



PLEASE NOTE

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to January 1, 2006. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4291
Email: legislation@gov.pe.ca

CHAPTER F-15.01

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

GENERAL REGULATIONS

Pursuant to section 77 of the *Freedom of Information and Protection of Privacy Act* Stats. P.E.I. 2001, c.37, Council made the following regulations:

INTERPRETATION

1. (1) In these regulations “Act” means the *Freedom of Information and Protection of Privacy Act* Stats. P.E.I. 2001, c.37. Act

(2) For the purposes of subclause 1(k)(ii) of the Act, an agency, board, commission, corporation, office or other body listed in Schedule 1 is designated as a public body. (EC564/02) Public body, designation

REQUESTS FOR ACCESS TO RECORDS

2. (1) Public bodies shall make public in a reasonable manner
(a) the addresses of all offices authorized to receive requests made to the public body; and
(b) the various methods by which those offices can receive requests. Making requests - offices, addresses and methods

(2) A request may be delivered to any office of the public body during normal business hours of that office, but the time limit for responding to the request does not commence until the request is received in an office authorized to receive requests. Delivery during normal business hours

(3) When a request is received in an office not authorized to accept it, that office shall, as soon as possible, forward it to an authorized office. (EC564/02) Transfer of request

3. Where a person has asked to examine a record and is given access to the record, the head of the public body may require that the person be given a copy of the record, rather than the opportunity to examine it, if the head is of the opinion that
(a) providing for examination of the record would unreasonably interfere with the operations of the public body; or
(b) providing examination of the record could reasonably be expected to result in the disclosure of information that is restricted or Responding to a request for examination

prohibited from disclosure under section 5 of the Act or Part 1, Division 2 of the Act. (EC564/02)

- Oral requests **4.** An applicant may make an oral request for access to a record if
- (a) the applicant's ability to read or write English or French is limited; or
 - (b) the applicant has a physical disability or condition that impairs the applicant's ability to make a written request. (EC564/02)

DISCLOSURE OF PERSONAL INFORMATION

- Disclosure of health care information **5.** (1) The head of a public body may disclose information relating to the mental or physical health of an individual to a medical or other expert for an opinion on whether disclosure of this information could reasonably be expected to result in grave and immediate harm to the individual's safety or mental or physical health.

- Use (2) A medical or other expert to whom information is disclosed under subsection (1) shall not use the information except for the purposes described in that subsection.

- Confidentiality agreement (3) The head of the public body shall require a medical or other expert to whom information will be disclosed under this section to enter into an agreement relating to the confidentiality of the information.

- Return of a copy of a record (4) If a copy of a record containing information relating to the mental or physical health of an individual is given to a medical or other expert for examination, the medical or other expert shall, after giving the opinion referred to in subsection (1), return the copy of the record to the head of the public body or dispose of it in accordance with an agreement under subsection (3).

- Examination in person and with assistance (5) The head of the public body that has custody or control of the record may require that an applicant who makes a request for access to a record containing information relating to the applicant's mental or physical health must examine the information in person, and may not examine the record until a medical or other expert or a member of the applicant's family or some other person approved by the head of the public body is present to clarify the nature of the record and to assist the applicant in understanding the information in the record. (EC564/02)

- Consent to the disclosure of personal information **6.** The consent of an individual to a public body's using or disclosing any of the individual's personal information under clauses 36(1)(b) or 37(1)(c) of the Act shall
- (a) be in writing; and
 - (b) specify to whom the personal information may be disclosed and how the personal information may be used. (EC564/02)

7. Personal information may be disclosed to persons who are employees of a public body, including a person retained under a contract to perform services for the public body, in order to carry out a financial or other formal and systematic examination or review of a program or activity or a portion of a program or activity that includes personal information about individuals, provided such examination or review is sanctioned by an enactment or public policy relating to the public body. (EC564/02)

Disclosure for audit purposes

FEES

8. Where an applicant is required to pay a fee for services, the fee is payable in accordance with sections 9, 10, 11, and 12. (EC564/02)

Fees

9. (1) This section applies to a request for access to a record that is not a record of the personal information of the applicant.

Fees for non-personal information

(2) An applicant is required to pay an initial fee of \$5.

Initial fee

(3) Processing of a request will not commence until the initial fee has been paid.

Payment of initial fee

(4) In addition to the initial fee, fees in accordance with Schedule 2 may be charged if the amount of time spent, as estimated by the public body to which the request has been made, exceeds two hours.

