



TSAWWASSEN FIRST NATION
s̓cəwaθən məsteyəx^w

Freedom of Information and Protection of Privacy Act

ACCESS TO INFORMATION REGULATION

Date Enacted: 14 April 2010

Order Number: O.016-2010

This version of the Regulation is not the official version, and is for informational purposes only. Persons who need to rely on the text of the Regulation for legal or other purposes may access the official version held in the TFN Laws Registry by contacting the TFN Administration Office at (604) 943-2112.

Table of Regulation Changes

Section(s) Amended	Date	Order number

Contents

1. Authority	2
2. Definitions.....	2
3. Making an access to information request.....	2
4. Availability of application forms	2
5. Making an application to access information on behalf of another person.....	2
6. Power to disregard requests	3
7. Fees.....	3
8. Records available without request.....	3
Schedule A	4

Authority

1 This regulation is made under the *Freedom of Information and Protection of Privacy Act*.

Definitions

- 2 (1) In this regulation,
 “**Act**” means the *Freedom of Information and Protection of Privacy Act*.
- (2) Unless specifically provided otherwise in these regulations, the terms used have the same meaning as defined in the Act.

Making an access to information request

- 3 (1) An individual who is seeking to obtain access to a record must apply, in writing, by
- (a) filling in the form prescribed in Schedule A [*Access to Information Request*]; or
 - (b) writing a request that
 - (i) contains sufficient detail to enable the chief administrative officer to, with reasonable effort, identify the record sought, and
 - (ii) indicates whether the request is for a copy of a record or to examine an official government record; and
- submitting the form outlined in paragraph (a) or the request outlined in paragraph (b), as the case may be, to the chief administrative officer.
- (2) A written request for access to a record may be
- (a) sent by post,
 - (b) hand delivered, or
 - (c) emailed
- to the chief administrative officer.
- (3) An individual may make an oral request to access a record provided that the request is made directly to the chief administrative officer and the applicant provides the chief administrative officer with the requisite information set out in section 3 (1) paragraph (b).
- (4) Upon receipt of an oral request, the chief administrative officer must record the information provided by the applicant in subsection (3) in writing.

Availability of application forms

4 Individuals may obtain the form prescribed in Schedule A [*Access to Information Request*] from the chief administrative officer, the administration office, a department director or manager, or from the Tsawwassen First Nation website.

Making an application to access information on behalf of another person

- 5 The right to access a record under section 6 of the Act may be exercised by an individual on behalf of a Tsawwassen Member or a qualifying person provided that the individual has written proof that he or she is acting:
- (a) on behalf of an individual under 19 years of age, by the individual's parent or guardian if the individual is incapable of exercising those rights; or

- (b) on behalf of an individual who has a committee,¹ by the individual's committee.

Power to disregard requests

- 6 The chief administrative officer may disregard requests for information under the Act that would unreasonably interfere with the operation of a Tsawwassen Institution because those requests are
- (a) repetitious or systematic in nature, or
 - (b) frivolous or vexatious

Fees

- 7 Each applicant is subject to the following fees related to the processing and handling of an access request made under section 3:
- (a) \$5 administrative fee per application; and
 - (b) \$7.50 for every 15 minutes of work related to the application after the first five (5) hours.

Records available without request

- 8
- (1) The chief administrative officer or designate may prescribe categories of records that are in the custody or under the control of a Tsawwassen Institution and are available to the public, on demand, without the need for a formal request for access under the Act.
 - (2) The chief administrative officer may require a person who asks for a copy of an available record to pay the \$5.00 administrative fee set out in section 7 (a).
 - (3) Subsection (1) does not limit the discretion of a Tsawwassen Institution to release records that do not contain personal information.

¹ Committee means an individual designated as the guardian of a person that has been found mentally incapable of handling his or her affairs.

Schedule A



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Access to Information Request Form

Step 1

To apply for information under the *Freedom of Information and Protection of Privacy Act* complete this form or a written request (email or on paper). If the request is mailed, send to:
ATTN: CAO
1926 Tsawwassen Dr.
Tsawwassen, BC
V4M 4G2

Step 2

Submit the form or request to the chief administrative officer and enclose \$5.00 in cash or a \$5.00 money-order or cheque payable to Tsawwassen First Nation.
Note: your request will not be considered unless you submit the application fee.

Step 3

When you receive an answer to your information request, review the information to determine whether you wish to request the Judicial Council review any decision, act or failure to act relating to your information request.

Step 4

Once you submit a request you can expect to hear from the CAO within 5 days with an estimate of the cost of the request. If you choose to proceed with a request, you can expect to hear a final response within 45 days.

Note: After the first 5 hours of work involved in the response (which are provided by TFN at no cost), applicants will be charged \$7.50/quarter hour. Also note that under certain circumstances, the CAO may extend the time required to respond beyond 45 days.

Provide details regarding the information being sought:

Method of access preferred:
(check one)

Copies of record

Examine record

Name of applicant and Member # (if applicable):

Street, address, apartment:

Province

Postal Code

Telephone number

If you are not a Tsawwassen Member, please indicate how you feel that you are directly and significantly affected by information contained in the record you are seeking to access:

The personal information on this form is collected under section 15 of the *Freedom of Information and Protection of Privacy Act*. The information will be used to process access requests. If you have any questions about the collection or use of this information, please contact the CAO at 604-943-2112.