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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;

AM ⇒
July 1/98
Oct.21/04

(c) subject to subsection (3), 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;

AM ⇒
Sept. 30/02

(c.1) [Repealed]

(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;

AM ⇒
Mar 28/03

(f) material placed in the archives of the government of British Columbia by or for a person or agency other than a public body;

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

- AM ⇒ (3) The following sections apply to officers of the Legislature, their employees and, in relation to their service providers, the employees and associates of those service providers, as if the officers and their offices were public bodies:
- Oct. 21/04
- (a) section 30 (protection of personal information);
 - (b) section 30.1 (storage and access must be in Canada);
 - (c) section 30.2 (obligation to report foreign demand for disclosure);
 - (d) section 30.3 (whistle-blower protection);
 - (e) section 30.4 (unauthorized disclosure prohibited);
 - (f) section 33 (disclosure of personal information);
 - (g) section 33.1 (disclosure inside or outside Canada);
 - (h) section 33.2 (disclosure inside Canada only);
 - (i) section 74.1 (privacy protection offences).

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Oct 21/04	2004-64-1	Royal Assent
AM Mar 28/03	2003-5-1	BC Reg 125/03
AM Sept. 30/02	2002-50-19	BC Reg 266/02
AM July1/98	1997-37-52	BC Reg 205/98

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

AM ⇒ 5(1) To obtain access to a record, the applicant must make a written request that
Apr. 11/02

- (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

AM ⇒ 7(1) Subject to this section and sections 23 and 24 (1), the head of a public body
 Apr 11/02 must respond not later than 30 days after receiving a request described in section 5 (1).

AM ⇒ (2) The head of the public body is not required to comply with subsection (1) if
 Apr 11/02

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

AM ⇒ (3) If the head of a public body asks the commissioner under section 43 for
 Apr 11/02 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.

AM ⇒ (4) If the head of a public body determines that an applicant is to pay fees for
 Apr 11/02 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.

- AM ⇒ (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.
- Apr 11/02
- AM ⇒ (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.
- Apr 11/02
- AM ⇒ (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.
- Apr 11/02

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,
 - AM ⇒
Apr 11/02 (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
 - AM ⇒
Apr 11/02 (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,
 - AM ⇒
Apr 11/02 (d) [Repealed]
- (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

- AM ⇒ **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.

AMENDMENT	CHANGED BY	AUTHORITY
AM Apr 11/02	2002-13-1 2002-13-2 2002-13-3 2002-13-4	Royal Assent

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.

AM ⇒ (5) The Lieutenant Governor in Council by regulation may designate a committee
Nov. 01/02 for the purposes of this section.

AM ⇒ (6) A committee may be designated under subsection (5) only if
Nov. 01/02

- (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, recommendations or draft regulations

- 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
 - (l) 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

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(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

AM ⇒
Mar 28/03

(b) the information is in a record that is in the custody or control of the archives of the government of British Columbia 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 relation to abortion services

AM ⇒ **22.1(1)** In this section, "abortion services" means lawful medical services for
Apr 11/01 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.

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Mar 28/03	2003-5-2	BC Reg 125/03
AM Nov 01/02	2002-63-9	BC Reg 291/02
AM Apr 11/02	2002-13-5	Royal Assent
AM Apr 11/01	2001-8-1	Royal Assent

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

AM ⇒ 27(1) A public body must collect personal information or cause personal information to be collected directly from the individual the information is about unless

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- (a) another method of collection is authorized by
 - (i) that individual,
 - (ii) the commissioner under section 42 (1) (i), or
 - (iii) another enactment,

AM ⇒ (a.1) the collection of the information is necessary for the medical treatment of an individual and it is not possible.

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- (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.

- AM ⇒ (2) A public body must ensure that an individual from whom it collects
Mar 28/03 personal information or causes personal information to be collected is told
- (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.

- AM ⇒ (3) Subsection (2) does not apply if
Mar 28/03
- (a) the information is about law enforcement or anything referred to in section 15 (1) or (2),
 - (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, or

- AM ⇒ (c) the information
Mar 28/03
- (i) is not required, under subsection (1), to be collected directly from the individual the information is about, and
 - (ii) is not collected directly from the individual the information is about.

