

Guidelines for MLAs and Constituency Assistants obtaining personal information from a public body

1. What is the Certificate of Authority?

The [Certificate of Authority](#) is used by Members of the Legislative Assembly (MLAs) and their constituency offices to indicate to a public body that an individual has requested an MLA's assistance and that the public body may disclose personal information about that individual to the MLA. Pursuant to section 33.2(g), the [Freedom of Information and Protection of Privacy Act \(FOIPPA\)](#) provides that a public body may disclose personal information inside Canada "to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem".

Section 33.2(g) of FOIPPA only applies to situations where an individual is requesting assistance in resolving a problem about themselves. The Certificate of Authority does not permit a public body to disclose personal information to an MLA if they have been requested by a third party to assist in resolving a problem (e.g. a parent acting on behalf of their child, or an adult acting on behalf of their elderly parent).

2. In addition to the Certificate of Authority, is consent from the individual necessary?

No, if the information requested by the MLA or their Constituent Assistant is about the individual who has directly requested the MLA's support, there is no documentation beyond the Certificate of Authority necessary. Section 33.2(g) of [FOIPPA](#) allows disclosure without consent in the circumstance.

3. When is it appropriate for a public body to disclose information to an MLA or the Constituent Assistant based on the Certificate of Authority?

The [Certificate of Authority](#) is appropriate when an individual directly requests the support of an MLA. In all other cases, a public body must not disclose personal information to an MLA unless there is appropriate consent in place.

4. When does a public body require consent to disclose personal information to an MLA or the Constituent Assistant?

A public body would require consent, if an individual requests support from an MLA that would require the public body to disclose personal information relating to a third party (e.g. a parent, spouse or child). This may be because an individual is unable to directly request the support of an MLA themselves (e.g. due to hospitalization) or may be incapable of consent (e.g. a young child).

In these instances, the Certificate of Authority is not the appropriate tool. Instead, the MLA or the Constituent Assistant must provide that public body with a copy of the third party's valid consent. This consent must comply with section 33.1(1)(b) of FOIPPA. Please refer to the [consent form](#).

5. What should an MLA or their Constituent Assistant do, if someone is asking for assistance relating to a third party (e.g. spouse, children, or elderly parents)?

If an individual cannot directly request the assistance of an MLA, a consent form should be completed. The consent form should be completed by the person who the information is about, unless FOIPPA provides direction otherwise (e.g. a parent acting on behalf of an infant who is unable to provide consent). Please refer to the [consent form](#).

The third party should bring the completed consent form to the MLA's office. The MLA or the Constituent Assistant will then provide this consent to the public body in order to request that the public body disclose the necessary personal information.

6. Can the Certificate of Authority be used by constituency offices with all ministries?

Yes.

7. Can an MLA use the Certificate of Authority to obtain personal information on behalf of an individual requesting assistance from other government agencies such as Health Authorities?

Yes. A [Certificate of Authority](#) provides discretionary authorization under section 33.2(g) for a public body, as defined under FOIPPA, to disclose personal information to an MLA or Constituent Assistant. This is not limited to government ministries only.

8. What happens if an individual received assistance from a constituency office and, a few months later, that same individual returns for further assistance? Does the certificate or consent that was completed a few months ago still apply, or does a new one need to be prepared every time an individual requests assistance?

Certificate of authority

- *If the issue is unchanged from a few months ago, the existing certification document may be used.*
- *If the issue is different from that documented on the existing form, there are two options:*
 - a. *Text referencing the new issue would either have to be added to the existing form as part of the problem description; or*
 - b. *A new form would need to be completed identifying the new issue.*

Third party consent

- *A completed consent form should indicate the duration and the purposes for which that consent is valid. If consent is no longer valid, an additional consent form must be sought.*

9. Does the Information and Privacy Commissioner agree with this protocol?

The Office of the Information and Privacy Commissioner proposed this process in 2008 and reviewed the 2017 update to the forms.

10. Does the MLA or their Constituency Assistant need to sign anything?

Yes, the [Certificate of Authority form](#) includes a space for the MLA or their Constituent Assistant to sign the form and print his/her name.

Neither the MLA nor the Constituency Assistant signs the consent form, if an individual is requesting support related to a third party.

11. Whom do we call, if we have issues with this process?

MLAs and their Constituent Assistant should not submit a request for information to a public body with incomplete documentation. Instead, they may seek guidance from the Privacy and Access Helpline or from the public body itself.

If an MLA or their Constituent Assistant has any further questions regarding the [Certificate of Authority](#) or what is required to obtain valid consent, please contact the Privacy, Compliance and Training Branch via the Privacy and Access Helpline, at 250 356-1851, or Privacy.Helpline@gov.bc.ca.