

# FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

## [RSBC 1996] CHAPTER 165

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# Part 1 — Introductory Provisions

## Definitions

1 Schedule 1 contains definitions of terms used in this Act.

## Purposes of this Act

2 (1) The purposes of this Act are to make public bodies more accountable to the public and to protect personal privacy by

(a) giving the public a right of access to records,

(b) giving individuals a right of access to, and a right to request correction of, personal information about themselves,

(c) specifying limited exceptions to the rights of access,

(d) preventing the unauthorized collection, use or disclosure of personal information by public bodies, and

(e) providing for an independent review of decisions made under this Act.

(2) This Act does not replace other procedures for access to information or limit in any way access to information that is not personal information and is available to the public.

### Scope of this Act

**3** (1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:

(a) a record in a court file, a record of a judge of the Court of Appeal, Supreme Court or Provincial Court, a record of a master of the Supreme Court, a record of a justice of the peace, a judicial administration record or a record relating to support services provided to the judges of those courts;

(b) a personal note, communication or draft decision of a person who is acting in a judicial or quasi judicial capacity;

(c) a record that is created by or for, or is in the custody or control of, an officer of the Legislature and that relates to the exercise of that officer's functions under an Act;

(c.1) [Repealed 2002-50-19.]

(d) a record of a question that is to be used on an examination or test;

(e) a record containing teaching materials or research information of employees of a post-secondary educational body;

(f) material placed in the British Columbia Archives and Records Service by or for a person or agency other than a public body;

(g) material placed in the archives of a public body by or for a person or agency other than the public body;

(h) a record relating to a prosecution if all proceedings in respect of the prosecution have not been completed;

(i) a record of an elected official of a local public body that is not in the custody or control

of the local public body.

(2) This Act does not limit the information available by law to a party to a proceeding.

## **Part 2 — Freedom of Information**

### **Division 1 — Information Rights and How to Exercise Them**

#### **Information rights**

**4** (1) A person who makes a request under section 5 has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under Division 2 of this Part, but if that information can reasonably be severed from a record an applicant has the right of access to the remainder of the record.

(3) The right of access to a record is subject to the payment of any fee required under section 75.

#### **How to make a request**

**5** (1) To obtain access to a record, the applicant must make a written request that

- (a) provides sufficient detail to enable an experienced employee of the public body, with a reasonable effort, to identify the records sought,
- (b) provides written proof of the authority of the applicant to make the request, if the applicant is acting on behalf of another person in accordance with the regulations, and
- (c) is submitted to the public body that the applicant believes has custody or control of the record.

(2) The applicant may ask for a copy of the record or ask to examine the record.

#### **Duty to assist applicants**

**6** (1) The head of a public body must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.

(2) Moreover, the head of a public body must create a record for an applicant if

- (a) the record can be created from a machine readable record in the custody or under the control of the public body using its normal computer hardware and software and technical expertise, and
- (b) creating the record would not unreasonably interfere with the operations of the public body.

### **Time limit for responding**

7 (1) Subject to this section and sections 23 and 24 (1), the head of a public body must respond not later than 30 days after receiving a request described in section 5 (1).

(2) The head of the public body is not required to comply with subsection (1) if

- (a) the time limit is extended under section 10, or
- (b) the request has been transferred under section 11 to another public body.

(3) If the head of a public body asks the commissioner under section 43 for authorization to disregard a request, the 30 days referred to in subsection (1) do not include the period from the start of the day the application is made under section 43 to the end of the day a decision is made by the commissioner with respect to that application.

(4) If the head of a public body determines that an applicant is to pay fees for services related to a request, the 30 days referred to in subsection (1) do not include the period from the start of the day the head of the public body gives the applicant a written estimate of the total fees to the end of the day one of the following occurs:

- (a) the head of the public body excuses the applicant from paying all of the fees under section 75 (5);
- (b) the head of the public body excuses the applicant from paying part of the fees under section 75 (5), and the applicant agrees to pay the remainder and, if required by the head of a public body, pays the deposit required;
- (c) the applicant agrees to pay the fees set out in the written estimate and, if required by the head of a public body, pays the deposit required.

(5) If an applicant asks the commissioner under section 52 (1) to review a fee estimate or a refusal to excuse the payment of all or part of the fee required by the head of the public body, the 30 days referred to in subsection (1) do not include the period from the start of the day the applicant asks for the review to the end of the day the commissioner makes a decision.

(6) If a third party asks under section 52 (2) that the commissioner review a decision of the head of a public body, the 30 days referred to in subsection (1) do not include the period from the start of the day the written request for review is delivered to the commissioner to the end of the day the commissioner makes a decision with respect to the review requested.

(7) If a person asks under section 62 (2) for a review of a decision of the commissioner as head of a public body, the 30 days referred to in subsection (1) do not include the period from the start of the day the request for review is delivered to the minister responsible for this Act to the end of the day the adjudicator makes a decision with respect to the review requested.

## **Contents of response**

**8 (1)** In a response under section 7, the head of the public body must tell the applicant

- (a) whether or not the applicant is entitled to access to the record or to part of the record,
- (b) if the applicant is entitled to access, where, when and how access will be given, and
- (c) if access to the record or to part of the record is refused,
  - (i) the reasons for the refusal and the provision of this Act on which the refusal is based,
  - (ii) the name, title, business address and business telephone number of an officer or employee of the public body who can answer the applicant's questions about the refusal, and
  - (iii) that the applicant may ask for a review under section 53 or 63.

(2) Despite subsection (1) (c) (i), the head of a public body may refuse in a response to confirm or deny the existence of

- (a) a record containing information described in section 15 (information harmful to law enforcement), or
- (b) a record containing personal information of a third party if disclosure of the existence of the information would be an unreasonable invasion of that party's personal privacy.

## **How access will be given**

**9** (1) If an applicant is told under section 8 (1) that access will be given, the head of the public body concerned must comply with subsection (2) or (3) of this section.

(2) If the applicant has asked for a copy under section 5 (2) and the record can reasonably be reproduced,

(a) a copy of the record or part of the record must be provided with the response, or

(b) the applicant must be given reasons for the delay in providing the record.

(3) If the applicant has asked to examine the record under section 5 (2) or if the record cannot reasonably be reproduced, the applicant must

(a) be permitted to examine the record or part of the record, or

(b) be given access in accordance with the regulations.

#### **Extending the time limit for responding**

**10** (1) The head of a public body may extend the time for responding to a request for up to 30 days or, with the commissioner's permission, for a longer period if

(a) the applicant does not give enough detail to enable the public body to identify a requested record,

(b) a large number of records is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the public body, or

(c) more time is needed to consult with a third party or other public body before the head can decide whether or not to give the applicant access to a requested record.

(d) [Repealed 2002-13-3.]

(2) If the time is extended under subsection (1), the head of the public body must tell the applicant

(a) the reason,

(b) when a response can be expected, and

(c) that the applicant may complain about the extension under section 42 (2) (b) or

60 (1) (a).

### Transferring a request

**11** (1) Within 20 days after a request for access to a record is received by a public body, the head of the public body may transfer the request and, if necessary, the record to another public body if

- (a) the record was produced by or for the other public body,
- (b) the other public body was the first to obtain the record, or
- (c) the record is in the custody or under the control of the other public body.

(2) If a request is transferred under subsection (1),

- (a) the head of the public body who transferred the request must notify the applicant of the transfer, and
- (b) the head of the public body to which the request is transferred must respond to the applicant in accordance with section 8 not later than 30 days after the request is received by that public body unless this time limit is extended under section 10.

## Division 2 — Exceptions

### Cabinet and local public body confidences

**12** (1) The head of a public body must refuse to disclose to an applicant information that would reveal the substance of deliberations of the Executive Council or any of its committees, including any advice, recommendations, policy considerations or draft legislation or regulations submitted or prepared for submission to the Executive Council or any of its committees.

(2) Subsection (1) does not apply to

- (a) information in a record that has been in existence for 15 or more years,
- (b) information in a record of a decision made by the Executive Council or any of its committees on an appeal under an Act, or
- (c) information in a record the purpose of which is to present background explanations or analysis to the Executive Council or any of its committees for its consideration in making a decision if

- (i) the decision has been made public,
- (ii) the decision has been implemented, or
- (iii) 5 or more years have passed since the decision was made or considered.

(3) The head of a local public body may refuse to disclose to an applicant information that would reveal

- (a) a draft of a resolution, bylaw or other legal instrument by which the local public body acts or a draft of a private Bill, or
- (b) the substance of deliberations of a meeting of its elected officials or of its governing body or a committee of its governing body, if an Act or a regulation under this Act authorizes the holding of that meeting in the absence of the public.

(4) Subsection (3) does not apply if

- (a) the draft of the resolution, bylaw, other legal instrument or private Bill or the subject matter of the deliberations has been considered in a meeting open to the public, or
- (b) the information referred to in that subsection is in a record that has been in existence for 15 or more years.

(5) The Lieutenant Governor in Council by regulation may designate a committee for the purposes of this section.

(6) A committee may be designated under subsection (5) only if

- (a) the Lieutenant Governor in Council considers that
  - (i) the deliberations of the committee relate to the deliberations of the Executive Council, and
  - (ii) the committee exercises functions of the Executive Council, and
- (b) at least 1/3 of the members of the committee are members of the Executive Council.

#### **Policy advice or recommendations**

**13** (1) The head of a public body may refuse to disclose to an applicant information that would

reveal advice or recommendations developed by or for a public body or a minister.

(2) The head of a public body must not refuse to disclose under subsection (1)

- (a) any factual material,
- (b) a public opinion poll,
- (c) a statistical survey,
- (d) an appraisal,
- (e) an economic forecast,
- (f) an environmental impact statement or similar information,
- (g) a final report or final audit on the performance or efficiency of a public body or on any of its programs or policies,
- (h) a consumer test report or a report of a test carried out on a product to test equipment of the public body,
- (i) a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body,
- (j) a report on the results of field research undertaken before a policy proposal is formulated,
- (k) a report of a task force, committee, council or similar body that has been established to consider any matter and make reports or recommendations to a public body,
- (l) a plan or proposal to establish a new program or to change a program, if the plan or proposal has been approved or rejected by the head of the public body,
- (m) information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy, or
- (n) a decision, including reasons, that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of the applicant.

(3) Subsection (1) does not apply to information in a record that has been in existence for 10 or

more years.

## Legal advice

**14** The head of a public body may refuse to disclose to an applicant information that is subject to solicitor client privilege.