Accuracy of personal information

- AM ⇒ 28 If
Mar 28/03
- (a) an individual's personal information is in the custody or under the control of a public body, and
 - (b) the personal information will be used by or on behalf of the public body to make a decision that directly affects the individual,

the public body must make every reasonable effort to ensure that the personal 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

AM ⇒ **30** A public body must protect personal information in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

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Storage and access must be in Canada

AM ⇒ **30.1** A public body must ensure that personal information in its custody or under its control is stored only in Canada and accessed only in Canada, unless one of the following applies:

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- (a) if the individual the information is about has identified the information and has consented, in the prescribed manner, to it being stored in or accessed from, as applicable, another jurisdiction;
- (b) if it is stored in or accessed from another jurisdiction for the purpose of disclosure allowed under this Act.

Obligation to report foreign demand for disclosure

AM ⇒ **30.2(1)** In this section:

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"foreign demand for disclosure" means a subpoena, warrant, order, demand or request that is

- (a) from a foreign court, an agency of a foreign state or another authority outside Canada, and
- (b) for the unauthorized disclosure of personal information to which this Act applies;

"unauthorized disclosure of personal information" means disclosure of, production of or the provision of access to personal information to which this Act applies, if that disclosure, production or access is not authorized by this Act.

- (2) If a public body, an employee of a public body or an employee or associate of a service provider
 - (a) receives a foreign demand for disclosure,
 - (b) receives a request to disclose, produce or provide access to personal information to which this Act applies, if the public body, employee or other person receiving the request
 - (i) knows that the request is for the purpose of responding to a foreign demand for disclosure, or
 - (ii) has reason to suspect that it is for such a purpose, or
 - (c) has reason to suspect that unauthorized disclosure of personal information has occurred in response to a foreign demand for disclosure, the head of the public body, the employee or other person must immediately notify the minister responsible for this Act.
- (3) The notice under subsection (2) must include, as known or suspected,
 - (a) the nature of the foreign demand for disclosure,
 - (b) who made the foreign demand for disclosure,
 - (c) when the foreign demand for disclosure was received, and
 - (c) what information was sought by or disclosed in response to the foreign demand for disclosure.

Whistle-blower protection

- AM ⇒ **30.3** An employer, whether or not a public body, must not dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee of the employer, or deny that employee a benefit, because
- Oct. 21/04
- (a) the employee, acting in good faith and on the basis of reasonable belief, has notified the minister responsible for this Act under section 30.2,
 - (b) the employee, acting in good faith and on the basis of reasonable belief, has disclosed to the commissioner that the employer or any other person has contravened or is about to contravene this Act,
 - (c) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene this Act,
 - (d) the employee, acting in good faith and on the basis of reasonable belief, has refused to do or stated an intention of refusing to do anything that is in contravention of this Act, or

- (e) the employer believes that an employee will do anything described in paragraph (a), (b), (c) or (d).

Unauthorized disclosure prohibited

AM ⇒ **30.4** A person referred to in section 31.1 who has access, whether authorized or
 Oct. 21/04 unauthorized, to personal information in the custody or control of a public body, must not disclose that information except as authorized under this Act.

Retention of personal information

AM ⇒ **31** If an individual's personal information
 Mar 28/03

- (a) is in the custody or under the control of a public body, and
- (b) is used by or on behalf of the public body to make a decision that directly affects the individual,

the public body must ensure that the personal information is retained for at least one year after being used so that the affected individual has a reasonable opportunity to obtain access to that personal information.

Application to employees and others

AM ⇒ **31.1** The requirements and restrictions established by this Part also apply to
 Oct. 21/04

- (a) the employees, officers and directors of a public body, and
- (b) in the case of an employee that is a service provider, all employees and associates of the service provider.

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Oct 21/04	2004-64-2 2004-64-3	Royal Assent
AM Mar 28/03	2003-5-3 2003-5-4 2003-5-5 2003-5-6 2003-5-7 2003-5-8	BC Reg 125/03
AM Apr 11/02	2002-13-6	Royal Assent

Division 2 -- Use and Disclosure of Personal Information by Public Bodies

Use of personal information

- AM ⇒ **32** A public body must ensure that personal information in its custody or under
Mar 28/03 its control is used 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

- AM ⇒ **33** A public body must ensure that personal information in its custody or under
Mar.28/03 its control is disclosed only as permitted under section 33.1 or 33.2.
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Disclosure inside or outside Canada

