for payments to suppliers for goods and services provided to the corporation. These statements and schedules are detailed in this Guidance Package.

A revised Minister of Finance Directive was introduced in 2002 to provide for more timely reporting by FIA corporations and for various administrative improvements, one of which is the mandatory use of a checklist addressing the contents of the FIR. The checklist must be used by corporations to assist in completing the SOFI, and by ministries in reviewing their corporations' SOFIs for compliance with the Act and the FIR.

If ministries do not have any corporations reporting to them which are subject to the *Financial Information Act*, a memo or e-mail must be sent to the Executive Director, Financial Management Branch, Office of Comptroller General, stating "No corporations subject to the *Financial Information Act* report to the Ministry of \_\_\_\_\_."

### *Statement and Schedule Format*

It is advisable to title each statement and schedule using the language of the FIR, and to note the section of the FIR under which the information is prepared.

### *"Nil" Statements or Schedules*

➤ FIR, Schedule 1, subsections 3(3), 4(4), 5(4) and 6(8)

Certain statements or schedules may be omitted if the required information is reported elsewhere and if the statement or schedule would provide no additional information. However, a "nil" statement or schedule **must** be submitted together with a note to that respective statement/schedule.

The "nil" schedule or statement would consist of a title and an explanatory note. For example, regarding the schedule of guarantee and indemnity agreements required by Schedule 1, section 5, the note might read:

**Schedule of guarantee and indemnity agreements**

"This organization has not given any guarantees or indemnities under the Guarantees and Indemnities Regulation."

**or**

"Information on all guarantees and indemnities for this organization is included in Note X to the Financial Statements."

**STATEMENTS OF FINANCIAL INFORMATION (SOFIs)**

➤ FIR, Schedule 1, sections 1 to 4

For consistency with the *Budget Transparency and Accountability Act* respecting Public Accounts reporting, the FIA states that corporations must prepare two sets of financial information:

1. within **three** (3) months after the corporation's fiscal year end, a statement of financial information which includes:
  - a statement of assets and liabilities;
  - an operational statement;
  - a schedule of debts; and
  - a schedule of guarantee and indemnity agreements.
2. within **six** (6) months after the corporation's fiscal year end, a statement of financial information which includes:
  - a schedule showing remuneration and expenses paid to or on behalf of employees; and
  - a schedule showing payments for suppliers of goods or services.

However, FIR Schedule 1, section 1, defines the SOFI as all six financial statements and schedules collectively. For FIA reporting to the responsible ministry, the corporation need make only the one submission within six months following the corporation's fiscal year end.

## SCHEDULE OF GUARANTEE AND INDEMNITY AGREEMENTS

➤ FIR, Schedule 1, section 5

Section 5(1) requires corporations to “list financial guarantee<sup>1</sup> and indemnity<sup>2</sup> agreements in force which required government approval prior to being given under the Guarantees and Indemnities Regulation (BC Reg. 258/87).”

To determine the criteria for government approval, refer to the Guarantees and Indemnities Regulation pursuant to the FIA (refer to the accompanying Word document or to the Internet link ([http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/258\\_87](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/258_87))). The term "government corporation" is referred to in the explanation. Under the FIA, a "government corporation" means a corporation:

- “(a) that is, under an Act, an agent of the government,
3. of which the government owns, directly or indirectly, more than 50% of the issued voting shares, or
  4. that is controlled by the government, and for the purpose of this definition a corporation is controlled by the government when a majority of the members of the corporation or of its board of directors or board of management consists of either or both of the following:
    - (i) persons appointed as members by the Lieutenant Governor in Council, by a minister or by an Act;
    - (ii) public officers acting as public officers;”.

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<sup>1</sup> **Guarantee:** A contract of guarantee is one in which there must always be three persons – a principal debtor, whose liability may be either existing or contemplated; a creditor; and a guarantor or surety, who, in consideration of some promise or act of the creditor, promises to discharge the debtor's liability if the debtor should fail to do so. (*Anger's Digest of Canadian Law*)

<sup>2</sup> **Indemnity:** To indemnify is to make good on a loss which one person has suffered in consequence of the act or default of another; and, the operation of making good on the loss is called indemnification. (*Dictionary of English Law*)

## **SCHEDULE OF REMUNERATION AND EXPENSES**

➤ FIR, Schedule 1, section 6

### ***General***

The threshold for reporting remuneration and expenses was increased to \$75,000 in September, 2002.