## Disclosure harmful to law enforcement

**15** (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) harm a law enforcement matter,
- (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada or harm the detection, prevention or suppression of espionage, sabotage or terrorism,
- (c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,
- (d) reveal the identity of a confidential source of law enforcement information,
- (e) reveal criminal intelligence that has a reasonable connection with the detection, prevention or suppression of organized criminal activities or of serious and repetitive criminal activities,
- (f) endanger the life or physical safety of a law enforcement officer or any other person,
- (g) reveal any information relating to or used in the exercise of prosecutorial discretion,
- (h) deprive a person of the right to a fair trial or impartial adjudication,
- (i) reveal a record that has been confiscated from a person by a peace officer in accordance with an enactment,
- (j) facilitate the escape from custody of a person who is under lawful detention,
- (k) facilitate the commission of an offence under an enactment of British Columbia or Canada, or

(1) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system.

(2) The head of a public body may refuse to disclose information to an applicant if the information

(a) is in a law enforcement record and the disclosure would be an offence under an Act of Parliament,

(b) is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or a person who has been quoted or paraphrased in the record, or

(c) is about the history, supervision or release of a person who is in custody or under supervision and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.

(3) The head of a public body must not refuse to disclose under this section

(a) a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an Act,

(b) a report, including statistical analysis, on the degree of success achieved in a law enforcement program unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters referred to in subsection (1) or (2), or

(c) statistical information on decisions under the *Crown Counsel Act* to approve or not to approve prosecutions.

(4) The head of a public body must not refuse, after a police investigation is completed, to disclose under this section the reasons for a decision not to prosecute

(a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or

(b) to any other member of the public, if the fact of the investigation was made public.

#### **Disclosure harmful to intergovernmental relations or negotiations**

**16** (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

(a) harm the conduct by the government of British Columbia of relations between that government and any of the following or their agencies:

(i) the government of Canada or a province of Canada;

(ii) the council of a municipality or the board of a regional district;

(iii) an aboriginal government;

(iv) the government of a foreign state;

(v) an international organization of states,

(b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies, or

(c) harm the conduct of negotiations relating to aboriginal self government or treaties.

(2) Moreover, the head of a public body must not disclose information referred to in subsection (1) without the consent of

(a) the Attorney General, for law enforcement information, or

(b) the Executive Council, for any other type of information.

(3) Subsection (1) does not apply to information that is in a record that has been in existence for 15 or more years unless the information is law enforcement information.

#### **Disclosure harmful to the financial or economic interests of a public body**

**17** (1) The head of a public body may refuse to disclose to an applicant information the disclosure of which could reasonably be expected to harm the financial or economic interests of a public body or the government of British Columbia or the ability of that government to manage the economy, including the following information:

(a) trade secrets of a public body or the government of British Columbia;

(b) financial, commercial, scientific or technical information that belongs to a public body or to the government of British Columbia and that has, or is reasonably likely to have, monetary value;

(c) plans that relate to the management of personnel of or the administration of a public body and that have not yet been implemented or made public;

(d) information the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in undue financial loss or gain to a third party;

(e) information about negotiations carried on by or for a public body or the government of British Columbia.

(2) The head of a public body may refuse to disclose under subsection (1) research information if the disclosure could reasonably be expected to deprive the researcher of priority of publication.

(3) The head of a public body must not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for that public body, unless the testing was done

(a) for a fee as a service to a person, a group of persons or an organization other than the public body, or

(b) for the purpose of developing methods of testing.

#### **Disclosure harmful to the conservation of heritage sites, etc.**

**18** The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to result in damage to, or interfere with the conservation of,

(a) fossil sites, natural sites or sites that have an anthropological or heritage value,

(b) an endangered, threatened or vulnerable species, subspecies or race of plants, vertebrates or invertebrates, or

(c) any other rare or endangered living resources.

#### **Disclosure harmful to individual or public safety**

**19** (1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to

(a) threaten anyone else's safety or mental or physical health, or

(b) interfere with public safety.

(2) The head of a public body may refuse to disclose to an applicant personal information about the applicant if the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's safety or mental or physical health.

### **Information that will be published or released within 60 days**

**20** (1) The head of a public body may refuse to disclose to an applicant information

(a) that is available for purchase by the public, or

(b) that, within 60 days after the applicant's request is received, is to be published or released to the public.

(2) The head of a public body must notify an applicant of the publication or release of information that the head has refused to disclose under subsection (1) (b).

(3) If the information is not published or released within 60 days after the applicant's request is received, the head of the public body must reconsider the request as if it were a new request received on the last day of that period, but the information must not be refused under subsection (1) (b).

### **Disclosure harmful to business interests of a third party**

**21** (1) The head of a public body must refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of or about a third party,

(b) that is supplied, implicitly or explicitly, in confidence, and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when

it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person or organization, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

(2) The head of a public body must refuse to disclose to an applicant information that was obtained on a tax return or gathered for the purpose of determining tax liability or collecting a tax.

(3) Subsections (1) and (2) do not apply if

(a) the third party consents to the disclosure, or

(b) the information is in a record that is in the custody or control of the British Columbia Archives and Records Service or the archives of a public body and that has been in existence for 50 or more years.

### **Disclosure harmful to personal privacy**

**22** (1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) In determining under subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the government of British Columbia or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or to promote the protection of the environment,

(c) the personal information is relevant to a fair determination of the applicant's rights,

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,

(e) the third party will be exposed unfairly to financial or other harm,

(f) the personal information has been supplied in confidence,

(g) the personal information is likely to be inaccurate or unreliable, and

(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant.

(3) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

(b) the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation,

(c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,

(d) the personal information relates to employment, occupational or educational history,

(e) the personal information was obtained on a tax return or gathered for the purpose of collecting a tax,

(f) the personal information describes the third party's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness,

(g) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations about the third party,

(h) the disclosure could reasonably be expected to reveal that the third party supplied, in confidence, a personal recommendation or evaluation, character reference or personnel evaluation,

(i) the personal information indicates the third party's racial or ethnic origin, sexual orientation or religious or political beliefs or associations, or

(j) the personal information consists of the third party's name, address, or telephone number and is to be used for mailing lists or solicitations by telephone or other means.

(4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

- (a) the third party has, in writing, consented to or requested the disclosure,
- (b) there are compelling circumstances affecting anyone's health or safety and notice of disclosure is mailed to the last known address of the third party,
- (c) an enactment of British Columbia or Canada authorizes the disclosure,
- (d) the disclosure is for a research or statistical purpose and is in accordance with section 35,
- (e) the information is about the third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff,
- (f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,
- (g) public access to the information is provided under the *Financial Information Act*,
- (h) the information is about expenses incurred by the third party while travelling at the expense of a public body,
- (i) the disclosure reveals details of a licence, permit or other similar discretionary benefit granted to the third party by a public body, not including personal information supplied in support of the application for the benefit, or
- (j) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body, not including personal information that is supplied in support of the application for the benefit or is referred to in subsection (3) (c).

(5) On refusing, under this section, to disclose personal information supplied in confidence about an applicant, the head of the public body must give the applicant a summary of the information unless the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information.

(6) The head of the public body may allow the third party to prepare the summary of personal information under subsection (5).

#### **Disclosure of information relating to abortion services**

**22.1** (1) In this section, "**abortion services**" means lawful medical services for the termination of a pregnancy.

(2) The head of a public body must refuse to disclose to an applicant information that relates to the provision of abortion services.

(3) Subsection (2) does not apply to the following:

(a) information about abortion services that were received by the applicant;

(b) statistical information, including financial information, relating to the total number of abortion services provided throughout

(i) British Columbia, or

(ii) a region that is designated under section 4 (1) (b) of the *Health Authorities Act* if more than one health care body provides abortion services in that region;

(c) information about a public body's policies on the provision of abortion services.

(4) Nothing in this section prevents any other provision of this Act from applying if a request is made under section 5 by an applicant for access to a record containing information about abortion services that were received by the applicant.

### **Division 3 — Notice to Third Parties**

#### **Notifying the third party**

**23** (1) If the head of a public body intends to give access to a record that the head has reason to believe contains information that might be excepted from disclosure under section 21 or 22, the head must give the third party a written notice under subsection (3).

(2) If the head of a public body does not intend to give access to a record that contains information excepted from disclosure under section 21 or 22, the head may give the third party a written notice under subsection (3).

(3) The notice must

(a) state that a request has been made by an applicant for access to a record containing information the disclosure of which may affect the interests or invade the personal privacy of the third party,

(b) describe the contents of the record, and

(c) state that, within 20 days after the notice is given, the third party may, in writing, consent to the disclosure or may make written representations to the public body explaining why the information should not be disclosed.

(4) When notice is given under subsection (1), the head of the public body must also give the applicant a notice stating that

(a) the record requested by the applicant contains information the disclosure of which may affect the interests or invade the personal privacy of a third party,

(b) the third party is being given an opportunity to make representations concerning disclosure, and

(c) a decision will be made within 30 days about whether or not to give the applicant access to the record.

#### **Time limit and notice of decision**

**24** (1) Within 30 days after notice is given under section 23 (1) or (2), the head of the public body must decide whether or not to give access to the record or to part of the record, but no decision may be made before the earlier of

(a) 21 days after the day notice is given, or

(b) the day a response is received from the third party.

(2) On reaching a decision under subsection (1), the head of the public body must give written notice of the decision to

(a) the applicant, and

(b) the third party.

(3) If the head of the public body decides to give access to the record or to part of the record, the notice must state that the applicant will be given access unless the third party asks for a review under section 53 or 63 within 20 days after the day notice is given under subsection (2).

### **Division 4 — Public Interest Paramount**

**Information must be disclosed if in the public interest**

**25** (1) Whether or not a request for access is made, the head of a public body must, without delay, disclose to the public, to an affected group of people or to an applicant, information

(a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people, or

(b) the disclosure of which is, for any other reason, clearly in the public interest.

(2) Subsection (1) applies despite any other provision of this Act.

(3) Before disclosing information under subsection (1), the head of a public body must, if practicable, notify

(a) any third party to whom the information relates, and

(b) the commissioner.

(4) If it is not practicable to comply with subsection (3), the head of the public body must mail a notice of disclosure in the prescribed form

(a) to the last known address of the third party, and

(b) to the commissioner.

### **Part 3 — Protection of Privacy**

#### **Division 1 — Collection, Protection and Retention of Personal Information by Public Bodies**

##### **Purpose for which personal information may be collected**

**26** No personal information may be collected by or for a public body unless

(a) the collection of that information is expressly authorized by or under an Act,

(b) that information is collected for the purposes of law enforcement, or

(c) that information relates directly to and is necessary for an operating program or activity of the public body.

