



# Privacy Impact Assessment Appendix C

## Disclosure Authorities:

Sections 33 to 36 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) detail the authorities under which a public body may disclose personal information. If personal information moves in any way from one person to another the program must have an authority to disclose that information. Disclosures can include, but are not limited to: sharing, releasing, transferring, provision of access, publication, or divulging personal information. Please cite in your Privacy Impact Assessment the primary authorization(s) related to your initiative from the disclosure authority section below.

The list of disclosure provisions under FOIPPA is lengthy. For ease of use we have organized all of the disclosure provisions into common categories based on the purpose of the disclosure. For an ordered listing of disclosure authorities, please see sections 33-36 in FOIPPA [here](#).

Some authorities will appear more than once. Every instance where disclosure can only occur within Canada has been explicitly identified as “A public body may disclose personal information inside Canada only...”

### Table of Contents

[Disclosures with consent](#)

[Disclosures for a consistent purpose](#)

[Disclosures resulting from public events and dialogues](#)

[Disclosures to government officials](#)

[Disclosures for financial purposes](#)

[Disclosures for research purposes](#)

[Disclosures for health and safety](#)

[Disclosures under separate authorities](#)

[Disclosures for registration, administration and licensing](#)

[Disclosures for technical maintenance](#)

[Disclosures for archival reasons](#)

[Special disclosure authorities](#)

	<b>Disclosures with an individual’s consent or other authorizations</b>
33.1(1)(b)	If the individual the information is about has identified the information and consented, in the prescribed* manner, to its disclosure inside or outside Canada, as applicable
33.2(g)	<i>A public body may disclose personal information inside Canada only to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem</i>

# Privacy Impact Assessment

## Appendix C

33.2(h)	<i>A public body may disclose personal information inside Canada only to a representative of the bargaining agent, who has been authorized in writing by the employee whom the information is about, to make an inquiry</i>
33.1(7)	A public body may disclose personal information <u>to the individual</u> the information is about if (a) the individual has initiated contact with the public body about a matter and the public body is responding to that contact, (b) the public body discloses information only in respect of the matter, <b>and</b> (c) the public body use (i) the same communication method used by the individual to initiate contact, or (ii) another communication method authorized by the individual
	<b>Disclosures for a consistent purpose</b>
33.2(a)	<i>A public body may disclose personal information inside Canada only for the purpose for which it was obtained or compiled or for a use consistent with that purpose</i>
	<b>Disclosures resulting from public events and/or dialogues</b>
33.1(1)(q)	If the information was collected by observation at a presentation, ceremony, performance, sports meet or similar event (i) at which the individual voluntarily appeared, <b>and</b> (ii) that was open to the public
33.1(1)(r)	If the information (i) was disclosed on a <u>social media site</u> by the individual the information is about, (ii) is obtained or compiled by the public body for the purpose of enabling the public body to engage individuals in public discussion or promotion respecting proposed or existing initiatives, policies, proposals, programs, or activities of the public body or respecting legislation relating to the public body, <b>and</b> (iii) is disclosed for a use that is consistent with the purpose described in subparagraph (ii)
	<b>Disclosures to government officials</b>
33.1(1)(e)	To an individual who is a <u>minister, an officer of the public body or an employee</u> of the public body other than a service provider, if (i) the information is necessary for the performance of the duties of the minister, officer or employee, <b>and</b> (ii) in relation to disclosure outside Canada, the outside disclosure is necessary

# Privacy Impact Assessment

## Appendix C

	because the individual is temporarily travelling outside Canada.
33.1(1)(e.1)	To an individual who is a <u>service provider</u> of the public body, or an employee or associate of such a service provider, if (i) the information is necessary for the performance of the duties of the individual in relation to the public body, <b>and</b> (ii) in relation to disclosure outside Canada (A) the individual normally received such disclosure only inside Canada for the purpose of performing those duties, <b>and</b> (B) the outside disclosure is necessary because the individual is temporarily travelling outside Canada.
33.1(1)(f)	To an officer or employee of the public body or to a minister, if the information is immediately necessary for the protection of the health or safety of the officer, employee or minister
33.1(1)(g)	To the <u>Attorney General or legal counsel</u> for the public body, for the purpose of preparing or obtaining legal advice for the government or public body or for use in civil proceedings involving the government or public body
33.1(1)(h)	To the <u>minister responsible for the Coroners Act</u> or a person referred to in section 31(1) of that Act, for the purposes of that Act
33.2(c)	<i>A public body may disclose personal information inside Canada only to an officer or employee of the public body or to a minister, if the information is necessary for the performance of the duties of the officer, employee, or minister</i>
33.2(d)	<i>A public body may disclose personal information inside Canada only to an officer or employee of (i) a public body, or (ii) an agency, or to a minister, if the information is necessary for the delivery of a common or integrated program* or activity and for the performance of the duties, respecting the common or integrated program or activity, of the officer, employee or minister to whom the information is disclosed</i>
33.2(e)	<i>A public body may disclose personal information inside Canada only to an officer or employee of a public body or to a minister, if the information is necessary for the protection of the health or safety of the officer, employee or minister</i>
33.2(f)	<i>A public body may disclose personal information inside Canada only to the auditor general or any other prescribed* person or body for audit purposes</i>
33.2(g)	<i>A public body may disclose personal information inside Canada only to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem</i>