A sample format of the Schedule of Remuneration and Expenses outlining the required information is provided below. Please note that this schedule must not include personal information other than the name, position, function, remuneration and expenses of persons reported.

The employers' portion of pension contributions is excluded from both remuneration and expenses because it will be taxable income in the future.

### ***Remuneration***

The FIR, Schedule 1, subsection 6(1), defines “remuneration” as:

- “any form of salary, wages, bonuses, gratuities, taxable benefits, payment into trust or any form of income deferral paid by the corporation to the employee or on behalf of the employee during the fiscal year being reported upon, whether or not such remuneration is reported under the *Income Tax Act* (Canada), but
- does not include anything payable under a severance agreement.”

Generally, taxable benefits are included in the remuneration figure. Use the applicable Canadian laws for the year being reported.

Benefits paid on behalf of employees that are neither taxable to the employee nor paid directly to the employee are excluded from remuneration and expenses. Examples would be the employer's portion of contributions to registered pension and superannuation plans, extended health plans and dental plans. These payment types would be included in the schedule of payments to suppliers of goods and services.

### ***Expenses***

The FIR, Schedule 1, subsection 6(1) defines “expenses” as follows:

- “includes travel expenses, memberships, tuition, relocation, vehicle leases, extraordinary hiring expenses, registration fees and similar amounts paid directly to an employee, or to a third party on behalf of the employee, and which has not been included in 'remuneration',

- is not limited to expenses that are generally perceived as perquisites, or bestowing personal benefit, and may include expenditures required for employees to perform their job functions, and
- excludes benefits of a general nature applicable to all employees pursuant to an agreement such as medical, dental, counselling, insurance and similar plans.”

The definition of expenses does not include the assignment of overhead costs to employees.

See the next page for a sample format.

**Sample Format**

**SCHEDULE SHOWING THE REMUNERATION AND EXPENSES PAID TO OR ON BEHALF OF EACH EMPLOYEE**

**1. Elected Officials, Employees appointed by Cabinet and Members of the Board of Directors**

Name	Position	Remuneration	Expenses
A	Chair	\$	\$
B	Member, Board	\$	\$
C	Member, Board	\$	\$
<b>Total:</b> elected officials, employees appointed by Cabinet and members of the Board of Directors		\$ (A)	\$

**2. Other Employees**

Name	Remuneration	Expenses
(list all employees, alphabetically, with remuneration exceeding \$75,000, excluding those listed in Section 1 above)		
M	\$	\$
N	\$	\$
O	\$	\$
<b>Consolidated total</b> of other employees with remuneration of \$75,000 or less	\$	\$
<b>Total: Other Employees</b>	\$ (B)	\$

**3. Reconciliation**

Total remuneration – elected officials, employees appointed by Cabinet and members of the Board of Directors	\$ (A)
Total remuneration – other employees	\$ (B)
<b>Subtotal</b>	\$
Reconciling Items*	\$
<b>Total per Statement of Revenue and Expenditure</b>	\$
<b>Variance*</b>	\$

\* Note: If you cannot provide reconciling items, please provide an explanation of the variance.

## STATEMENT OF SEVERANCE AGREEMENTS

➤ FIR, Schedule 1, subsection 6(7)

### *Definition and Explanation*

"Severance" is defined as the severance payment made in lieu of the notice period. (The notice period is the length of time from the date on which the notice of termination is given to an employee until the date on which employment will terminate.)

A "severance agreement" means an agreement between an employee and the employer which is usually signed by both parties. It may stipulate (but is not limited to stipulating) the following:

- the amount of a lump sum payment or periodic payments;
- the amount of the payment which is based on the employee's base salary plus benefits and length of service; and
- some form of compensation except an Early Retirement Incentive Plan.

A severance agreement is not normally entered into when an employee:

- receives, in writing, a notice period prior to termination;
- voluntarily resigns or retires;
- reaches the mandatory retirement age;
- is terminated for just cause;
- has been offered and has refused reasonable alternative employment by the employer;
- completes an employment contract with a definite term;
- refuses to accept reasonable relocation; or
- is rejected on probation.