## How personal information is to be collected

**27 (1)** A public body must collect personal information directly from the individual the information is about unless

(a) another method of collection is authorized by

(i) that individual,

(ii) the commissioner under section 42 (1) (i), or

(iii) another enactment,

(a.1) the collection of the information is necessary for the medical treatment of an individual and the public body is not able

(i) to collect the information directly from that individual, or

(ii) to obtain authority under paragraph (a) (i) for another method of collection,

(b) the information may be disclosed to the public body under sections 33 to 36, or

(c) the information is collected for the purpose of

(i) determining suitability for an honour or award including an honorary degree, scholarship, prize or bursary,

(ii) a proceeding before a court or a judicial or quasi judicial tribunal,

(iii) collecting a debt or fine or making a payment, or

(iv) law enforcement.

(2) A public body must tell an individual from whom it collects personal information

(a) the purpose for collecting it,

(b) the legal authority for collecting it, and

(c) the title, business address and business telephone number of an officer or employee of

the public body who can answer the individual's questions about the collection.

(3) Subsection (2) does not apply if

(a) the information is about law enforcement or anything referred to in section 15 (1) or (2), or

(b) the minister responsible for this Act excuses a public body from complying with it because doing so would

(i) result in the collection of inaccurate information, or

(ii) defeat the purpose or prejudice the use for which the information is collected.

### **Accuracy of personal information**

**28** If an individual's personal information will be used by a public body to make a decision that directly affects the individual, the public body must make every reasonable effort to ensure that the information is accurate and complete.

### **Right to request correction of personal information**

**29** (1) An applicant who believes there is an error or omission in his or her personal information may request the head of the public body that has the information in its custody or under its control to correct the information.

(2) If no correction is made in response to a request under subsection (1), the head of the public body must annotate the information with the correction that was requested but not made.

(3) On correcting or annotating personal information under this section, the head of the public body must notify any other public body or any third party to whom that information has been disclosed during the one year period before the correction was requested.

(4) On being notified under subsection (3) of a correction or annotation of personal information, a public body must make the correction or annotation on any record of that information in its custody or under its control.

### **Protection of personal information**

**30** The head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

**Retention of personal information**

**31** If a public body uses an individual's personal information to make a decision that directly affects the individual, the public body must retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

**Division 2 — Use and Disclosure of Personal Information by Public Bodies****Use of personal information**

**32** A public body may use personal information only

- (a) for the purpose for which that information was obtained or compiled, or for a use consistent with that purpose (see section 34),
- (b) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the use, or
- (c) for a purpose for which that information may be disclosed to that public body under sections 33 to 36.

**Disclosure of personal information**

**33** A public body may disclose personal information only

- (a) in accordance with Part 2,
- (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to its disclosure,
- (c) for the purpose for which it was obtained or compiled or for a use consistent with that purpose (see section 34),
- (d) in accordance with an enactment of British Columbia or Canada that authorizes or requires its disclosure,
  - (d.1) in accordance with a provision of a treaty, arrangement or agreement that
    - (i) authorizes or requires its disclosure, and
    - (ii) is made under an enactment of British Columbia or Canada,

(e) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of information,

(f) to an officer or employee of the public body or to a minister, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the officer, employee or minister,

(f.1) to an officer or employee of a public body or to a minister, if the information is necessary for the delivery of a common or integrated program or activity and for the performance of the duties of the officer or employee or minister to whom the information is disclosed,

(g) to the Attorney General for use in civil proceedings involving the government,

(h) to the Attorney General or a person referred to in section 36 of the *Coroners Act*, for the purposes of that Act,

(i) for the purpose of

(i) collecting a debt or fine owing by an individual to the government of British Columbia or to a public body, or

(ii) making a payment owing by the government of British Columbia or by a public body to an individual,

(j) to the auditor general or any other prescribed person or body for audit purposes,

(k) to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem,

(l) to a representative of the bargaining agent who has been authorized in writing by the employee, whom the information is about, to make an inquiry,

(m) to the British Columbia Archives and Records Service, or the archives of a public body, for archival purposes,

(n) to a public body or a law enforcement agency in Canada to assist in an investigation

(i) undertaken with a view to a law enforcement proceeding, or

(ii) from which a law enforcement proceeding is likely to result,

- (o) if the public body is a law enforcement agency and the information is disclosed
  - (i) to another law enforcement agency in Canada, or
  - (ii) to a law enforcement agency in a foreign country under an arrangement, written agreement, treaty or legislative authority,
- (p) if the head of the public body determines that compelling circumstances exist that affect anyone's health or safety and if notice of disclosure is mailed to the last known address of the individual the information is about,
- (q) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted, or
- (r) in accordance with sections 35 and 36.

#### **Definition of consistent purposes**

**34** (1) A use of personal information is consistent under section 32 or 33 with the purposes for which the information was obtained or compiled if the use

- (a) has a reasonable and direct connection to that purpose, and
- (b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.

(2) [Repealed 2002-13-8.]

#### **Disclosure for research or statistical purposes**

**35** A public body may disclose personal information for a research purpose, including statistical research, only if

- (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the commissioner,
- (b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest,
- (c) the head of the public body concerned has approved conditions relating to the

following:

- (i) security and confidentiality;
- (ii) the removal or destruction of individual identifiers at the earliest reasonable time;
- (iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body, and
- (d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Act and any of the public body's policies and procedures relating to the confidentiality of personal information.

#### **Disclosure for archival or historical purposes**

**36** The British Columbia Archives and Record Service, or the archives of a public body, may disclose personal information for archival or historical purposes if

- (a) the disclosure would not be an unreasonable invasion of personal privacy under section 22,
- (b) the disclosure is for historical research and is in accordance with section 35,
- (c) the information is about someone who has been dead for 20 or more years, or
- (d) the information is in a record that has been in existence for 100 or more years.

### **Part 4 — Office and Powers of Information and Privacy Commissioner**

#### **Appointment of commissioner**

**37** (1) On the recommendation of the Legislative Assembly, the Lieutenant Governor must appoint as the Information and Privacy Commissioner a person who has been unanimously recommended by a special Committee of the Legislative Assembly for the appointment.

(2) The commissioner is an officer of the Legislature.

(3) Subject to section 38, the commissioner holds office for a term of 6 years.

(4) A person who is appointed under this section is not eligible to be reappointed as commissioner.

### **Resignation, removal or suspension of commissioner**

**38** (1) The commissioner may resign at any time by notifying the Speaker of the Legislative Assembly or, if there is no speaker or the speaker is absent from British Columbia, by notifying the clerk of the Legislative Assembly.

(2) The Lieutenant Governor in Council must remove the commissioner from office or suspend the commissioner for cause or incapacity on the recommendation of 2/3 of the members present in the Legislative Assembly.

(3) If the Legislative Assembly is not sitting, the Lieutenant Governor in Council may suspend the commissioner for cause or incapacity.

### **Acting commissioner**

**39** (1) The Lieutenant Governor in Council may appoint an acting commissioner if

(a) the office of commissioner is or becomes vacant when the Legislative Assembly is not sitting,

(b) the commissioner is suspended when the Legislative Assembly is not sitting,

(c) the commissioner is removed or suspended or the office of the commissioner becomes vacant when the Legislative Assembly is sitting, but no recommendation is made by the Assembly under section 37 (1) before the end of the session, or

(d) the commissioner is temporarily absent because of illness or for another reason.

(2) An acting commissioner holds office until

(a) a person is appointed under section 37 (1),

(b) the suspension of the commissioner ends,

(c) the Legislative Assembly has sat for 20 days after the date of the acting commissioner's appointment, or

(d) the commissioner returns to office after a temporary absence,

whichever is the case and whichever occurs first.

### **Salary, expenses and benefits of commissioner**

**40** (1) A commissioner appointed under section 37 (1) or 39 (1) is entitled

(a) to be paid, out of the consolidated revenue fund, a salary equal to the salary paid to the chief judge of the Provincial Court, and

(b) to be reimbursed for reasonable travelling and out of pocket expenses personally incurred in performing the duties of the office.

(2) The Lieutenant Governor in Council may, on terms and conditions the Lieutenant Governor in Council specifies, order that the Public Service Pension Plan, continued under the *Public Sector Pension Plans Act*, applies to the commissioner.

(3) If an order is made under subsection (2), the Public Service Pension Plan applies subject to subsections (4) and (5).

(4) When calculating the amount of a pension under the Public Service Pension Plan, each year of service as commissioner must be counted as 1 1/2 years of pensionable service.

(5) Despite the accrual of 35 years of pensionable service, contributions to the Public Service Pension Plan must continue for each additional year of service up to 35 years of contributory service.

### **Staff of commissioner**

**41** (1) The commissioner may appoint, in accordance with the *Public Service Act*, employees necessary to enable the commissioner to perform the duties of the office.

(2) The commissioner may retain any consultants, mediators or other persons and may establish their remuneration and other terms and conditions of their retainers.

(3) The *Public Service Act* does not apply in respect of a person retained under subsection (2).

(4) The commissioner may make a special report to the Legislative Assembly if, in the commissioner's opinion,

(a) the amounts and establishment provided for the office of commissioner in the estimates, or

(b) the services provided by the Public Service Employee Relations Commission are inadequate for fulfilling the duties of the office.

### **General powers of commissioner**

**42** (1) In addition to the commissioner's powers and duties under Part 5 with respect to reviews, the commissioner is generally responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may

(a) conduct investigations and audits to ensure compliance with any provision of this Act,

(b) make an order described in section 58 (3) whether or not a review is requested,

(c) inform the public about this Act,

(d) receive comments from the public about the administration of this Act,

(e) engage in or commission research into anything affecting the achievement of the purposes of this Act,

(f) comment on the implications for access to information or for protection of privacy of proposed legislative schemes or programs of public bodies,

(g) comment on the implications for access to information or for protection of privacy of automated systems for collection, storage, analysis or transfer of information,

(h) comment on the implications for protection of privacy of using or disclosing personal information for record linkage,

(i) authorize the collection of personal information from sources other than the individual the information is about, and

(j) bring to the attention of the head of a public body any failure to meet the prescribed standards for fulfilling the duty to assist applicants.

(2) Without limiting subsection (1), the commissioner may investigate and attempt to resolve complaints that

(a) a duty imposed by this Act or the regulations has not been performed,

(b) an extension of time for responding to a request is not in accordance with section 10,

- (c) a fee required under this Act is inappropriate,
- (d) a correction of personal information requested under section 29 (1) has been refused without justification, and
- (e) personal information has been collected, used or disclosed by a public body in contravention of Part 3.

#### **Power to authorize a public body to disregard requests**

**43** If the head of a public body asks, the commissioner may authorize the public body to disregard requests under section 5 or 29 that

- (a) would unreasonably interfere with the operations of the public body because of the repetitious or systematic nature of the requests, or
- (b) are frivolous or vexatious.