# Privacy Impact Assessment

## Appendix C

33.2(h)	<i>A public body may disclose personal information inside Canada only to a <u>representative of the bargaining agent</u>, who has been authorized in writing by the employee whom the information is about, to make an inquiry</i>
33.2(i)	<i>A public body may disclose personal information inside Canada only to a <u>public body or a law enforcement agency</u> in Canada to assist in a specific investigation (i) undertaken with a view to a law enforcement proceeding, or (ii) from which a law enforcement proceeding is likely to result</i>
33.2(j)	<i>A public body may disclose personal information inside Canada only to the <u>archives</u> of the government of B.C. or the archives of a public body, for archival purposes</i>
33.2(l)	<i>A public body may disclose personal information inside Canada only to an <u>officer or employee of a public body or to a minister</u>, if the information is necessary for the purposes of planning or evaluating a program or activity of a public body</i>
	<b>Disclosures for financial purposes</b>
33.1(1)(a.1)	If the information or disclosure is of a type described in section 22(4)(e), (f), (h), (i), or (j)
	22(4)(f): the disclosure reveals the financial details of a contract to supply goods or services to a public body
	22(4)(h): the information is about expenses incurred by the third party while travelling at the expense of a public body
	22(4)(j): the disclosure, in respect of a discretionary benefit of a financial nature granted to a third party by a public body, not including personal information referred to in subsection (3)(c), reveals any of the following with respect to the benefit: (i) the name of the third party to whom the benefit applies; (ii) what the benefit grants to the third party; (iii) the date the benefit was granted; (iv) the period of time the benefit is valid; (v) the date the benefit ceases.
33.1(1)(i)	If (i) the disclosure is for the purposes of collecting amounts owing to the government of B.C. or a public body by (A) an individual (B) a corporation of which the individual the information is about is or was a director or officer, <b>and</b> (ii) in relation to disclosure outside Canada, there are reasonable grounds for

# Privacy Impact Assessment

## Appendix C

	believing that (A) the individual the information is about is in, resides in or has assets in the other jurisdiction, or (B) if applicable, the corporation was incorporated in, is doing business in or has assets in the other jurisdiction.
33.1(1)(i.1)	For the purposes of (i) a payment to be made to or by the government of B.C. or a public body, (ii) authorizing, administering, processing, verifying or cancelling such a payment, or (iii) resolving an issue regarding such a payment.
	<b>Disclosures for research or evaluation purposes</b>
33.1(1)(s)	In accordance with section 35 [disclosure for research or statistical purpose]
35	A public body may disclose personal information in its custody or under its control for a research purpose, including statistical research, only if a research agreement binding the researcher(s) to the criteria established in section 35
33.2(l)	<i>A public body may disclose personal information inside Canada only</i> to an officer or employee of a public body or to a minister, if the information is necessary for the purposes of planning or evaluating a program or activity of a public body
33.2(f)	<i>A public body may disclose personal information inside Canada only</i> to the <u>auditor general</u> or any other prescribed* person or body for audit purposes
	<b>Disclosures for health and safety</b>
33.1(1)(f)	<u>To an officer or employee of the public body or to a minister</u> , if the information is immediately necessary for the protection of the health or safety of the officer, employee or minister
33.1(1)(m)	If (i) the head of the public body determines that compelling circumstances exist that affect anyone's health or safety, <b>and</b> , (ii) notice of disclosure is mailed to the last known address of the individual the information is about, unless the head of the public body considers that giving this notice could harm someone's health or safety.
33.1(1)(m.1)	For the purposes of reducing the risk that an individual will be victim of domestic violence, if domestic violence is reasonably likely to occur.
33.1(1)(n)	So that the next of kin or a friend of an injured, ill or deceased individual may be contacted.