### *Application*

All corporations will prepare the statement of severance agreements required under the FIR. The statement is to reflect the number of severance agreements with non-union employees for which **payment commenced** during the fiscal year being reported on. This may be interpreted as "when the liability is accrued" in those instances when the event triggering the agreement falls in a different fiscal year than the first payment.

## ***Reporting***

FIR Schedule 1, subsection 6(7) states that the number of months' "compensation" represented by these agreements should be reported in the statement of severance agreements. This is to facilitate accurate reporting if agreements are based on the value of salary and benefits for a given number of months. If payments span more than one fiscal year, the entire value of the agreement must be reported in the statement of severance agreements, in equivalent months' compensation.

Where in-kind compensation is included in the agreement, the dollar value of the asset should be included in the calculation.

Agreements made as part of the hiring process (which may never be brought into force) are not to be reported. Payments made under Early Retirement Incentive Plans are not to be reported as severance agreements.

If there are no severance agreements for the reporting period, an explanation must be included in a note to the schedule. A "nil" statement is also required.

Sample formats of the Statement of Severance Agreements and of the "Nil" Statement are included below.

## ***Guidance***

Corporations should avoid including confidentiality clauses that do not alert employees to the paramount disclosure provisions of the FIA in their severance agreements made with employees.

As a statute, the FIA would generally negate a conflicting clause in a contract. Legal advice on this matter should be sought in drafting severance agreements.

## Sample Formats

### 1 – Statement of Severance Agreements

<p style="text-align: center;"><i>(CORPORATION NAME)</i></p> <p style="text-align: center;"><b>STATEMENT OF SEVERANCE AGREEMENTS</b></p> <p>There were X severance agreements under which payment commenced between (<i>corporation name</i>) and its non-unionized employees during fiscal year 20XX/20XX.</p> <p><b>These agreements represent from Y to Z months of compensation.*</b></p> <p>* "Compensation" means (<i>provide explanation as to whether the agreements were determined based on salary, or the value of salary and benefits. If benefits are included, specify</i>).</p> <p><input type="checkbox"/> Prepared under the Financial Information Regulation, Schedule 1, subsection 6(7)</p>
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### 2 – "Nil" Statement

If there are no severance agreements to report, a "nil" statement will read as follows:

<p style="text-align: center;"><i>(CORPORATION NAME)</i></p> <p style="text-align: center;"><b>STATEMENT OF SEVERANCE AGREEMENTS</b></p> <p>There were <b>no</b> severance agreements made between (<i>corporation name</i>) and its non-unionized employees during fiscal year 20XX/20XX.</p> <p><input type="checkbox"/> Prepared under the Financial Information Regulation, Schedule 1, subsection 6(8)</p>
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## **SCHEDULE OF PAYMENTS TO SUPPLIERS OF GOODS AND SERVICES**

➤ FIR, Schedule 1, section 7

The SOFI must be prepared showing the total amount paid to each supplier of goods or services during the fiscal year being reported on.

The threshold for reporting these payments was increased to \$25,000 in September, 2002.

A sample format is included on the following page. This schedule should list the ultimate recipient of payments. If payments are made to an intermediary, they should be disclosed as payments to the final recipient.

➤ FIR, Schedule 1, subsection 7(2)(a)

The intent of this section is to ensure that payments made through alternative systems are reported where this information is meaningful. Ministries may want to assist their corporations in defining "significant" petty cash or alternate payment systems.

➤ FIR, Schedule 1, subsection 7(2)(b)

It is the intention of the Office of the Comptroller General to seek a legislative amendment to the FIA to require a separate schedule of grants and contributions. In the meantime these payments should be listed in the schedule of payments to suppliers of goods and services. This schedule should be prepared in two parts to separately identify grants and contributions.

➤ FIR, Schedule 1, subsection 7(2)(c)

The schedule of payments for the provision of goods and services must not include payments allocated to an employee, or more than one employee, for the purposes of employee expenses. This means that where direct billing is used for employee expenses, this will be disclosed as an employee expense and not as a payment to a supplier.

For example, airline tickets for employee travel which are direct-billed by the travel agency (an invoice is sent to the corporation instead of the employee paying and then being reimbursed). This should be reported as an employee expense, not as a payment to the travel agency.