#### **Powers of commissioner in conducting investigations, audits or inquiries**

**44** (1) In conducting an investigation under section 42 or an inquiry under section 56, the commissioner has the powers given to a commissioner by sections 15 and 16 of the *Inquiry Act* and the powers given by subsection (2) of this section.

(2) The commissioner may require any record to be produced to the commissioner and may examine any information in a record, including personal information.

(3) Despite any other enactment or any privilege of the law of evidence, a public body must produce to the commissioner within 10 days any record or a copy of any record required under subsection (1) or (2).

(4) If a public body is required to produce a record under subsection (1) or (2) and it is not practicable to make a copy of the record, the head of that public body may require the commissioner to examine the original at its site.

(5) After completing a review or investigating a complaint, the commissioner must return any record or any copy of any record produced by the public body concerned.

#### **Statements made to the commissioner not admissible in evidence**

**45** (1) A statement made or an answer given by a person during an investigation or inquiry by the

commissioner is inadmissible in evidence in court or in any other proceeding, except

- (a) in a prosecution for perjury in respect of sworn testimony,
- (b) in a prosecution for an offence under this Act, or
- (c) in an application for judicial review or an appeal from a decision with respect to that application.

(2) Subsection (1) applies also in respect of evidence of the existence of proceedings conducted before the commissioner.

### **Protection against libel or slander actions**

**46** Anything said, any information supplied or any record produced by a person during an investigation or inquiry by the commissioner is privileged in the same manner as if the investigation or inquiry were a proceeding in a court.

### **Restrictions on disclosure of information by the commissioner and staff**

**47** (1) The commissioner and anyone acting for or under the direction of the commissioner must not disclose any information obtained in performing their duties, powers and functions under this Act, except as provided in subsections (2) to (5).

(2) The commissioner may disclose, or may authorize anyone acting on behalf of or under the direction of the commissioner to disclose, information that is necessary to

- (a) conduct an investigation, audit or inquiry under this Act, or
- (b) establish the grounds for findings and recommendations contained in a report under this Act.

(3) In conducting an investigation, audit or inquiry under this Act and in a report under this Act, the commissioner and anyone acting for or under the direction of the commissioner must take every reasonable precaution to avoid disclosing and must not disclose

- (a) any information the head of a public body would be required or authorized to refuse to disclose if it were contained in a record requested under section 5, or
- (b) whether information exists, if the head of a public body in refusing to provide access does not indicate whether the information exists.

(4) The commissioner may disclose to the Attorney General information relating to the commission of an offence against an enactment of British Columbia or Canada if the commissioner considers there is evidence of an offence.

(5) The commissioner may disclose, or may authorize anyone acting for or under the direction of the commissioner to disclose, information in the course of a prosecution, application or appeal referred to in section 45.

### **Protection of commissioner and staff**

**48** No proceedings lie against the commissioner, or against a person acting on behalf of or under the direction of the commissioner, for anything done, reported or said in good faith in the exercise or performance or the intended exercise or performance of a duty, power or function under this Part or Part 5.

### **Delegation by commissioner**

**49** (1) The commissioner may delegate to any person any duty, power or function of the commissioner under this Act, except

(a) the power to delegate under this section, and

(b) the power to examine information described in section 15.

(c) [Repealed 2002-13-10.]

(2) A delegation under subsection (1) must be in writing and may contain any conditions or restrictions the commissioner considers appropriate.

### **Role of Ombudsman**

**50** The Ombudsman may not investigate any matter that the commissioner has the power to investigate or review under this Act unless the commissioner agrees.

### **Annual report of commissioner**

**51** (1) The commissioner must report annually to the Speaker of the Legislative Assembly on

(a) the work of the commissioner's office, and

(b) any complaints or reviews resulting from a decision, act or failure to act of the commissioner as head of a public body.

(2) The Speaker must lay each annual report before the Legislative Assembly as soon as possible.

## Part 5 — Reviews and Complaints

### Division 1 — Reviews by the Commissioner

#### Right to ask for a review

**52** (1) A person who makes a request to the head of a public body, other than the commissioner or the registrar under the *Lobbyist Registration Act*, for access to a record or for correction of personal information may ask the commissioner to review any decision, act or failure to act of the head that relates to that request, including any matter that could be the subject of a complaint under section 42 (2).

(2) A third party notified under section 24 of a decision to give access may ask the commissioner to review any decision made about the request by the head of a public body, other than the commissioner or the registrar under the *Lobbyist Registration Act*.

#### How to ask for a review

**53** (1) To ask for a review under this Division, a written request must be delivered to the commissioner.

(2) A request for a review of a decision of the head of a public body must be delivered within

(a) 30 days after the person asking for the review is notified of the decision, or

(b) a longer period allowed by the commissioner.

(3) The failure of the head of a public body to respond in time to a request for access to a record is to be treated as a decision to refuse access to the record, but the time limit in subsection (2) (a) for delivering a request for review does not apply.

#### Notifying others of review

**54** On receiving a request for a review, the commissioner must give a copy to

(a) the head of the public body concerned, and

(b) any other person that the commissioner considers appropriate.

**Mediation may be authorized**

**55** The commissioner may authorize a mediator to investigate and to try to settle a matter under review.

**Inquiry by commissioner**

**56** (1) If the matter is not referred to a mediator or is not settled under section 55, the commissioner may conduct an inquiry and decide all questions of fact and law arising in the course of the inquiry.

(2) An inquiry under subsection (1) may be conducted in private.

(3) The person who asked for the review, the head of the public body concerned and any person given a copy of the request for a review must be given an opportunity to make representations to the commissioner during the inquiry.

(4) The commissioner may decide

(a) whether representations are to be made orally or in writing, and

(b) whether a person is entitled to be present during or to have access to or to comment on representations made to the commissioner by another person.

(5) The person who asked for the review, the head of the public body concerned and any person given a copy of the request for a review may be represented at the inquiry by counsel or an agent.

(6) An inquiry into a matter under review must be completed within 90 days after receiving the request for the review.

**Burden of proof**

**57** (1) At an inquiry into a decision to refuse an applicant access to all or part of a record, it is up to the head of the public body to prove that the applicant has no right of access to the record or part.

(2) However, if the record or part that the applicant is refused access to contains personal information about a third party, it is up to the applicant to prove that disclosure of the information would not be an unreasonable invasion of the third party's personal privacy.

(3) At an inquiry into a decision to give an applicant access to all or part of a record containing information that relates to a third party,

(a) in the case of personal information, it is up to the applicant to prove that disclosure of the information would not be an unreasonable invasion of the third party's personal privacy, and

(b) in any other case, it is up to the third party to prove that the applicant has no right of access to the record or part.

### Commissioner's orders

**58** (1) On completing an inquiry under section 56, the commissioner must dispose of the issues by making an order under this section.

(2) If the inquiry is into a decision of the head of a public body to give or to refuse to give access to all or part of a record, the commissioner must, by order, do one of the following:

(a) require the head to give the applicant access to all or part of the record, if the commissioner determines that the head is not authorized or required to refuse access;

(b) either confirm the decision of the head or require the head to reconsider it, if the commissioner determines that the head is authorized to refuse access;

(c) require the head to refuse access to all or part of the record, if the commissioner determines that the head is required to refuse access.

(3) If the inquiry is into any other matter, the commissioner may, by order, do one or more of the following:

(a) confirm that a duty imposed by this Act or the regulations has been performed or require that a duty imposed by this Act or the regulations be performed;

(b) confirm or reduce the extension of a time limit under section 10;

(c) confirm, excuse or reduce a fee, or order a refund, in the appropriate circumstances, including if a time limit is not met;

(d) confirm a decision not to correct personal information or specify how personal information is to be corrected;

(e) require a public body to stop collecting, using or disclosing personal information in contravention of this Act, or confirm a decision of a public body to collect, use or disclose personal information;

(f) require the head of a public body to destroy personal information collected in contravention of this Act.

(4) The commissioner may specify any terms or conditions in an order made under this section.

(5) The commissioner must give a copy of an order made under this section to all of the following:

- (a) the person who asked for the review;
- (b) the head of the public body concerned;
- (c) any person given notice under section 54;
- (d) the minister responsible for this Act.

#### **Duty to comply with orders**

**59** (1) Not later than 30 days after being given a copy of an order of the commissioner, the head of the public body concerned must comply with the order unless an application for judicial review of the order is brought before that period ends.

(2) If an application for judicial review is brought before the end of the period referred to in subsection (1), the order of the commissioner is stayed from the date the application is brought until a court orders otherwise.

### **Division 2 — Investigations and Reviews by Adjudicator**

#### **References to commissioner**

**59.1** In this Division, "**commissioner**" includes the registrar under the *Lobbyist Registration Act*.

#### **Adjudicator to investigate complaints and review decisions**

**60** (1) The Lieutenant Governor in Council may designate a person who is a judge of the Supreme Court to act as an adjudicator and

- (a) to investigate complaints made against the commissioner as head of a public body with respect to any matter referred to in section 42 (2), and
- (b) to review, if requested under section 62, any decision, act or failure to act of the

commissioner as head of a public body.

(2) An adjudicator may retain the services of any persons necessary to assist the adjudicator in performing his or her functions under this Act.

(3) The government may pay out of the consolidated revenue fund,

(a) to an adjudicator, the expenses a judge is entitled to receive under section 57 (3) of the *Judges Act* (Canada) while acting as an adjudicator, and

(b) to a person whose services are retained under subsection (2), remuneration for those services.

### **Powers, duties and protections of adjudicator**

**61** (1) For the purposes of section 60, an adjudicator has the powers, duties and functions given to the commissioner by sections 42 (2) (a) to (d), 43, 44 and 47 (1), (2) (a) and (3) to (5).

(2) Sections 45, 46, 48 and 50 apply for the purposes of an investigation, inquiry or review by an adjudicator.

### **Right to ask for a review**

**62** (1) A person who makes a request to the commissioner as head of a public body for access to a record or for correction of personal information may ask an adjudicator to review any decision, act or failure to act of the commissioner that relates to the request, including any matter that could be the subject of a complaint under section 42 (2) (a) to (d).

(2) A third party notified under section 24 of a decision to give access may ask an adjudicator to review any decision made about the request by the commissioner as head of a public body.

### **How to ask for a review**

**63** (1) To ask for a review under this Division, a written request must be delivered to the minister responsible for this Act.

(2) A request for a review of a decision of the commissioner must be delivered within

(a) 30 days after the person asking for the review is notified of the decision, or

(b) a longer period allowed by the adjudicator.

(3) Section 53 (3) applies if the commissioner fails to respond in time to a request for access to a record.

### **Notifying others of review**

**64** On receiving a request for a review, the minister responsible for this Act must promptly forward the request to an adjudicator and must give a copy to

- (a) the commissioner, and
- (b) any other affected person.

