
SAMPLE DELEGATION INSTRUMENT

Delegation of authority under the
Freedom of Information and Protection of Privacy Act
and regulations thereunder

[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 to the persons who hold the positions, and to the extent, set out in the Schedule, attached, 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.

Dated at _____, BC this _____ day of _____, 201__

_____ Signature of Head of Public Body

SCHEDULE TO DELEGATION INSTRUMENT

This Schedule sets out the lowest level positions of individuals to whom powers, duties, and functions of the head 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 & NAME OF PUBLIC BODY |
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| <i>INFORMATION RIGHTS</i> | | |
| Duty to assist applicants All duties and powers set out in this section | 6 | |
| Time limits for responding All duties and powers set out in this section | 7 | |
| Contents of response All duties and powers set out in this section | 8 | |
| How access will be given All duties and powers set out in this section | 9 | |
| Extending the time limit for responding All duties and powers set out in this section | 10 | |
| Transferring a request All duties and powers set out in this section | 11 | |
| <i>EXCEPTIONS</i> | | |
| Cabinet and local public body confidences Must refuse to disclose to applicant | 12(1) | |
| May refuse to disclose to applicant | 12(3) | |
| Policy advice or recommendations All duties and powers set out in this section | 13 | |
| Legal Advice All duties and powers set out in this section | 14 | |
| Disclosure harmful to law enforcement All duties and powers set out in this section | 15 | |
| Disclosure harmful to intergovernmental relations or negotiations All duties and powers set out in this section | 16 | |
| Disclosure harmful to the financial or economic interests of a public body All duties and powers set out in this section | 17 | |
| Disclosure harmful to the conservation of heritage sites, etc. All duties and powers set out in this section | 18 | |
| Disclosure harmful to individual or public safety All duties and powers set out in this section | 19 | |
| Information that will be published or released within 60 days All duties and powers set out in this section | 20 | |
| Disclosure harmful to business interests of a third party All duties and powers set out in this section | 21 | |
| Disclosure harmful to personal privacy All duties and powers set out in this section | 22 | |

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| Disclosure of information relating to abortion services Must refuse to disclose information to applicant | 22.1(2) | |
| NOTICES TO THIRD PARTIES | | |
| Notifying the third party All duties and powers set out in this section | 23 | |
| Time limit and notice of decision All duties and powers set out in this section | 24 | |
| PUBLIC INTEREST PARAMOUNT | | |
| Information must be disclosed if in the public interest All duties and powers set out in this section | 25 | |
| PROTECTION OF PRIVACY | | |
| Right to request correction of personal information All duties and powers set out in this section | 29 | |
| Obligation to report foreign demand for disclosure Notification of minister responsible for Act | 30.2(2) | |
| Notification of unauthorized disclosure Receive notifications of unauthorized disclosure | 30.5 | |
| Disclosure inside or outside Canada Determination that compelling circumstances exist | 33.1(1)(m) | |
| Power to authorize a public body to disregard requests Ask the commissioner to disregard requests | 43 | |
| Powers of commissioner in conducting investigations, audits or inquiries Require commissioner to view document at site | 44(4) | |
| REVIEWS & COMPLAINTS | | |
| Duty to comply with orders Must comply with order of commissioner | 59(1) | |
| GENERAL PROVISIONS | | |
| General information respecting the use of personal information Must correct errors/omissions in directory | 69(4) | |
| Must conduct privacy impact assessment | 69(5) | |
| Must prepare an information sharing agreement | 69(5) | |
| Must make directory available for inspection | 69(6) | |
| Policy manuals available without request All duties and powers set out in this section | 70 | |
| Records available without request All duties and powers set out in this section | 71 | |
| Fees Require payment of fee | 75(1) | |
| Excuse all or part of fee | 75(5) | |
| Must respond in writing within 20 days | 75(5.1) | |

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| MINISTERIAL ORDER AUTHORIZING DISCLOSURE OF PERSONAL INFORMATION THROUGH SOCIAL MEDIA SITES OUTSIDE OF CANADA (MO – 030 (December 17, 2009)) | | |
| Must be satisfied that personal information was obtained or compiled for the purpose of enabling the public body to engage with individuals inside and outside of British Columbia respecting proposed or existing initiatives, policies, proposals, programs, and legislation. | 1(b)(i) | |
| Must be satisfied that disclosure would be consistent with subparagraph (i) | 1(b)(ii) | |