Schedule 2 fees

(5) A fee may not be charged for the time spent in reviewing a record. (EC564/02)

Review time

10. Where an applicant requests access to a record of the personal information of the applicant, only fees for copying in accordance with item 6 of Schedule 2 may be charged. (EC564/02)

Fees for personal information

11. (1) A fee estimate provided under subsection 76(3) of the Act shall be in writing and set out

Fee estimate

(a) the time and cost required

(i) to search, locate and retrieve the record,

(ii) to prepare the record for disclosure;

(b) the cost of copying the record;

(c) the cost of computer time involved in locating and copying a record or, if necessary, re-programming to create a new record;

(d) the cost of supervising an applicant who wishes to examine the original record, when applicable; and

(e) the cost of shipping the record or a copy of the record.

(2) In addition to the information set out in subsection (1), a fee estimate shall include a proposed agreement, consistent with section 12, for the payment of the fee by the applicant.

Proposed agreement

Estimate of fee for personal information Time period to accept	<p>(3) A fee estimate for access to a record of the personal information of the applicant need only include the cost of copying the record.</p> <p>(4) After being given a fee estimate, an applicant has up to 20 days to indicate if the fee estimate is accepted or to modify the request to change the amount of fees assessed. (EC564/02)</p>
Payment of estimated fee	<p>12. (1) Processing of a request ceases once a fee estimate has been given to an applicant and recommences immediately on the receipt of an agreement to pay the fee, and on the receipt of at least 50% of the estimated fee.</p>
Balance	<p>(2) The balance of any fee owing is payable at the time the information is delivered to the applicant.</p>
Refund	<p>(3) Fees, other than an initial fee, or any part of those fees, shall be refunded if the amount paid is higher than the actual fees required to be paid. (EC564/02)</p>

NOTICE OF DISCLOSURES

Notice of disclosure	<p>13. For the purposes of subsection 30(4) of the Act, the notice of disclosure shall be made in the form set out in Schedule 3. (EC564/02)</p>
----------------------	---

PROVISIONS OF ENACTMENTS THAT PREVAIL

Provision of Acts	<p>14. The following provisions of Acts prevail despite the <i>Freedom of Information and Protection of Privacy Act</i>:</p> <ul style="list-style-type: none">(a) <i>Oil and Natural Gas Act</i> R.S.P.E.I. 1988, Cap. O-5, subsection 101(2);(b) <i>Adoption Act</i> R.S.P.E.I. 1988, Cap. A-4.1, sections 2, 7, 21, 39 and 47 to 54;(c) <i>Adult Protection Act</i> R.S.P.E.I. 1988, Cap. A-5, subsection 4(2) and section 30;(d) <i>Change of Name Act</i> R.S.P.E.I. 1988, Cap. C-3.1, sections 10 and 12;(e) <i>Child Protection Act</i> R.S.P.E.I. 1988, Cap. C-5.1, sections 9, 10 and 22;(f) revoked by EC727/05;(g) <i>Health Services Payment Act</i> R.S.P.E.I. 1988, Cap. H-2, section 17;(h) <i>Hospital and Diagnostic Services Insurance Act</i> R.S.P.E.I. 1988, Cap. H-8, section 6;(i) <i>Public Health Act</i> R.S.P.E.I. 1988, Cap. P-30, subsection 22(1);(j) <i>Vital Statistics Act</i> R.S.P.E.I. 1988, Cap. V-4.1, all provisions;
-------------------	--

- (k) *Securities Act* R.S.P.E.I. 1988, Cap. S-3, section 10 and subsection 17(4);
- (l) *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, section 80. (EC598/04; 727/05)

15. The following provisions of regulations made under other Acts prevail despite the *Freedom of Information and Protection of Privacy Act*: Provisions of regulations

- (a) *Oil and Natural Gas Act* Oil and Gas Conservation Regulations (EC170/74), subsection 58(1);
- (b) *Adoption Act* Regulations (EC526/93), sections 44, 47 and 68;
- (c) *Change of Name Act* Regulations (EC247/02), section 8;
- (d) *Child Protection Act* Regulations (EC215/03), sections 8 to 12. (EC598/04)

SCHEDULE**SCHEDULE 1
DESIGNATED PUBLIC BODIES****PART I****DEPARTMENT OF AGRICULTURE, FISHERIES,
AQUACULTURE AND FORESTRY**