# Privacy Impact Assessment

## Appendix C

33.2(e)	<i>A public body may disclose personal information inside Canada only to an officer or employee of a public body or to a minister, if the information is necessary for the protection of the health or safety of the officer, employee or minister</i>
	<b>Disclosures under separate authorities or legal instruments</b>
33.1(1)(a)	In accordance with Part 2 [of the <i>Freedom of Information and Protection of Privacy Act</i> ]
33.1(1)(c)	In accordance with an enactment of B.C., other than FOIPPA, or Canada that authorizes or requires its disclosure
33.1(1)(c.1)	If it is made available to the public in B.C. under an enactment, other than this Act, that authorizes or requires the information to be made public.
33.1(1)(d)	In accordance with a provision of a treaty, arrangement or written agreement that (i) authorizes or requires its disclosure, <b>and</b> (ii) is made under an enactment of B.C., other than the FOIPP Act, or Canada
33.1(1)(t)	to comply with a subpoena, a warrant, or an order issued or made by a court, person or body in Canada with jurisdiction to compel the production of information
33.3(1)	A public body may disclose to the public a record that is within a category of records established under section 71(1) of FOIPPA.
33.3(2)	A ministry may disclose to the public a record that is within a category of records established under section 71.1(1) of FOIPPA.
	<b>Disclosures for registration, administration and licensing</b>
33.1(1)(a.1)	If the information or disclosure is of a type described in section 22(4)(e), (f), (h), (i), or (j)
	22(4)(e): the information is about the third party's position, functions or remuneration as an officer, employee, or member of a public body or as a member of a minister's staff
	22(4)(i): the disclosure, in respect of (i) a licence, a permit or any other similar discretionary benefit, or (ii) a degree, a diploma or a certificate, reveals any of the following with respect to the applicable item in subparagraph (i) or (ii): (iii) the name of the third party to whom the item applies;

# Privacy Impact Assessment

## Appendix C

	<p>(iv) what the item grants or confers on the third party or authorizes the third party to do;</p> <p>(v) the status of the item;</p> <p>(vi) the date the item was conferred or granted;</p> <p>(vii) the date the item expires; or</p>
33.1(1)(k)	For the purposes of (i) licensing or registration of motor vehicles or drivers, or (ii) verification of motor vehicle insurance, motor vehicle registration or drivers licences.
33.1(1)(l)	For the purposes of licensing, registration, insurance, investigation or discipline of persons regulated inside or outside Canada by governing bodies of professions and occupations.
	<b>Disclosures for technical maintenance</b>
33.1(1)(p)	<p>The disclosure (i) is necessary for</p> <p>(A) installing, implementing, maintaining, repairing, trouble shooting or upgrading an electronic system or equipment that includes an electronic system, or</p> <p>(B) data recovery that is being undertaken following failure of an electronic system that is used in Canada by the public body or by a service provider for the purposes of providing services to a public body, <b>and</b></p> <p>(ii) in the case of disclosure outside Canada,</p> <p>(A) is limited to temporary access and storage for the minimum amount of time necessary for that purpose, <b>and</b></p> <p>(B) in relation to data recovery under subparagraph (i)(B), is limited to access and storage only after the system failure has occurred.</p>
	<b>Disclosures for archival reasons</b>
33.1(1)(o)	In accordance with section 36 (disclosure for archival or historical purposes).
36	<p>The archives of the government of B.C., the archives of a public body, or a board or a francophone education authority (as defined in the School Act) may disclose personal information in its custody or under its control for archival or historical purposes as authorized by section 36, if:</p> <p>(a) the disclosure would not be an unreasonable invasion of personal privacy under section 22,</p> <p>(b) the disclosure is for historical research and is in accordance with section 35,</p> <p>(c) the information is about someone who has been dead for 20 or more years, or</p> <p>(d) the information is in a record that has been in existence for 100 or more years.</p>
33.2(j)	<i>A public body may disclose personal information inside Canada only to the archives of the government of B.C. or the archives of a public body, for archival</i>



# Privacy Impact Assessment

## Appendix C

	purposes
	<b>Special disclosure authorities</b>
33.1(4)	ICBC may disclose personal information if (a) the information was obtained or compiled by ICBC for the purposes of insurance provided by the public body, and (b) disclosure of the information is necessary to investigate, manage or settle a specific insurance claim
33.1(5)	A provincial identity information services provider (PIISP) may disclose personal identity information (a) to enable the PIISP to provide services under section 69.2, or (b) to a public body if the disclosure is necessary to enable the public body to identify an individual for the purpose of providing service to the individual.
33.1(6)	A public body may disclose personal identity information to a PIISP if the disclosure is necessary to enable (a) the public body to identify an individual for the purpose of providing a service to the individual, or (b) the PIISP to provide services under section 69.2

\*Relevant definitions:

**Prescribed:** means prescribed by FOIPPA regulation.

**Consistent purpose:** A use of personal information is consistent with the purpose for which the information was obtained or compiled is the use (a) has a reasonable and direct connection to that purpose, and (b) is necessary for performing the statutory duties of, or for operating a program or activity of, the public body that uses or discloses the information.

**Common or Integrated Program or Activity:** Means a program or activity that (a) provides one or more services through (i) a public body and one or more other public bodies or agencies working collaboratively, or (ii) one public body working on behalf of another public body or agency, and (b) is confirmed by regulation as being a common or integrated program or activity.

**Law enforcement:** means (a) policing, including criminal intelligence operations, (b) investigations that lead or could lead to a penalty or sanction being imposed, or (c) proceedings that lead or could lead to a penalty or sanction being imposed.