### **Conduct and outcome of the review**

**65** (1) An adjudicator has the powers and duties given to the commissioner by sections 55 and 56 (1) and (2), and sections 56 (3) to (6) and 57 apply to an inquiry conducted by the adjudicator.

(2) On completing an inquiry, an adjudicator has the same duty to dispose of the issues, the same powers to make orders and the same duty to notify others of those orders, as the commissioner has under section 58 (1), (2), (3) (a) to (d), (4) and (5).

(3) Section 59 applies to an order of an adjudicator.

## **Part 6 — General Provisions**

### **Delegation by the head of a public body**

**66** (1) The head of a public body may delegate to any person any duty, power or function of the head of the public body under this Act, except the power to delegate under this section.

(2) A delegation under subsection (1) must be in writing and may contain any conditions or restrictions the head of the public body considers appropriate.

(3) This section does not apply to a local public body.

### **Consultative committee**

**67** The minister responsible for this Act may establish a consultative committee to make recommendations to the minister about the operation of this Act.

### **Annual report of minister**

**68** The minister responsible for this Act must prepare an annual report on its administration and lay the report before the Legislative Assembly as soon as possible.

### **Personal information directory**

**69** (1) In this section:

**"information sharing agreement"** means an agreement that sets conditions on one or more of the following:

- (a) the exchange of personal information between a public body and a person, a group of persons or an organization;
- (b) the disclosure of personal information by a public body to a person, a group of persons or an organization;
- (c) the collection of personal information by a public body from a person, a group of persons or an organization;

**"personal information bank"** means a collection of personal information that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual;

**"privacy impact assessment"** means an assessment that is conducted to determine if a new enactment, system, project or program meets the requirements of Part 3 of this Act.

(2) The minister responsible for this Act must maintain and publish a personal information directory to provide information about records held, and about the use of those records, by ministries of the government of British Columbia.

(3) The personal information directory must include a summary that meets the requirements of the minister responsible for this Act of the following information:

- (a) the personal information banks that each ministry of the government of British Columbia holds;
- (b) the information sharing agreements into which each ministry of the government of British Columbia has entered;
- (c) the privacy impact assessments that each ministry of the government of British Columbia has conducted;

(d) any other information the minister responsible for this Act considers appropriate.

(4) The head of a ministry must correct as soon as possible any errors or omissions in the portion of the personal information directory that relates to the ministry, and provide the corrected information to the minister responsible for this Act.

(5) The head of a ministry must conduct a privacy impact assessment and prepare an information sharing agreement in accordance with the directions of the minister responsible for this Act.

(6) The head of a public body that is not a ministry must make available for inspection and copying by the public a directory that lists the public body's personal information banks and includes the following information with respect to each personal information bank:

(a) its title and location;

(b) a description of the kind of personal information and the categories of individuals whose personal information is included;

(c) the authority for collecting the personal information;

(d) the purposes for which the personal information was obtained or compiled and the purposes for which it is used or disclosed;

(e) the categories of persons who use the personal information or to whom it is disclosed;

(f) information required under subsection (7).

(7) The minister responsible for this Act may require one or more public bodies, or classes of public bodies, that are not ministries of the government of British Columbia

(a) to provide additional information for the purposes of subsection (6), and

(b) to comply with one or more of the subsections in this section as if the public body were a ministry of the government of British Columbia.

### **Policy manuals available without request**

**70** (1) The head of a public body must make available to the public, without a request for access under this Act,

(a) manuals, instructions or guidelines issued to the officers or employees of the public body, or

(b) substantive rules or policy statements adopted by the public body,

for the purpose of interpreting an enactment or of administering a program or activity that affects the public or a specific group of the public.

(2) The head of a public body may delete from a record made available under this section any information he or she would be entitled to refuse to disclose to an applicant.

(3) If information is deleted, the record must include a statement of

(a) the fact that information has been deleted,

(b) the nature of the information, and

(c) the reason for the deletion.

(4) If a person asks for a copy of a record under this section, section 71 (2) applies.

### **Records available without request**

**71** (1) The head of a public body may prescribe categories of records that are in the custody or under the control of the public body and are available to the public, on demand, without a request for access under this Act.

(2) The head of a public body may require a person who asks for a copy of an available record to pay a fee to the public body.

(3) Subsection (1) does not limit the discretion of the government of British Columbia or a public body to release records that do not contain personal information.

### **Section Repealed**

**72** [Repealed 2002-13-14.]

### **Protection of public body from legal suit**

**73** No action lies and no proceeding may be brought against the government, a public body, the head of a public body, an elected official of a public body or any person acting on behalf of or under the direction of the head of a public body for damages resulting from

- (a) the disclosure, or failure to disclose, in good faith of all or part of a record under this Act or any consequences of that disclosure or failure to disclose, or
- (b) the failure to give any notice required under this Act if reasonable care is taken to give the required notice.

## Offences and penalties

**74** (1) A person must not willfully do any of the following:

- (a) make a false statement to, or mislead or attempt to mislead, the commissioner or another person in the performance of the duties, powers or functions of the commissioner or other person under this Act;
- (b) obstruct the commissioner or another person in the performance of the duties, powers or functions of the commissioner or other person under this Act;
- (c) fail to comply with an order made by the commissioner under section 58 or by an adjudicator under section 65 (2).

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine of up to \$5 000.

(3) Section 5 of the *Offence Act* does not apply to this Act.

## Fees

**75** (1) The head of a public body may require an applicant who makes a request under section 5 to pay to the public body fees for the following services:

- (a) locating, retrieving and producing the record;
- (b) preparing the record for disclosure;
- (c) shipping and handling the record;
- (d) providing a copy of the record.

(2) An applicant must not be required under subsection (1) to pay a fee for

(a) the first 3 hours spent locating and retrieving a record, or

(b) time spent severing information from a record.

(3) Subsection (1) does not apply to a request for the applicant's own personal information.

(4) If an applicant is required to pay a fee for services under subsection (1), the head of the public body

(a) must give the applicant a written estimate of the total fee before providing the service, and

(b) may require the applicant to pay a deposit in the amount set by the head of the public body.

(5) If the head of a public body receives an applicant's written request to be excused from paying all or part of the fees for services, the head may excuse the applicant if, in the head's opinion,

(a) the applicant cannot afford the payment or for any other reason it is fair to excuse payment, or

(b) the record relates to a matter of public interest, including the environment or public health or safety.

(5.1) The head of a public body must respond under subsection (5) in writing and within 20 days after receiving the request.

(6) The fees that prescribed categories of applicants are required to pay for services under subsection (1) may differ from the fees other applicants are required to pay for them, but may not be greater than the actual costs of the services.

## **Power to make regulations**

**76** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

(a) prescribing procedures to be followed in making, transferring and responding to requests under this Act;

- (b) permitting prescribed categories of applicants to make requests under this Act orally instead of in writing;
- (c) setting standards, including time limits, to be observed by officers or employees of a public body in fulfilling the duty to assist applicants;
- (d) prescribing for the purposes of section 18 the categories of sites that are considered to have heritage or anthropological value;
- (e) authorizing the disclosure of information relating to the mental or physical health of individuals to medical or other experts to determine, for the purposes of section 19, if disclosure of that information could reasonably be expected to result in grave and immediate harm to the safety of or the mental or physical health of those individuals;
- (f) prescribing procedures to be followed or restrictions considered necessary with respect to the disclosure and examination of information referred to in paragraph (e);
- (g) prescribing special procedures for giving individuals access to personal information about their mental or physical health;
- (h) prescribing the classes of individuals who may act for minors, incompetents, deceased persons or any other individuals under this Act and regulating the manner in which, and the extent to which, any rights or powers of individuals under this Act may be exercised on their behalf;
- (i) requiring public bodies to provide to the minister responsible for this Act information that relates to its administration or is required for preparing the minister's annual report;
- (j) limiting the fees that different categories of persons are required to pay under this Act;
- (k) exempting any class of public body from a regulation made under this subsection;
- (l) authorizing, for the purposes of section 12 (3) and (4), a local public body to hold meetings of its elected officials, or of its governing body or a committee of the governing body, to consider specified matters in the absence of the public unless another Act
  - (i) expressly authorizes the local public body to hold meetings in the absence of the public, and
  - (ii) specifies the matters that may be discussed at those meetings;

(m) providing for the retention and disposal of records by a public body if the *Document Disposal Act* does not apply to the public body;

(n) for any purpose contemplated by this Act.

(3) and (4) [Repealed 2002-13-16.]

(5) A regulation made under subsection (1) or (2) may provide differently for different classes of public bodies.

### **Ministerial regulation making power**

**76.1** (1) The minister responsible for this Act may amend, by regulation, Schedule 2

(a) to add to it any agency, board, commission or other body

(i) of which any member is appointed by the Lieutenant Governor in Council or a minister,

(ii) of which a controlling interest in the share capital is owned by the government of British Columbia or any of its agencies, or

(iii) that performs functions under an enactment, and

(b) to designate or change the designation of the head of a public body.

(2) The minister responsible for this Act may amend, by regulation, Schedule 3 to add to it the name of the governing body of a profession or occupation if

(a) any member of that body is appointed by the Lieutenant Governor in Council, a minister or an Act, or

(b) the profession or occupation is governed under an Act.

(3) For the purposes of this section, Schedule 2 or Schedule 3 means that Schedule, as amended by regulation of the Lieutenant Governor in Council, on the date this section comes into force.

### **Power to make bylaws**

**77** A local public body, by bylaw or other legal instrument by which the local public body acts,

- (a) must designate a person or group of persons as the head of the local public body for the purposes of this Act,
- (b) may authorize any person to perform any duty or exercise any function under this Act of the person or group of persons designated as the head of the local public body, and
- (c) may set any fees the local public body requires to be paid under section 75.

### **Appropriation**

**78** In the absence of an appropriation for the purpose under another Act, expenditures incurred in connection with the administration of this Act may be paid out of the consolidated revenue fund.

### **Relationship of Act to other Acts**

**79** If a provision of this Act is inconsistent or in conflict with a provision of another Act, the provision of this Act prevails unless the other Act expressly provides that it, or a provision of it, applies despite this Act.

### **Review of Act**

**80** (1) At least once every 6 years, a special committee of the Legislative Assembly must begin a comprehensive review of this Act and must submit a report respecting this Act to the Legislative Assembly within one year after the date of the appointment of the special committee.

(2) A report submitted under subsection (1) may include any recommended amendments to this Act or any other Act.

(3) For the purposes of subsection (1), the first 6 year period begins on October 4, 1997.