1. Agricultural Insurance Appeal Board
2. Animal Health Advisory Committee
3. Animal Health Appeal Panel
4. Animal Health Review Board
5. *Companion Animal Protection Act* Appeals Office
6. Farm Practices Review Board
7. *Fisheries Act* advisory committees
8. Forest Improvement Advisory Council
9. Natural Products Appeals Tribunal
10. Plant Health Advisory Committee
11. P.E.I. Agricultural Research Investment Fund Inc.
12. P.E.I. Aquaculture and Fisheries Research Initiative Inc.
13. Prince Edward Island Agricultural Insurance Corporation
14. Prince Edward Island Grain Elevators Corporation
15. Prince Edward Island Marketing Council
16. Public Forest Council
17. Solanum-PEI, A Canadian Potato Systems Company Inc.
18. Weed Control Advisory Committee

PART II**DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS**

1. Acadian Communities Advisory Committee
2. Acadian Purchase Trust
3. Archaeological Sites Protection Advisory Board
4. Boilers and Pressure Vessels Advisory Board
5. Electrical Contractors Board of Examiners
6. Employment Standards Board
7. Fathers of Confederation Buildings Trust
8. Heritage Places Advisory Board
9. Industrial Relations Council
10. Labour Act conciliation boards
11. Labour Relations Board

12. Lucy Maud Montgomery Foundation
13. Ministerial Advisory Committee on Multiculturalism
14. Occupational Health and Safety Advisory Council
15. Power Engineers Board of Examiners
16. Public Records Committee
17. (P.E.I.) Sports Hall of Fame and Museum Inc.
18. Prince Edward Island Building Standards Council
19. Prince Edward Island Museum and Heritage Foundation
20. Workers Compensation Appeal Tribunal
21. Workers Compensation Board of Prince Edward Island

PART III

DEPARTMENT OF DEVELOPMENT AND TECHNOLOGY

1. Charlottetown Area Development Corporation
2. Environment Industrial Services Inc.
3. FTC Enterprises Limited/P.E.I. Food Technology Centre
4. Gateway Village Development Inc.
5. Innovative Solutions Agency (P.E.I.) Inc.
6. Island Investment Development Inc.
7. Prince Edward Island Business Development Inc.
8. Prince Edward Island Employment Development Agency
9. Prince Edward Island Liquor Control Commission
10. Souris Food Park Development Corporation
11. Summerside Regional Development Corporation Ltd.
12. Technology Prince Edward Island Inc.

PART IV

DEPARTMENT OF EDUCATION

1. Eastern School District
2. Education Negotiating Agency
3. Island Regulatory and Appeals Commission
4. la Commission scolaire de langue française
5. Private Training Schools Advisory Board
6. *Private Training Schools Act* appeal boards
7. Provincial Apprenticeship Board
8. *School Act* Certification and Standards Board
9. Student Aid Appeal Board
10. Teachers' Superannuation Commission
11. Western School Board

PART V**DEPARTMENT OF ENVIRONMENT AND ENERGY**

1. The Atlantic Wind Test Site Inc.
2. Environmental Advisory Council
3. Environmental Coordinating Committee
4. *Natural Areas Protection Act* Advisory Committee
5. Natural Gas Distribution Board
6. Pesticides Advisory Committee
7. Prince Edward Island Energy Corporation
8. Sewage Disposal Regulations Board of Examiners
9. Watercourse Alteration Advisory Committee
10. Water Well Advisory Board
11. *Wildlife Conservation Act* Advisory Committee
(also known as the Species at Risk Advisory Committee)

PART VI**DEPARTMENT OF HEALTH**

1. Community Care Facilities and Nursing Homes Board
2. Community Care Facilities Appeal Panel
3. Emergency Medical Services Board
4. Hospital Standards Committees
5. Financial Assistance Appeal Panel
6. Medical Advisory Committee
7. *Mental Health Act* Review Board
8. Nursing Homes Appeal Panel
9. Pharmacy Advisory Committee
10. Physician Resource Planning Committee
11. Professional/Technical Advisory Committee(s)
12. Provincial Health Services Advisory Council
13. Provincial Standards Committee

PART VI.1**DEPARTMENT OF SOCIAL SERVICES AND SENIORS**

1. Child Care Facilities Appeal Panel
2. Child Care Facilities Board
3. *Child Protection Act* Advisory Committee
4. Public Housing Authorities
5. Seniors Advisory Council