- AM ⇒ **33.1(1)** A public body may disclose personal information referred to in section 33
Oct.21/04 inside or outside Canada as follows:
- (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 inside or outside Canada, as applicable;
 - (c) in accordance with an enactment of British Columbia or Canada that authorizes or requires its disclosure;
 - (d) 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) to a minister, if the information is immediately necessary for the performance of the duties of the minister;
 - (f) to an officer or employee of the public body or to a minister, if the information is immediately necessary for the protection of the health or safety of the officer, employee or minister;

- (g) to the Attorney General or legal counsel for the public body, for use in civil proceedings involving the government or public body;
- (h) to the minister responsible for the *Coroners Act* or a person referred to in section 36 of that Act, for the purposes of that Act;
- (i) for the purposes of
 - (i) collecting monies 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) in the case of the Insurance Corporation of British Columbia, if
 - (i) the information was obtained or compiled by that public body for purposes of insurance provided by the public body, and
 - (ii) disclosure of the information is necessary to investigate, manage or settle a specific insurance claim;
- (k) for the purposes of
 - (i) licensing or registration of motor vehicles or drivers, or
 - (ii) verification of motor vehicle insurance, motor vehicle registration or drivers licences;
- (l) for the purposes of licensing, registration, insurance, investigation or discipline of persons regulated inside or outside Canada by governing bodies of professions and occupations;
- (m) if
 - (i) the head of the public body determines that compelling circumstances exist that affect anyone's health or safety, and
 - (ii) notice of disclosure is mailed to the last known address of the individual the information is about, unless the head of the public body considers that giving this notice could harm someone's health or safety;
- (n) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted;
- (o) in accordance with section 36 (disclosure for archival or historical purposes).

- (2) In addition to the authority under any other provision of this section or section 33.2, a public body that is a law enforcement agency may disclose personal information referred to in section 33
 - (a) to another law enforcement agency in Canada, or
 - (b) to a law enforcement agency in a foreign country under an arrangement, a written agreement, a treaty or provincial or Canadian legislative authority.
- (3) The minister responsible for this Act may, by order, allow disclosure outside Canada under a provision of section 33.2 in specific cases or specified circumstances, subject to any restrictions or conditions that the minister considers advisable.

Disclosure inside Canada only

AM ⇒ **33.2** A public body may disclose personal information referred to in section 33
Oct. 21/04 inside Canada as follows:

- (a) for the purpose for which it was obtained or compiled or for a use consistent with that purpose (see section 34);
- (b) to comply with a subpoena, warrant or order issued or made by a court, person or body in Canada with jurisdiction to compel the production of information;
- (c) 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 the officer, employee or minister;
- (d) to an officer or employee of the 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, employee or minister to whom the information is disclosed;
- (e) to an officer or employee of a public body or to a minister, if the information is necessary for the protection of the health or safety of the officer, employee or minister;
- (f) to the auditor general or any other prescribed person or body for audit purposes;
- (g) to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem;

- (h) 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;
- (i) to a public body or a law enforcement agency in Canada to assist in a specific investigation
 - (i) undertaken with a view to a law enforcement proceeding, or
 - (ii) from which a law enforcement proceeding is likely to result;
- (j) to the archives of the government of British Columbia or the archives of a public body, for archival purposes;
- (k) in accordance with section 35 (disclosure for research or statistical purposes).

Definition of consistent purposes

AM ⇒ **34(1)** A use of personal information is consistent under section 32 or 33.2 with the purposes for which the information was obtained or compiled if the use

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(a) has a reasonable and direct connection to that purpose, and

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(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 or causes the information to be used or disclosed.

AM ⇒

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(2) [Repealed]

Disclosure for research or statistical purposes

AM ⇒ **35**

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A public body may disclose personal information or may cause personal information in its custody or under its control to be disclosed 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,

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(a.1) the information is disclosed on condition that it not be used for the purpose of contacting a person to participate in the research;

(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

AM ⇒ 36 The archives of the government of British Columbia, or the archives of a
Mar 28/03 public body, may disclose personal information or cause personal information in its custody or under its control to be disclosed 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.

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Oct 21/04	2004-64-4 2004-64-5	Royal Assent
AM Mar 28/03	2003-5-9 2003-5-10 2003-5-11 2003-5-12 2003-5-13	BC Reg 125/03
AM Apr 11/02	2002-13-7 2002-13-8	Royal Assent

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.

AM ⇒
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Jan. 1/01 (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.

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Apr 1/00
Jan. 1/01 (3) If an order is made under subsection (2), the Public Service Pension Plan applies subject to subsection (4).