### **Right to disclose preserved**

**81** A public body that, before October 4, 1993, disclosed names, addresses and drivers' licence numbers to the Tuberculous and Chest Disabled Veterans' Association may continue, despite section 33, to disclose that information to the association if it undertakes not to use the information except for the purposes for which it used that information before that date.

## **Schedule 1**

*(Note: see section 1)*

## **Definitions**

In this Act:

**"aboriginal government"** means an aboriginal organization exercising governmental functions;

**"adjudicator"** means a person designated under section 60;

**"commissioner"** means the commissioner appointed under section 37 (1) or 39 (1);

**"day"** does not include a holiday or a Saturday;

**"educational body"** means

(a) a university as defined in the *University Act*,

(b) the University of Northern British Columbia,

(c) Royal Roads University,

(c.1) Technical University of British Columbia,

(d) an institution as defined in the *College and Institute Act*,

(e) the British Columbia Institute of Technology continued under the *Institute of Technology Act*,

(f) the Open Learning Agency established under the *Open Learning Agency Act*,

(g) a board as defined in the *School Act*, or

(h) a francophone education authority as defined in the *School Act*;

**"employee"**, in relation to a public body, includes a person retained under a contract to perform services for the public body;

**"exercise of prosecutorial discretion"** means the exercise by Crown Counsel, or by a special prosecutor, of a duty or power under the *Crown Counsel Act*, including the duty or power

(a) to approve or not to approve a prosecution,

(b) to stay a proceeding,

- (c) to prepare for a hearing or trial,
- (d) to conduct a hearing or trial,
- (e) to take a position on sentence, and
- (f) to initiate an appeal;

**"head"**, in relation to a public body, means

- (a) if the public body is a ministry or office of the government of British Columbia, the member of the Executive Council who presides over it,
- (b) if the public body is designated in, or added by regulation to, Schedule 2, the person designated as the head of that public body in that Schedule or by regulation, and
- (c) in any other case, the person or group of persons designated under section 77 as the head of the public body;

**"health care body"** means

- (a) a hospital as defined in section 1 of the *Hospital Act*,
- (b) a Provincial auxiliary hospital established under the *Hospital (Auxiliary) Act*,
- (c) a regional hospital district and a regional hospital district board under the *Hospital District Act*,
- (d) a local board of health as defined in the *Health Act*,
- (e) a metropolitan board of health established under the *Health Act*,
- (f) a Provincial mental health facility as defined in the *Mental Health Act*,
- (g) a regional health board designated under section 4 (1) of the *Health Authorities Act*, or
- (h) a community health council designated under section 6 (1) of the *Health Authorities Act*;

**"judicial administration record"** means a record containing information relating to a judge,

master or a justice of the peace, including

- (a) scheduling of judges and trials,
- (b) content of judicial training programs,
- (c) statistics of judicial activity prepared by or for a judge, and
- (d) a record of the judicial council of the Provincial Court;

**"law enforcement"** means

- (a) policing, including criminal intelligence operations,
- (b) investigations that lead or could lead to a penalty or sanction being imposed, or
- (c) proceedings that lead or could lead to a penalty or sanction being imposed;

**"local government body"** means

- (a) a municipality as defined in the *Local Government Act* or the *Resort Municipality of Whistler Act*,
- (b) the City of Vancouver,
- (c) a regional district as defined in the *Local Government Act*,
- (d) an improvement district as defined in the *Local Government Act*,
- (e) a local area as defined in the *Local Services Act*,
- (f) a greater board as defined in the *Local Government Act* or any incorporated board that provides similar services and is incorporated by letters patent,
- (g) a board of variance established under section 899 of the *Local Government Act* or section 572 of the *Vancouver Charter*,
- (h) the trust council, the executive committee, a local trust committee and the trust fund board, as these are defined in the *Islands Trust Act*,
- (i) the Okanagan Basin Water Board,

(j) a water users' community as defined in the *Water Act*,

(k) the Okanagan-Kootenay Sterile Insect Release Board,

(l) a municipal police board established under section 23 of the *Police Act*,

(m) a library board as defined in the *Library Act*,

(n) any board, committee, commission, panel, agency or corporation that is created or owned by a body referred to in paragraphs (a) to (m) and all the members or officers of which are appointed or chosen by or under the authority of that body,

(o) a board of cemetery trustees established under section 18 of the *Cemetery and Funeral Services Act*, or

(p) the Greater Vancouver Transportation Authority;

**"local public body"** means

(a) a local government body,

(b) a health care body,

(c) an educational body, or

(d) a governing body of a profession or occupation, if the governing body is designated in, or added by regulation to, Schedule 3;

**"minister responsible for this Act"** means the member of the Executive Council charged by order of the Lieutenant Governor in Council with the administration of this Act;

**"officer of the Legislature"** means the Auditor General, the Commissioner appointed under the *Members' Conflict of Interest Act*, the police complaint commissioner appointed under Part 9 of the *Police Act*, the Information and Privacy Commissioner, the Chief Electoral Officer or the Ombudsman;

**"personal information"** means recorded information about an identifiable individual;

**"prosecution"** means the prosecution of an offence under an enactment of British Columbia or Canada;

**"public body"** means

- (a) a ministry of the government of British Columbia,
- (b) an agency, board, commission, corporation, office or other body designated in, or added by regulation to, Schedule 2, or
- (c) a local public body

but does not include

- (d) the office of a person who is a member or officer of the Legislative Assembly, or
- (e) the Court of Appeal, Supreme Court or Provincial Court;

**"record"** includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records;

**"third party"**, in relation to a request for access to a record or for correction of personal information, means any person, group of persons or organization other than

- (a) the person who made the request, or
- (b) a public body;

**"trade secret"** means information, including a formula, pattern, compilation, program, device, product, method, technique or process, that

- (a) is used, or may be used, in business or for any commercial advantage,
- (b) derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use,
- (c) is the subject of reasonable efforts to prevent it from becoming generally known, and
- (d) the disclosure of which would result in harm or improper benefit.

## Schedule 2

*(Note: see Schedule 1, definitions of "head" and "public body")*

### Public Bodies

Public Body:	Adoption Agency licensed under the <i>Adoption Act</i>
Head:	Administrator
Public Body:	Advisory Committee on Veterinary Drugs
Head:	Minister of Agriculture and Food
Public Body:	Advisory Committee to the Medical Services Commission
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Advisory Council on Information Technology
Head:	Chair
Public Body:	Appeal Boards ( <i>Forest Act</i> and <i>Range Act</i> ) (each Board)
Head:	Minister of Forests
Public Body:	Aquaculture Industry Advisory Board
Head:	Minister of Agriculture, Fisheries and Food
Public Body:	Arbitration Review Panel
Head:	Chair
Public Body:	Assayers Certification Board of Examiners
Head:	Minister of Energy and Mines
Public Body:	Assessment Committee ( <i>Mental Health Act</i> )
Head:	Minister of Health and Minister Responsible for Seniors

Public Body:	Audit Committee ( <i>Medical Service Act</i> )
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Auditor Certification Board
Head:	Minister of Finance and Corporate Relations
Public Body:	BC Benefits Appeal Board
Head:	Chair
Public Body:	B.C. Community Financial Services Corporation
Head:	Chair of the Board of Directors
Public Body:	B.C. Coroners Service
Head:	Chief Coroner
Public Body:	B.C. Heritage Rivers Board
Head:	Chair
Public Body:	B.C. International Commercial Arbitration Centre
Head:	Chair
Public Body:	B.C. Mushroom Marketing Board
Head:	Chair
Public Body:	B.C. Pavilion Corporation
Head:	Chair of the Board of Directors
Public Body:	B.C. Raspberry Industry Development Council
Head:	Chair
Public Body:	BC Transplant Society
Head:	Chair

Public Body: BC Transportation Financing Authority  
 Head: Chair

Public Body: Blueberry Industry Development Council  
 Head: Chair

Public Body: Board of Brand Commissioners  
 Head: Minister of Agriculture, Fisheries and Food

Public Body: Board of Examiners (Education)  
 Head: Minister of Education, Skills and Training

Public Body: Board of Examiners (Forests)  
 Head: Chair

Public Body: Board of Examiners (Municipal Affairs)  
 Head: Minister of Municipal Affairs and Housing

Public Body: Boards of Cemetery Trustees (each Board)  
 Head: Attorney General

Public Body: Boards of Reference (each Board)  
 Head: Minister of Education, Skills and Training

Public Body: British Columbia Agricultural Industry Development Council  
 Head: Chair

Public Body: British Columbia Arts Board  
 Head: Chair

Public Body: British Columbia Arts Council  
 Head: Chair

Public Body: British Columbia Assessment Authority  
Head: Chair of the Board of Directors

Public Body: British Columbia Assets and Land Corporation  
Head: Chair of the Board of Directors

Public Body: British Columbia Board of Parole  
Head: Chair

Public Body: British Columbia Broiler Hatching Egg Commission  
Head: Chair

Public Body: British Columbia Buildings Corporation  
Head: Chair of the Board of Directors

Public Body: British Columbia Chicken Marketing Board  
Head: Chair

Public Body: British Columbia Community Pride Program  
Head: Minister of Small Business, Tourism and Culture

Public Body: British Columbia Council on Admissions and Transfer  
Head: Minister of Education, Skills and Training

Public Body: British Columbia Courthouse Library Society  
Head: Chair

Public Body: British Columbia Cranberry Marketing Board  
Head: Chair

Public Body: British Columbia Cultural Foundation  
Head: Minister of Small Business, Tourism and Culture

Public Body: British Columbia Egg Marketing Board  
Head: Chair

Public Body: British Columbia Ferry Corporation  
Head: Chair of the Board of Directors

Public Body: British Columbia Festival of the Arts Society  
Head: Minister of Small Business, Tourism and Culture

Public Body: British Columbia Film Board  
Head: Chair

Public Body: British Columbia Film Development Society  
Head: Chair

Public Body: British Columbia Forest Museum  
Head: Minister of Small Business, Tourism and Culture

Public Body: British Columbia Forest Research Advisory Committee  
Head: Minister of Forests

Public Body: British Columbia Game Farm Advisory Council  
Head: Minister of Agriculture, Fisheries and Food

Public Body: British Columbia Games Society  
Head: Minister of Small Business, Tourism and Culture

Public Body: British Columbia Gaming Commission  
Head: Chair

Public Body: British Columbia Grape Marketing Board  
Head: Chair

Public Body: British Columbia Heritage Trust  
Head: Chair

Public Body: British Columbia Hog Marketing Commission  
Head: Chair

Public Body: British Columbia Housing and Employment Development  
Financing Authority  
Head: Minister of Finance and Corporate Relations

Public Body: British Columbia Housing Management Commission  
Head: Chair

Public Body: British Columbia Human Rights Commission  
Head: Chief Commissioner

Public Body: British Columbia Human Rights Tribunal  
Head: Chair

Public Body: British Columbia Hydro and Power Authority  
Head: Chair of the Board of Directors