*Sample Format*

**SCHEDULE SHOWING PAYMENTS MADE FOR THE PROVISION OF GOODS OR SERVICES**

**1. Alphabetical list of suppliers who received aggregate payments exceeding \$25,000**

Supplier name	Aggregate amount paid to supplier
A	\$
B	\$
C	\$
<b>Total aggregate amount paid to suppliers</b>	<b>\$ (A)</b>

**2. Consolidated total paid to suppliers who received aggregate payments of \$25,000 or less**

	<b>\$ (B)</b>
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**3. Total of payments to suppliers for grants and contributions exceeding \$25,000**

Consolidated total of grants exceeding \$25,000	\$
Consolidated total of contributions exceeding \$25,000	\$
Consolidated total of all grants and contributions exceeding \$25,000	<b>\$ (C)</b>

**4. Reconciliation**

Total of aggregate payments exceeding \$25,000 paid to suppliers	\$	<u>    A    </u>
Consolidated total of payments of \$25,000 or less paid to suppliers	\$	<u>    B    </u>
Consolidated total of all grants and contributions exceeding \$25,000	\$	<u>    C    </u>
Reconciling items*	\$	<u>          </u>
Total per Statement of Revenue and Expenditure		<u>          </u>
Variance*	\$	<u>          </u>

\* Note: if you cannot provide reconciling items, please provide an explanation of the variance

Prepared under the Financial Information Regulation, Schedule 1, section 7 and the *Financial Information Act*, section 2.

## **REPORTS ON INACTIVE CORPORATIONS**

➤ FIR, Schedule 1, section 8

### ***Preparation***

If the corporation is subject to the FIA but not operating to the extent necessary to produce the SOFI, the ministry responsible must produce a report to the greatest extent possible. As long as the corporation remains a legal entity, the ministry must continue to produce this report.

The report must also include a statement of the operational status of the corporation. This statement should include information such as:

- the reason why the corporation is inactive (e.g., it is being wound up);
- who is responsible for winding up the corporation;
- what has to take place before the corporation will cease to exist;
- the names of senior management and board members (including ministry staff, if applicable), if this information is not available in a schedule of remuneration and expenses; and
- contingent liabilities.

### ***Access and Distribution***

This report must be forwarded to the Legislative Library in the same manner as SOFIs prepared by active corporations.

Members of the public will gain access to FIA information on inactive corporations from the ministry responsible. The ministry must keep an adequate supply of these reports on hand for three years just as corporations are required to under the Act.

## APPROVAL OF FINANCIAL INFORMATION

➤ FIR, Schedule 1, section 9

Sample formats for documenting the approval of SOFIs for corporations and for municipalities are as follows:

### *Sample Formats*

#### **For corporations**

<p><b>(CORPORATION NAME)</b></p> <p><b>STATEMENT OF FINANCIAL INFORMATION APPROVAL</b></p> <p>The undersigned represents the Board of Directors (<i>substitute "Board of Trustees" or other term for BOD, as appropriate</i>) of the (<i>corporation name</i>) and approves all the statements and schedules included in this Statement of Financial Information, produced under the <i>Financial Information Act</i>.</p> <p>_____</p> <p style="text-align: center;">(<i>signature</i>)</p> <p>Name Title Date</p>
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Prepared pursuant to the Financial Information Regulation, Schedule 1, section 9

#### **For municipalities**

<p><b>(MUNICIPALITY NAME)</b></p> <p><b>STATEMENT OF FINANCIAL INFORMATION APPROVAL</b></p> <p>The undersigned, as authorized by the Financial Information Regulation, Schedule 1, subsection 9(2), approves all the statements and schedules included in this Statement of Financial Information, produced under the <i>Financial Information Act</i>.</p> <p>_____</p> <p style="text-align: center;">(<i>signature</i>)</p>	
Name Position of Financial Officer/Administrator Date	Name Council Member on behalf of Council Date

Prepared pursuant to the Financial Information Regulation, Schedule 1, section 9

## **THE MANAGEMENT REPORT**

To assist in the preparation of the management report, an excerpt from the Canadian Institute of Chartered Accountants (CICA) Handbook and sample formats have been included. Examples of management reports previously submitted are provided in a separate Word document.

### ***Accounting Guideline – The Management Report***

August 1992

#### **Purpose and Scope**

The purpose of this Guideline is to provide the Accounting Standards Board's views on the minimum content of a management report that acknowledges management's responsibility for financial information.

