



Delegation of duties, powers and functions of the head of the public body under the *Freedom of Information and Protection of Privacy Act* – Broader Public Sector

BEFORE YOU BEGIN

This delegation instrument template is designed to assist public bodies in the broader public sector in British Columbia in delegating duties, powers or functions of the head of the public body under section 66 of the *Freedom of Information and Protection of Privacy Act* (the Act).

A brief description for each transaction is provided. It is important to note that these refer to all duties and powers as set out in each of the sections of the Act. For example, in the case of sections 12-22.1, the head may refuse to disclose certain kinds of information but must not refuse to disclose other types of information. A user should therefore refer to the Act as necessary to complete the attached schedule.

Public bodies should delete any transactions that they do not wish to delegate.

Heads of police boards should be aware that, under s. 49(1.2), they may not delegate the authority to make a request to the Information and Privacy Commissioner under s. 49(1.1)(b).

Special Note regarding section 16

Under s. 16(2)(a), the Attorney General may give consent for disclosure of law enforcement information that falls under section 16(1). The Executive Council can give consent under s. 16(2)(b) for disclosure of other types of information that fall under section 16(1).

If you have Questions

Public bodies may call the Privacy and Access Helpline at 250 356-1851 or send an email to CPIAdmin@gov.bc.ca if they have any questions about this schedule.



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A. DELEGATION BY THE HEAD OF THE PUBLIC BODY

Full name of public body

Pursuant to section 66 of the *Freedom of Information and Protection of Privacy Act* (the Act), I hereby delegate my powers, duties and functions as head of the public body to the persons who hold the positions, and to the extent, set out in the attached Schedule, subject to the following conditions:

- (a) that the persons to whom my powers, duties or functions are delegated are bound in the exercise of those powers, duties or functions by the jurisdictional, legislative and administrative limitations to which I am subject;
- (b) that the powers, duties or functions delegated to any person may also be exercised by another person who holds the person's position in an acting capacity to which he or she has been duly appointed;
- (c) that, notwithstanding the delegation of my powers, duties or functions, I may exercise at any time any of the powers, duties or functions delegated.

This delegation is effective on and from the date shown below and shall remain in effect until revoked.

This delegation may be revoked or amended from time to time.

<i>Name and position title of the head of the public body</i>	Signature	Date
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B. SCHEDULE

This Schedule sets out the lowest level positions of individuals to whom powers, duties and functions of the head of a public body which is not a ministry are delegated.

This does not in any way limit the authority of individuals in positions directly above the listed positions from exercising any of the delegated powers, duties or functions in their areas of responsibility.

TRANSACTION	SECTION	NAME OF POSITION & IF APPLICABLE, NAME OF PUBLIC BODY
INFORMATION RIGHTS		
Duty to assist applicants Duty to assist applicants and create a record from a machine readable record	6	
Time limits for responding Must respond no later than 30 business days, with limited exceptions	7	
Contents of response Must tell applicant of entitlement to access to records. If access refused, tell applicant the reasons, subject to s. 8(2), and of the right to request a review	8	
How access will be given Must provide copies or allow examination of original records	9	
Extending the time limit for responding Must tell applicant of reason for extension, when a response can be expected and right to complain	10	
Transferring a request May transfer a request and, if necessary, a record within 20 days	11	
EXCEPTIONS		
Cabinet confidences Must refuse to disclose information revealing the substance of deliberations of the Executive Council or any of its committees	12(1)	

TRANSACTION	SECTION	NAME OF POSITION & IF APPLICABLE, NAME OF PUBLIC BODY
<p>Local public body confidences</p> <p>May refuse to disclose draft resolutions, bylaws or other legal instruments or substance of deliberations of meetings of elected officials, governing body or a committee of governing body</p>	12(3)	
<p>Policy advice or recommendations</p> <p>May refuse to disclose advice or recommendations developed by or for a public body or a minister</p>	13	
<p>Solicitor client privilege</p> <p>May refuse to disclose information subject to solicitor client privilege</p>	14	
<p>Disclosure harmful to law enforcement</p> <p>May refuse to disclose information which could reasonably be expected to harm law enforcement</p>	15	
<p>Disclosure harmful to intergovernmental relations or negotiations</p> <p>May refuse to disclose information that could harm relations between the government of B.C. and other governments, including aboriginal governments</p>	16	
<p>Disclosure harmful to financial or economic interests of a public body</p> <p>May refuse to disclose information harmful to financial or economic interests of a public body or the government of B.C.</p>	17	
<p>Disclosure harmful to the conservation of heritage sites, etc.</p> <p>May refuse to disclose information that could damage or interfere with the conservation of fossil sites, heritage sites or endangered species</p>	18	
<p>Disclosure harmful to individual or public safety</p> <p>May refuse to disclose information which could threaten anyone else's safety or mental or physical health or interfere with public safety, or could cause applicant immediate and grave harm</p>	19	