Public Body: British Columbia Investment Management Corporation  
Head: Chief Investment Officer

Public Body: British Columbia Library Foundation  
Head: Chair

Public Body: British Columbia Lottery Corporation  
Head: Chair of the Board of Directors

Public Body: British Columbia Marketing Board  
Head: Chair

Public Body: British Columbia Milk Marketing Board  
Head: Chair

Public Body: British Columbia Oyster Board  
Head: Chair

Public Body: British Columbia Peace River Grain Development Council  
Head: Chair

Public Body: British Columbia Pension Corporation  
Head: Chief Executive Officer

Public Body: British Columbia Racing Commission  
Head: Chair

Public Body: British Columbia Review Board  
Head: Chair

Public Body: British Columbia Round Table on the Environment and the Economy  
Head: Minister of Environment, Lands and Parks

Public Body: British Columbia Salmon Marketing Council  
Head: Chair

Public Body: British Columbia Securities Commission  
Head: Chair

Public Body: British Columbia Securities Commission Policy  
Advisory Committee (SPAC)  
Head: Chair

Public Body: British Columbia Sheep and Wool Commission  
Head: Chair

Public Body: British Columbia Sport and Recreation Advisory Council  
Head: Minister of Small Business, Tourism and Culture

Public Body: British Columbia Steamship (1975) Ltd.  
Head: President

Public Body: British Columbia Student Assistance Appeals Committee  
Head: Minister of Education, Skills and Training

Public Body: British Columbia Summer and Winter Games Society  
Head: Minister of Small Business, Tourism and Culture

Public Body: British Columbia Trade Development Corporation  
Head: Director of the Corporation

Public Body: British Columbia Transit Corporation  
Head: Chair of the Board of Directors

Public Body: British Columbia Tree Fruit Marketing Board  
Head: Chair

Public Body: British Columbia Turkey Marketing Board  
Head: Chair

Public Body: British Columbia Utilities Commission  
Head: Chair

Public Body: British Columbia Vegetable Marketing Commission  
Head: Chair

Public Body: British Columbia Wine Institute  
Head: Chair

Public Body: British Columbia Year of Music  
Head: Minister of Finance and Corporate Relations

Public Body: British Columbia Youth Council  
Head: Minister of Education, Skills and Training

Public Body: Building Code Appeal Board  
Head: Minister of Municipal Affairs and Housing

Public Body: Building Safety Advisory Council  
Head: Minister of Municipal Affairs and Housing

Public Body: Building Safety Standards Advisory Council  
Head: Minister of Municipal Affairs and Housing

Public Body: Bull Control Committees (each Committee)  
Head: Minister of Agriculture, Fisheries and Food

Public Body: Cariboo Community Health Services Society  
Head: Chair

Public Body: Carmanah Valley Forest Management Advisory Committee  
Head: Minister of Forests

Public Body: Cattle Industry Development Board  
Head: Chair

Public Body: Center for Curriculum Transfer and Technology  
Head: Chair

Public Body: Central Kootenay Community Health Services Society  
Head: Chair

Public Body: Centre for Education Information Standards and Services Society  
Head: Chair

Public Body: Chip Export Advisory Committee  
Head: Minister of Forests

Public Body: Class "C" Provincial Park Boards (each Board)  
Head: Minister of Environment, Lands and Parks

Public Body: Clayoquot Sound Central Region Board  
Head: Co-chairs

Public Body: C.M.A. Parking Association  
Head: Minister of Environment, Lands and Parks

Public Body: Coast Garibaldi Community Health Services Society  
Head: Chair

Public Body: Columbia Basin Trust  
Head: Chair

Public Body: Columbia Power Corporation  
Head: President

Public Body: Commercial Appeals Commission  
Head: Chair

Public Body: Commission on Resources and Environment  
Head: Commissioner

Public Body: Commissions of Inquiry (each Commission)  
Head: Chair

Public Body:	Committee of Special Advisors ( <i>Labour Relations Code</i> )
Head:	Minister of Labour
Public Body:	Committee on Public Participation in Science and Technology
Head:	Minister of Employment and Investment
Public Body:	Community Care Facilities Appeal Board
Head:	Chair
Public Body:	Community Care Facilities Variance Committee
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Community Charter Council under the <i>Community Charter Council Act</i>
Head:	Minister of State for Community Charter
Public Body:	Community Health Services Societies (each society)
Head:	Chair
Public Body:	Compensation Fairness Commission
Head:	Minister of Finance and Corporate Relations
Public Body:	Construction Industry Advisory Council
Head:	Minister of Labour
Public Body:	Credit Union Deposit Insurance Corporation of British Columbia
Head:	Chair
Public Body:	Creston Valley Wildlife Management Authority
Head:	Minister of Environment, Lands and Parks
Public Body:	Crop Insurance Advisory Committees (each Committee)
Head:	Minister of Agriculture, Fisheries and Food

Public Body: Dairy Products Promotional Fund Committee  
Head: Minister of Agriculture and Food

Public Body: Discovery Enterprises Inc.  
Head: Chair

Public Body: Downtown Revitalization Program Society  
Head: Minister of Municipal Affairs and Housing

Public Body: Duke Point Developments  
Head: Chair

Public Body: East Kootenay Community Health Services Society  
Head: Chair

Public Body: Education Advisory Council  
Head: Minister of Education, Skills and Training

Public Body: Election Advisory Committee  
Head: Chief Electoral Officer

Public Body: Elections British Columbia  
Head: Chief Electoral Officer

Public Body: Electoral Boundaries Commission  
Head: Chair

Public Body: Electrical Safety Advisory Committee  
Head: Minister of Municipal Affairs and Housing

Public Body: Electrical Safety Appeal Board  
Head: Minister of Municipal Affairs and Housing

Public Body:	Electrical Safety Board of Review
Head:	Minister of Municipal Affairs and Housing
Public Body:	Elevating Devices Appeal Board
Head:	Minister of Municipal Affairs and Housing
Public Body:	Elevating Devices Safety Advisory Committee
Head:	Minister of Municipal Affairs and Housing
Public Body:	Emergency Communications Corporation under the <i>Emergency Communications Corporations Act</i>
Head:	General Manager or President (as applicable)
Public Body:	Emergency Health Services Commission
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Emergency Medical Assistants Licensing Board
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Employment Standards Tribunal
Head:	Chair
Public Body:	Environmental Appeal Board
Head:	Chair
Public Body:	Expropriation Compensation Board
Head:	Chair
Public Body:	Farm Practices Board
Head:	Chair
Public Body:	Film Development Society of British Columbia
Head:	Chair of the Board of Directors

Public Body: Financial Institutions Commission  
Head: Chair

Public Body: Fire Code Committee  
Head: Minister of Municipal Affairs and Housing

Public Body: Fire Safety Advisory Council  
Head: Minister of Municipal Affairs and Housing

Public Body: Fire Services Advisory Board  
Head: Minister of Municipal Affairs and Housing

Public Body: First Nations Forestry Council  
Head: Minister of Forests

Public Body: First Peoples' Heritage, Language and Culture Advisory Committee  
Head: Minister of Aboriginal Affairs

Public Body: First Peoples' Heritage, Language and Culture Council  
Head: Minister of Aboriginal Affairs

Public Body: Forensic Psychiatric Services Commission  
Head: Minister of Health and Minister Responsible for Seniors

Public Body: Forest Appeals Commission  
Head: Chair

Public Body: Forest Practices Advisory Council  
Head: Chair

Public Body: Forest Research Council  
Head: Minister of Forests

Public Body: Forest Resource Commission  
Head: Minister of Forests

Public Body: Forest Sector Strategy Committee  
Head: Minister of Forests

Public Body: Forest Worker Agency  
Head: Chair

Public Body: Friends of Barkerville Society  
Head: Chair

Public Body: Friends of Fort Steele Society  
Head: Chair

Public Body: Gas Safety Advisory Committee  
Head: Minister of Municipal Affairs and Housing

Public Body: Gas Safety Appeal Board  
Head: Minister of Municipal Affairs and Housing

Public Body: Habitat Conservation Fund Public Advisory Board  
Head: Minister of Environment, Lands and Parks

Public Body: Health Care Practitioner's Special Committee for Audit  
(*Medicare Protection Act*)  
Head: Minister of Health and Minister Responsible for Seniors

Public Body: Health Facilities Association of British Columbia  
Head: Minister of Health and Minister Responsible for Seniors

Public Body: Heritage Rivers Board  
Head: Chair

Public Body:	Homeowner Protection Office
Head:	Chief Executive Officer
Public Body:	Hospital Appeal Board ( <i>Hospital Act</i> )
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Human Rights Advisory Council
Head:	Minister of Government Services and Minister Responsible for Multiculturalism, Human Rights, Sports and Immigration
Public Body:	Income Assistance Advisory Council
Head:	Minister of Human Resources
Public Body:	Independent Schools Teacher Certification Committee
Head:	Minister of Education, Skills and Training
Public Body:	Industrial Inquiry Commissions (each Commission)
Head:	Minister of Labour
Public Body:	Industry Training and Apprenticeship Commission
Head:	Chair
Public Body:	Information Science and Technology Agency
Head:	Minister of Advanced Education, Training and Technology
Public Body:	Insurance Corporation of British Columbia
Head:	President and Chief Executive Officer
Public Body:	Insurance Council of British Columbia
Head:	Chair
Public Body:	International Financial Centre Vancouver Society
Head:	Minister of Employment and Investment

Public Body: International Maritime Centre — Vancouver Society  
Head: Minister of Employment and Investment

Public Body: Job Protection Commission  
Head: Minister of Economic Development, Small Business and Trade

Public Body: Joint Advisory Committee to the Collective Agreement Arbitration Bureau  
Head: Chair

Public Body: Justice Development Commission  
Head: Chair

Public Body: Kilby Museum Historic Society  
Head: Chair

Public Body: Labour Relations Board  
Head: Chair

Public Body: Law Foundation  
Head: Chair

Public Body: Law Reform Commission  
Head: Chair

Public Body: Legal Services Society  
Head: Chair

Public Body: Liquor Appeal Board  
Head: Chair

Public Body: Manufactured Home Park Dispute Resolution Committee  
Head: Chair

Public Body:	Mediation and Arbitration Board
Head:	Minister of Employment and Investment
Public Body:	Medical and Health Care Services Appeal Board ( <i>Medicare Protection Act</i> )
Head:	Chair
Public Body:	Medical Practitioners Audit Committee ( <i>Medicare Protection Act</i> )
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Medical Review Board
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Medical Review Panels ( <i>Workers Compensation Act</i> )
Head:	(each Panel) Minister of Labour
Public Body:	Medical Services Commission
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Mineral Tax Review Board
Head:	Minister of Employment and Investment
Public Body:	Minister's Advisory Committee on Community Archives Grants
Head:	Minister of Advanced Education, Training and Technology
Public Body:	Minister's Advisory Committee on Ethical Issues in Health Care
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Minister's Advisory Council on Affordable Housing
Head:	Minister of Social Development and Economic Security
Public Body:	Minister's Advisory Council on Women's Health
Head:	Minister of Health and Minister Responsible for Seniors