A management report states management's responsibility for the financial statements and other financial information, as well as the financial reporting process that produces such statements and other information. The report also states the role of the board of directors and, when one exists, the audit committee. The purpose of a management report is to communicate to external users of financial information the key elements of responsibility for the representations made in financial statements and other financial information, to clarify whose representations they are and to clarify the limits of their accuracy.

The Accounting Standards Board is of the opinion that, when an entity's annual financial statements are distributed widely, a management report should be presented. An entity's financial statements are considered to be distributed widely when, for example, its securities are traded in a public market, it is required to file financial statements annually with a securities commission, or its financial statements are distributed to members or policyholders in the case of an entity such as a credit union or a life insurance enterprise.

A management report accompanies, but is not part of, the annual financial statements. Both are commonly included as part of an entity's annual report. Such a report often includes the annual financial statements, the auditor's report thereon and other information of a financial and nonfinancial nature, such as a management report, management's discussion and analysis of financial condition and results of operations, and a summary of operating results. For the purposes of this Guideline, supplementary financial information presented in the same document as the financial statements is referred to as other financial information. The term financial information includes both audited financial statements and other financial information.

The Accounting Standards Board encourages management to experiment with the content of the management report as this will contribute to the evolution of such reports. For example, in addition to the matters set out in this Guideline, management may wish to comment on its responsibility for establishing an appropriate code of business conduct for the entity or on other policies of the entity which might be of relevance to the users of the financial statements.

(Source: CICA Virtual Professional Library 2000)

## Content

A management report acknowledges management's responsibility for the following matters:

- (a) **Financial statements** – the preparation and presentation of the financial statements, including responsibility for significant accounting judgments and estimates. For example, management is required to:
  - choose accounting principles and methods that are appropriate to the entity's circumstances; and
  - make decisions affecting the measurement of transactions in which judgement is required in determining the amount to be reported, such as the useful life of capital assets, bad debt provisions and inventory obsolescence.
  
- (b) **Specialists' reports** – in certain circumstances, an annual report containing financial statements and other financial information includes a signed report of a party who possesses significant specialized expertise in a particular field. For example, the report of the valuation actuary which is presented with the financial statements of a life insurance enterprise provides additional support for certain financial statement elements. Notwithstanding the presentation of such a report, management retains ultimate responsibility for all financial information in the annual report, including the amounts determined by specialists, since management is responsible for providing the specialists with the information necessary for completion of their reports.

To clarify the respective responsibilities of management and a specialist, the management report should describe the role and responsibilities of the specialist whose report is included in the annual report.
  
- (c) **Other financial information** – the preparation and presentation of other financial information and its consistency with the financial statements. Inconsistencies between the financial statements and other financial information that accompanies them undermine the credibility of the financial information presented.
  
- (d) **Internal control over the financial reporting process** – the development of internal controls over the financial reporting process designed to provide reasonable assurance that relevant and reliable financial information is produced.

The management report includes a statement of the role of the board of directors in the financial reporting process, including an acknowledgement of:

- the responsibility for reviewing and approving the financial statements;
- the responsibility for overseeing management's performance of its financial reporting responsibilities; and
- the responsibilities, if any, delegated to the audit committee.

(Source: CICA Virtual Professional Library 2000)

The Board of Directors is responsible for overseeing management in the performance of its financial reporting responsibilities and also has responsibility for approving the financial information included in the annual report. The board fulfils these responsibilities by reviewing financial information prepared by management and discussing relevant matters with management, internal auditors (where such a function exists) and external auditors. Often, some or all of these responsibilities are delegated to an audit committee.

When the board has delegated responsibility for oversight of the financial reporting process to an audit committee, the role of this committee should be described in the management report. The responsibilities delegated to the audit committee, and the specific activities undertaken by it, would be explained, including:

- the responsibility for reviewing the financial statements and annual report and recommending them to the board of directors for approval;
- the responsibility for meeting with management, internal auditors and external auditors to discuss internal controls over the financial reporting process, auditing matters and financial reporting issues (it is useful to indicate whether the auditor had unlimited access to the audit committee); and
- the role of the audit committee in engaging or re-appointing the external auditors.

It is not appropriate to disclose in a management report information that belongs in the financial statements or elsewhere in the annual report. Further, a management report should not be used to emphasize or repeat matters described appropriately in the financial statements or other financial information.