6. Social Assistance Appeal Board

PART VII

DEPARTMENT OF TOURISM

1. Golf Links Prince Edward Island Inc.
2. *Tourism Industry Act* Arbitration Board
3. Tourism Marketing Authority
4. Tourism PEI

PART VIII

DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

1. Advisory Council on the Status of Women
2. Board of Examiners of Prince Edward Island Land Surveyors
3. Island Waste Management Corporation
4. Land Acquisition Review Board
5. Prince Edward Island Crown Building Corporation

PART IX

EXECUTIVE COUNCIL OFFICE

1. Order of Prince Edward Island Advisory Council

PART X

OFFICE OF THE ATTORNEY GENERAL

1. Credit Union Deposit Insurance Corporation
2. Criminal Code Review Board
3. Electoral Boundaries Commission
4. Judicial Remuneration Review Commission
5. Prince Edward Island Human Rights Commission
6. *Public Trustee Act* Advisory Committee
7. *Real Estate Trading Act* advisory boards
8. *Supreme Court Act* Finance Committee
9. *Uniformity Commissioners Act* Board of Commissioners
10. Victim Services Advisory Committee

PART XI

OFFICE OF THE PREMIER

1. Family Violence Prevention Action Committee
2. Healthy Child Development Council

PART XII**PROVINCIAL TREASURY**

1. Civil Service Superannuation Administrative Advisory Committee
2. Classification Appeal Committee
3. P.E.I. Lending Agency
4. Prince Edward Island Lotteries Commission
5. Prince Edward Island Master Trust Advisory Board
6. Prince Edward Island Public Service Commission
7. Prince Edward Island Self-Insurance and Risk Management Fund
8. Prince Edward Island Self-Insurance and Risk Management Fund
Advisory Committee
9. Prince Edward Island Special Projects Fund

(EC564/02; 581/03; 610/05)

SCHEDULE 2

FEES

The amounts of the fees set out in this Schedule are the maximum amounts that can be charged to applicants. All applicable taxes are payable in addition to the listed fees.

- 1. Locating and retrieving a record..... \$10.00 per half hour
- 2. Producing a record from an electronic record
 - (a) Computer processing and related charges..... Actual cost to public body
 - (b) Computer programming..... Actual cost to public body
- 3. Preparing and handling a record for disclosure..... \$10.00 per half hour
- 4. Supervising the examination of a record \$10.00 per half hour
- 5. Shipping a record or a copy..... Actual cost to public body
- 6. Copying a record:
 - (a) photocopies, hard copy laser print and computer printouts..... 25 cents per page
 - (b) floppy disks..... Actual cost to public body
 - (c) compact disks..... Actual cost to public body
 - (d) duplication of 16mm microfilm..... \$29.95 per roll
 - (e) duplication of 35mm microfilm..... \$32.95 per roll
 - (f) duplication microfilm to paper..... 50 cents per exposure
 - (g) photographs (color or black and white from negative)
 - (i) 5" X 7"..... \$9.00 per photograph
 - (ii) 8" X 10"..... \$11.00 per photograph
 - (iii) 11" X 14"..... \$25.00 per photograph
 - (iv) 16" X 20"..... \$40.00 per photograph
 - (v) 20" X 24"..... \$100.00 per photograph
 - (h) duplication of 35mm color slide..... \$8.50 per slide
 - (i) duplication of audio cassette
 - (i) if public body provides cassette..... \$10.00 per cassette
 - (ii) if applicant provides cassette..... \$5.00 per cassette
 - (j) duplication of video cassette..... \$5.00 per cassette
 - (k) any other media not listed above..... Actual cost to public body

12

Cap. F-15.01 *Freedom of Information and Protection of Privacy Act*
Regulations

Updated 2006

(EC564/02)

SCHEDULE 3

Notice of Disclosure of Information

[Freedom of Information and Protection of Privacy Act, ss.30(4)]

[name of public body]

has disclosed information that relates to you in compliance with the requirements of section 30 of the *Freedom of Information and Protection of Privacy Act*. This Act requires a public body to disclose to the public, to an affected group of people, to any person or to an applicant

- (a) information about a risk of significant harm to the environment or to the health or safety of the public, of the affected group of people, of the person or of the applicant; or
- (b) information the disclosure of which is, for any other reason, clearly in the public interest.

The information disclosed is:

[Explain the information and provide a copy of the record, if the record exists; explain why section 30 of the Act applies.]

This decision was made by:

_____ [name, job title]

Signed: _____

_____ [date]

(EC564/02)