TRANSACTION	SECTION	NAME OF POSITION & IF APPLICABLE, NAME OF PUBLIC BODY
<p>Information that will be published or released within 60 days</p> <p>May refuse to disclose information that will be published or released to the public within 60 days of receipt of the applicant's request, or that must be published or released to the public under an enactment</p>	20	
<p>Disclosure harmful to business interests of a third party</p> <p>Must refuse to disclose trade secrets, commercial, financial, labour relations or scientific information of or about a third party, that was supplied in confidence, and disclosure of which could cause harm to the third party</p>	21	
<p>Disclosure harmful to personal privacy</p> <p>Must refuse to disclose information that would be an unreasonable invasion of a third party's personal privacy</p>	22	
<p>Disclosure of information relating to abortion services</p> <p>Must refuse to disclose information that relates to the provision of abortion services</p>	22.1(2)	
NOTICE TO THIRD PARTIES		
<p>Notice to third party and applicant</p> <p>Public body must give third party a written notice when it intends to give access to a record containing information that it has reason to believe might be excepted from disclosure under s. 21 or 22 and may give third party notice when it intends to refuse access to information pursuant to s. 21 or s. 22</p>	23	
<p>Time limit and notice of decision</p> <p>Must decide within 30 days after notice is given under s. 23 to give access to all or part of record, provide applicant and third party with written notice of decision and tell third party of right to request a review</p>	24	

TRANSACTION	SECTION	NAME OF POSITION & IF APPLICABLE, NAME OF PUBLIC BODY
<i>PUBLIC INTEREST PARAMOUNT</i>		
<p>Information must be disclosed if in the public interest</p> <p>Must disclose information about a risk of significant harm to environment or to health or safety of public or group of people or disclosure of which is clearly in public interest</p>	25	
<i>PROTECTION OF PRIVACY</i>		
<p>Right to request correction of personal information</p> <p>Must correct or annotate applicant's personal information on request</p>	29	
<p>Obligation to report foreign demand for disclosure</p> <p>Must notify the minister responsible for this Act if a foreign request for disclosure is received or unauthorized disclosure of personal information has occurred in response to a foreign demand for disclosure</p>	30.2(2)	
<p>Notification of unauthorized disclosure</p> <p>Receive notification of unauthorized disclosure of personal information</p>	30.5(2)	
<p>Disclosure inside or outside Canada in compelling circumstances</p> <p>Determine that compelling circumstances exist affecting anyone's personal health or safety</p>	33.1(1)(m)	
<p>Disclosure inside or outside Canada for research or statistical purposes</p> <p>May approve conditions related to security and confidentiality, removal or destruction of individual identifiers and prohibition of subsequent use or disclosure of personal information</p>	35(1)(c)	

TRANSACTION	SECTION	NAME OF POSITION & IF APPLICABLE, NAME OF PUBLIC BODY
<p>Power to authorize a public body to disregard requests</p> <p>May ask commissioner for authorization to disregard requests that are frivolous or vexatious or would unreasonably interfere with operations of the public body due to their repetitious or systemic nature</p>	43	
<p>Powers of commissioner in conducting investigations, audits or inquiries</p> <p>May require commissioner to examine original record at its site</p>	44(4)	
REVIEWS & COMPLAINTS		
<p>Burden of Proof</p> <p>Must prove that an applicant has no right of access to a record in full or in part</p>	57(1)	
<p>Duty to comply with orders</p> <p>Must comply with order of commissioner under s. 54.1 or s. 58</p>	59(1) & 59(1.1)	
GENERAL PROVISIONS		
<p>Respecting use of Personal Information</p> <p>Must conduct a privacy impact assessment in accordance with directions of Minister responsible for this Act</p>	69(5.3)	
<p>Must submit a privacy impact assessment for any proposed enactment, system, project, program or activity to Minister responsible for this Act</p>	69(5.4)	
<p>Must notify commissioner of data-linking initiative or common or integrated program or activity</p>	69(5.5)	
<p>Must make available to public a directory listing its personal information banks</p>	69(6)	
<p>Policy manuals available without request</p> <p>Must make available policy manuals, instructions, guidelines, or substantive rules or policy statements adopted by public body</p>	70	

TRANSACTION	SECTION	NAME OF POSITION & IF APPLICABLE, NAME OF PUBLIC BODY
Records available without request Must establish categories of records available to public without request for access under the Act	71	
Recovery of personal information May issue written notice demanding that a person or entity return information, securely destroy information or respond in writing to declare they are authorized by law to possess this information	73.1	
Court order for return of personal information May ask Attorney General to petition superior court for order requiring return of personal information	73.2	
Fees May require payment of fee	75(1)	
Must provide written fee estimate and may set amount of deposit required	75(4)	
May excuse all or part of fee	75(5)	
Must respond in writing to the applicant's fee waiver request within 20 days	75(5.1)	