### **Presentation**

When a management report is included in an annual report, it is presented separately from, but adjacent to, the financial statements.

The management report should be signed by one or more senior officers of the reporting entity, usually the chief executive officer or other senior officer responsible for the overall management of the entity, and the chief financial officer or other senior officer having overall responsibility for the financial reporting process.

The management report should be dated to indicate the point to which events have been taken into account. The date would normally be the same as the date of the auditor's report with a view to ensuring consistent consideration of subsequent events.

(Source: CICA Virtual Professional Library 2000)

Financial statement management reports for Crown corporations and other government organizations can be found at this Crown Agencies Secretariat website: <http://www.gov.bc.ca/caro/>. Financial statement management reports can be tailored for FIA reporting purposes, as shown below:

**Sample Format**

<p><b>(CORPORATION OR MUNICIPALITY NAME)</b></p> <p><b>MANAGEMENT REPORT</b></p> <p>The Financial Statements contained in this Statement of Financial Information under the <i>Financial Information Act</i> have been prepared by management in accordance with generally accepted accounting principles or stated accounting principles, and the integrity and objectivity of these statements are management's responsibility. Management is also responsible for all the statements and schedules, and for ensuring that this information is consistent, where appropriate, with the information contained in the financial statements.</p> <p>Management is also responsible for implementing and maintaining a system of internal controls to provide reasonable assurance that reliable financial information is produced.</p> <p>The Board of Directors is responsible for ensuring that management fulfils its responsibilities for financial reporting and internal control and exercises this responsibility through the Audit Committee of the Board. The Audit Committee meets with management, the internal auditors and the external auditors <u>XX</u> times a year.</p> <p>The corporation's internal auditor has the responsibility for assessing the management systems and practices of the corporation.</p> <p>The external auditors, (<i>name of firm</i>), conduct an independent examination, in accordance with generally accepted auditing standards, and express their opinion on the financial statements. Their examination does not relate to the other schedules and statements required by the Act. Their examination includes a review and evaluation of the corporation's system of internal control and appropriate tests and procedures to provide reasonable assurance that the financial statements are presented fairly. The external auditors have full and free access to the Audit Committee of the Board and meet with it on a regular basis.</p> <p>On behalf of (<i>corporation or municipality name</i>)</p> <p>_____ (signature)</p> <p>Name Title * Date</p> <p>* For municipalities, the officer assigned responsibility for financial administration signs</p> <p><input type="checkbox"/> Prepared pursuant to Financial Information Regulation, Schedule 1, section 9</p>
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## ACCESS TO FINANCIAL INFORMATION

➤ FIR, Schedule 1, section 10. Minister of Finance Directive, section 3.6

### *Reasonable Accommodation*

Reasonable accommodation must be provided to any individual who makes a request to examine the SOFI. Corporations must keep copies of the financial information for three years following the fiscal year reported on. Corporations are also authorized to provide public access to their SOFIs by posting them on an appropriate internet website or by other electronic means.

Members of the public are not required to pay the fee if they are willing to view the SOFI on the premises of the corporation. If the individual requests copies by mail, corporations should mail SOFIs on payment of the fee.

### *Severing Information*

➤ FIR, Schedule 1, subsection 10(3)

Under this section, the corporation may supply only the part of the SOFI that the member of the public desires, if that person is satisfied with this. The charge for a part of the SOFI is determined, in part, by the duplication fees as stated in the *Freedom of Information and Protection of Privacy Regulation* (excerpt included below). The fee cannot exceed \$5, which is the current fee under the FIR.

For instance, a common request is for the remuneration and expenses of a particular person. A photocopied page is less expensive for the member of the public. Corporations may be able to anticipate which parts will be in demand and duplicate them ahead of time. Excerpts should be accompanied by the approval page from the SOFI.

### *Legislative Library*

➤ Minister of Finance Directive, section 3.3

SOFIs are not to be forwarded to the Legislative Library until they materially comply with the requirements of the Act and the FIR. **Beginning with FIA corporations with December 31, 2002 fiscal year ends**, the Minister of Finance Directive requires ministries to submit completed SOFIs to the Legislative Library within seven months of their corporations' fiscal year ends.