Public Body: Minister's European Community Advisory Committee  
Head: Minister of Employment and Investment

Public Body: Motor Carrier Commission  
Head: Chair

Public Body: Motor Dealer Customer Compensation Fund Board  
Head: Attorney General

Public Body: Muskwa-Kechika Advisory Board  
Head: Chair

Public Body: Native Courtworkers and Counselling Association  
of British Columbia  
Head: President

Public Body: North America Free Trade Advisory Committee  
Head: Minister of Employment and Investment

Public Body: North West Community Health Services Society  
Head: Chair

Public Body: Notaries Public, Board of Examiners  
Head: Chair

Public Body: Notary Foundation  
Head: Chair

Public Body: Office for Children and Youth  
Head: Child and Youth Officer

Public Body: Office of the Auditor General  
Head: Auditor General

Public Body:	Office of the Commissioner appointed under the <i>Members' Conflict of Interest Act</i>
Head:	Commissioner
Public Body:	Office of the Forest Jobs Commissioner
Head:	Minister of Forests
Public Body:	Office of the Information and Privacy Commissioner
Head:	Commissioner
Public Body:	Office of the Ombudsman
Head:	Ombudsman
Public Body:	Office of the police complaint commissioner appointed under the <i>Police Act</i>
Head:	Police complaint commissioner
Public Body:	Office of the Premier and Executive Council Operations
Head:	Premier
Public Body:	Office of the Public Guardian and Trustee
Head:	Public Guardian and Trustee
Public Body:	Office of the Registrar under the <i>Lobbyist Registration Act</i>
Head:	Registrar
Public Body:	Oil and Gas Commission
Head:	Commissioner
Public Body:	Okanagan Valley Tree Fruit Authority
Head:	Chair of the Board of Directors
Public Body:	Order of British Columbia Advisory Council
Head:	Chair

Public Body:	Organized Crime Agency of B.C.
Head:	Chair
Public Body:	Pacific National Exhibition
Head:	President
Public Body:	Pacific Racing Association
Head:	Chair
Public Body:	Pacific Rim Institute of Tourism
Head:	Minister of Small Business, Tourism and Culture
Public Body:	Peace Liard Community Health Services Society
Head:	Chair
Public Body:	Pension Benefits Standards Advisory Council
Head:	Minister of Labour
Public Body:	Pharmacare Advisory Committee
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Pharmacoeconomics Initiative
Head:	Registrar, College of Pharmacists
Public Body:	Pharmanet Committee
Head:	Registrar, College of Pharmacists
Public Body:	Plain Language Institute of British Columbia Society
Head:	Chair
Public Body:	Plumbing Code Advisory Committee
Head:	Minister of Municipal Affairs and Housing
Public Body:	Power Engineers and Pressure Vessel Safety Advisory Committee
Head:	Minister of Municipal Affairs and Housing

Public Body: Power Engineers and Pressure Vessel Safety Appeal Board  
Head: Minister of Municipal Affairs and Housing

Public Body: Premier's Advisory Council for Persons with Disabilities  
Head: Minister of Education, Skills and Training

Public Body: Premier's Advisory Council on Science and Technology  
Head: Minister of Employment and Investment

Public Body: Private Investigators and Security Agencies Advisory Board  
Head: Chair

Public Body: Private Post Secondary Education Commission  
Head: Chair

Public Body: Property Assessment Appeal Board  
Head: Chair

Public Body: Property Assessment Review Panels (each Panel)  
Head: Minister of Municipal Affairs

Public Body: Provincial Adult Care Facilities Licensing Board  
Head: Minister of Health and Minister Responsible for Seniors

Public Body: Provincial Advisory Committee on Services to Adults  
with a Mental Handicap  
Head: Minister for Children and Families

Public Body: Provincial Agricultural Land Commission  
Head: Chair

Public Body: Provincial Capital Commission  
Head: Chair

Public Body: Provincial Child Care Council  
 Head: Minister for Children and Families

Public Body: Provincial Child Care Facilities Licensing Board  
 Head: Minister of Health and Minister Responsible for Seniors

Public Body: Provincial Heritage Advisory Council  
 Head: Chair

Public Body: Provincial Mental Health Advisory Council  
 Head: Minister of Health and Minister Responsible for Seniors

Public Body: Provincial Rental Housing Corporation  
 Head: Minister of Municipal Affairs and Housing

Public Body: Provincial Tourist Advisory Council  
 Head: Minister of Small Business, Tourism and Culture

Public Body: Public Documents Committee  
 Head: Minister of Employment and Investment

Public Body: Public Interest Inquiry Boards (each Board)  
 Head: Minister of Labour

Public Body: Public Service and Public Sector Inquiry Commission  
 Head: Minister of Employment and Investment

Public Body: Public Service Appeal Board  
 Head: Chair

Public Body: Purchasing Commission  
 Head: Minister of Finance and Corporate Relations

Public Body:	Queen Elizabeth II British Columbia Centennial Scholarship Advisory Committee
Head:	Minister of Finance and Corporate Relations
Public Body:	Rapid Transit Project 2000 Limited
Head:	President
Public Body:	Raspberry Industry Development Council
Head:	Chair
Public Body:	Real Estate Council
Head:	Chair
Public Body:	Real Estate Foundation of British Columbia
Head:	Chair
Public Body:	Regional Advisory Committees (each Committee)
Head:	Chair
Public Body:	Regional Advisory Councils on Services to Adults with a Mental Handicap (each Council)
Head:	Minister for Children and Families
Public Body:	Review Panels ( <i>Mental Health Act</i> )
Head:	Minister of Health and Minister Responsible for Seniors
Public Body:	Science Council of British Columbia
Head:	Minister of Employment and Investment
Public Body:	Seed Control Committees (each Committee)
Head:	Minister of Agriculture, Fisheries and Food
Public Body:	Seed Potato Control Committees (each Committee)
Head:	Minister of Agriculture, Fisheries and Food

Public Body: Seniors Advisory Council  
Head: Minister of Health and Minister Responsible for Seniors

Public Body: Skagit Environmental Endowment Commission  
Head: Minister of Environment, Lands and Parks

Public Body: Special Advisory Committee on Ethical Issues in Health Care  
Head: Minister of Health and Minister Responsible for Seniors

Public Body: Spotted Owl Community Advisory Group  
Head: Minister of Forests

Public Body: Standing Committee on Student Financial Assistance  
Head: Minister of Education, Skills and Training

Public Body: Superannuation Commission  
Head: Minister of Finance and Corporate Relations

Public Body: Terry Fox Medical Research Foundation  
Head: Minister of Finance and Corporate Relations

Public Body: The ICA Foundation of British Columbia  
Head: Attorney General

Public Body: Therapeutics Initiatives  
Head: Minister of Health and Minister Responsible for Seniors

Public Body: Timber Export Advisory Committee  
Head: Minister of Forests

Public Body: Tourism British Columbia  
Head: Chair

Public Body:	Travel Assurance Board
Head:	Attorney General
Public Body:	Treasury Advisory Board
Head:	Minister of Finance and Corporate Relations
Public Body:	TRIUMF-KAON Venture Office Advisory Board
Head:	Minister of Employment and Investment
Public Body:	Upper Island/Central Coast Community Health Services Society
Head:	Chair
Public Body:	Vancouver Trade and Convention Centre Authority
Head:	President
Public Body:	Victoria Line Ltd.
Head:	President
Public Body:	Victoria Rediscovery Society
Head:	Minister of Small Business, Tourism and Culture
Public Body:	Victoria Regional Transit Commission
Head:	Chair
Public Body:	Vocational Rehabilitation of Disabled Persons Appeal Secretariat
Head:	Minister of Education, Skills and Training
Public Body:	Whistler Land Corporation Development Ltd.
Head:	Minister of Finance and Corporate Relations
Public Body:	Woodlot Product Development Council
Head:	Chair
Public Body:	Workers' Compensation Board
Head:	Chair of the board of directors

Public Body: Workers' Compensation Review Board  
Head: Chair

Public Body: Youth Program Committee  
Head: Chair

### **Schedule 3**

#### **Governing Bodies of Professions or Occupations**

Applied Science Technologists and Technicians of British Columbia

Architectural Institute of British Columbia

Association of British Columbia Professional Foresters

Association of Naturopathic Physicians of British Columbia

Association of Physiotherapists and Massage Practitioners of British Columbia

Association of Professional Engineers and Geoscientists of the Province of British Columbia

Barbers' Association of British Columbia

Board of Examiners in Barbering

Board of Examiners in Cosmetology

Board of Examiners in Optometry

Board of Examiners in Podiatry

Board of Hearing Aid Dealers and Consultants

Board of Registration for Social Workers

British Columbia Association of Optometrists

British Columbia Association of Podiatrists

British Columbia College of Chiropractors

British Columbia Institute of Agrologists

British Columbia Registered Music Teachers' Association

British Columbia Society of Landscape Architects

British Columbia Veterinary Medical Association

Building Officials' Association of British Columbia

Certified General Accountants' Association of British Columbia

College of Acupuncturists of British Columbia

College of Dental Hygienists of British Columbia

College of Dental Surgeons of British Columbia

College of Dental Technicians of British Columbia

College of Denturists of British Columbia

College of Licensed Practical Nurses of British Columbia

College of Massage Therapists of British Columbia

College of Midwives of British Columbia

College of Naturopathic Physicians of British Columbia

College of Occupational Therapists of British Columbia

College of Opticians of British Columbia

College of Pharmacists of British Columbia

College of Physical Therapists of British Columbia

College of Physicians and Surgeons of British Columbia

College of Psychologists of British Columbia

College of Registered Psychiatric Nurses of British Columbia

College of Teachers

Corporation of Land Surveyors of British Columbia

Council of Licensed Practical Nurses

Dental Technicians and Denturists Board

Emergency Medical Assistants Licensing Board

Hairdressers' Association of British Columbia

Institute of Chartered Accountants of British Columbia

Law Society of British Columbia

Real Estate Council

Registered Nurses' Association of British Columbia

Registered Psychiatric Nurses Association of British Columbia

Society of Management Accountants of British Columbia

Society of Notaries Public of British Columbia

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