

Freedom of Information and Protection of Privacy Act (FIPPA)

Summary

The purpose of this Act is to provide Tsawwassen Members and other “qualifying persons” with access to information in the custody and control of a Tsawwassen Institution (defined as Tsawwassen Government, and any body, board or commission it may establish); and to mandate the protection of personal information that is collected by a Tsawwassen Institution. Except in relation to personal information, the Act applies to information created after April 3, 2009.

The Act requires that access to information requests be made in writing to the Chief Administrative Officer, who must respond within a specified time period. If the applicant is not a Tsawwassen Member, the CAO will determine if they can be considered a “qualifying person” under the Act, meaning a person who is “directly and significantly affected by information contained in a record in the custody or under the control of a Tsawwassen Institution”. Once an application is received, the CAO must advise the applicant if there are any records related to the request and how access to those records will be given, within the specified time period.

The Act provides several exceptions to disclosure – information that falls under one of these exceptions may be withheld from disclosure even if it is relevant to a request. The exceptions to disclosure in FIPPA are similar to the exceptions that exist in other provincial FOI legislation, including but not limited to: personal information about someone other than the applicant; information related to law enforcement matters or prosecutions; information protected by solicitor client privilege; confidential financial information about a Tsawwassen Institution or a third party; and confidential information related to negotiations or intergovernmental relations.

The Act stipulates that personal information can only be collected if it is required for the operation of a Tsawwassen Institution, is collected for purposes of law enforcement, or its collection is authorized by a Tsawwassen law. Personal information can only be used for the purposes for which it was collected, or for uses consistent with that purpose, or if the individual about whom the information is about consents to its use. The Act also provides persons with the right to request that personal information be corrected.

The Executive Council may authorize the CAO to disregard requests for information that would unreasonably interfere with the operations of a Tsawwassen Institution because those requests are: (a) repetitious or systematic; or are (b) frivolous or vexatious.

Finally, a person who makes an access to information request has the right to request a review by the Judicial Council of a decision, act or failure to act by the CAO in respect of their request. Furthermore, if a person believes that their personal information was improperly collected, used, disclosed, retained or disposed of, they may also file a complaint with the Judicial Council.