Although SOFIs are to be forwarded to the Legislative Library by the ministry responsible, the Library is not intended to be a source of SOFIs for the public. This information is to be provided by the corporation or the ministry because the Legislative Library has limited access and does not have the resources to retrieve these reports for members of the public.

(The Legislative Library provides reference and research services to MLAs, their research staff, the Officers of the House, and legislative support staff. Provided there is no conflict with service to these primary users, the Library also assists provincial government employees, and in exceptional circumstances, members of the public.)

**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY REGULATION**

*Schedule of Maximum Fees*

<b>Description of Services</b>	<b>Management Fees</b>
1 For applicants other than commercial applicants:	
(a) for locating and retrieving a record	\$7.50 per 1/4 hour after the first 3 hours
(b) for producing a record manually	\$7.50 per 1/4 hour
(c) for producing a record from a machine readable record from a server or computer	\$7.50 per 1/4 hour for developing a computer program to produce the record
(d) for preparing a record for disclosure and handling a record	\$7.50 per 1/4 hour
(e) for shipping copies	actual costs of shipping method chosen by applicant
(f) for copying records	
(i) floppy disks	\$2 per disk
(ii) CDs and DVDs, recordable or rewritable	\$4 per disk
(iii) computer tapes	\$40 per tape, up to 2 400 feet
(iv) microfiche	\$3 per fiche
(v) microfilm duplication	\$25 per roll for 16 mm microfilm, \$40 per roll for 35 mm microfilm
(vi) microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
(vii) photographs, colour or black and white	\$5 to produce a negative \$12 each for 16" x 20" photograph \$9 each for 11" x 14" photograph \$4 each for 8" x 10" photograph \$3 each for 5" x 7" photograph
(viii) photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
(ix) dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
(x) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
(xi) scanned electronic copy of a paper record	\$0.10 per page
(xii) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each

(xiii) slide duplication	\$0.95 each
(xiv) audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per 1/4 hour of recording
(xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per 1/4 hour of recording

- 2 For commercial applicants for each service listed in Item 1: the actual cost to the public body of providing that service

[Provisions relevant to the enactment of this regulation: *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165, ss. 10 (1) (d), 25 (4), 26 (d), 30.1 (a), 32 (b), 33.1 (1) (b), 33.2 (f), 76 (1), (2) (b), (d), (e), (f), (g), (h), (h.1), (j) and (n) and (2.1) (a) and the definition of "social media site" in Schedule 1]

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## **REPORTING COMPLIANCE BY CORPORATIONS TO THE OFFICE OF THE COMPTROLLER GENERAL**

➤ Minister of Finance Directive, section 3.5

### ***Reporting Timelines***

FIA corporations have six months following their fiscal year end to comply with all of the reporting requirements under the Act and the FIR and to annually submit their SOFIs to the responsible ministry.

The corporation and the ministry must address deficiencies or missing information during the next (seventh) month following the corporation's fiscal year end. By the end of the seventh month, ministries must submit a copy of SOFIs for the fiscal period under review to the Legislative Library and report to the Office of the Comptroller General on compliance for that review period.

The new directive eliminated the May 31 annual ministry compliance report. Ministries are required to submit one or more FIA compliance reports, the timing of which is based on the fiscal year end(s) of the corporations for which the ministry is responsible.

### ***FIA Checklist***

A checklist has been prepared to assist corporations in meeting their FIA requirements and to assist ministries in reviewing SOFIs for compliance with the Act, the FIR and the Directive. Corporations must attach a copy of their checklist to the SOFI, and ministries must briefly review the SOFI and information presented on the checklist to ensure the corporation has complied.

### ***Compliance Memo***

Ministries are required to send a compliance memo to the Director, Financial Management Branch, that lists separately those corporations that have complied and those which have not. For those that have not complied, the memo must detail the reason for non-compliance, the action taken by the ministry to obtain the information, and an estimate of the completion date. Ministries are also required to submit a list of inactive corporations together with the date of inactivity.

As noted in the General Section:

If ministries do not have any corporations reporting to them which are subject to the *Financial Information Act*, a memo or e-mail must be sent to the Director, Financial Management Branch, Office of Comptroller General, stating "No corporations subject to the *Financial Information Act* report to the Ministry of \_\_\_\_\_."

A sample format is provided on the next page for ministries that must provide a detailed compliance report.