AM ⇒
Apr 1/00 (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 ½ years of pensionable service.

AM ⇒
Jan. 1/01 (5) [Repealed]

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).
- AM ⇒
Mar 28/03 (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
- AM ⇒
Dec. 1/03 (b) the services provided by the BC Public Service Agency
- 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,
- AM ⇒
Oct. 21/04 (b) make an order described in section 58 (3), whether the order results from an investigation or audit under paragraph (a) or an inquiry under section 56,
- (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 in contravention of Part 3 by
 - (i) a public body or an employee, officer or director of a public body, or
 - (ii) an employee or associate of a service provider.

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Power to authorize a public body to disregard requests

- AM ⇒ **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
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- (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.

- AM ⇒ (2.1) If a person discloses a record that is subject to solicitor client privilege to the commissioner at the request of the commissioner, or under subsection (1) or (2), the solicitor client privilege of the record is not affected by the disclosure.
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- (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

AM ⇒ **49(1)** Subject to this section, the commissioner may delegate to any person any duty, power or function of the commissioner under this Act, other than the power to delegate under this section.
 Apr 11/02
 Mar 28/03

AM ⇒ (a) [Repealed]
 Mar 28/03

AM ⇒ (b) [Repealed]
 Mar 28/03

AM ⇒ (c) [Repealed].
 Apr 11/02

AM ⇒ **(1.1)** The commissioner may not delegate the power to examine information referred to in section 15 if the head of a police force or the Attorney General

- (a) has refused to disclose that information under section 15, and

- (b) has requested the commissioner not to delegate the power to examine that information.

AM ⇒ (1.2) Despite section 66, the head of a police force may not delegate the power to make a request under subsection (1.1) (b).
 Mar 28/03
 May 29/03

AM ⇒ (1.3) Despite section 66, the Attorney General may only delegate the power to make a request under subsection (1.1) (b) to the Assistant Deputy Attorney General, Criminal Justice Branch.
 May 29/03

- (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.

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Oct 21/04	2004-64-6	Royal Assent
AM Dec 1/03	2003-88-18	BC Reg 443/03
AM May 29/03	2003-37-22	Royal Assent
AM Mar 28/03	2003-5-14 2003-5-15 2003-5-16	BC Reg 125/03
AM April 11/02	2002-13-9 2002-13-10	Royal Assent
AM Jan 1/01 (Retroactive)	2003-62-2	2003-62-33(1)
AM April 1/00	1999-44-55	BC Reg 66/00

Part 5 -- Reviews and Complaints

Division 1 -- Reviews by the Commissioner

Right to ask for a review

AM ⇒ 52(1) A person who makes a request to the head of a public body, other than the
Oct. 28/02 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).

AM ⇒ (2) A third party notified under section 24 of a decision to give access may ask the
Oct 28/02 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

AM ⇒ **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.
Apr 11/02

- (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:

AM ⇒
Apr 11/02

- (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;

AM ⇒
Apr 11/02OR
Oct 21/04

- (e) require a public body or service provider to stop collecting, using disclosing personal information in contravention of this Act, or confirm a decision of a public body or service provider 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;
- (b.1) any service provider to whom the order is directed;
- (c) any person given notice under section 54;
- (d) the minister responsible for this Act.

AM ⇒
Oct 21/04

Duty to comply with orders

AM ⇒ **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 or the service provider to whom the order is directed, as applicable, 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.

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Oct 21/04	2004-64-7 2004-64-8	Royal Assent
AM Oct. 28/02	2001-42-12	BC Reg 284/02
AM April 11/02	2002-13-11 2002-13-12	Royal Assent

AM ⇒
Oct 28/02

Division 2 – Investigations and Reviews by Adjudicator

References to commissioner

AM ⇒ **59.1** In this Division, “commissioner” includes the registrar under the *Lobbyist*
Oct 28/02 *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),
 - AM ⇒
Mar 28/03 (b) to determine, if requested under section 60.1, whether the commissioner as head of a public body is authorized to disregard a request made under section 5 or 29, and
 - AM ⇒
Mar 28/03 (c) 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.

Disregard of request under section 5 or 29

AM ⇒ **60.1** The commissioner may request an adjudicator designated under section 60 to
Mar 28/03 authorize the commissioner as head of a public body to disregard requests made 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, 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.

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Mar 28/03	2003-5-17 2003-5-18	BC Reg 125/03
AM Oct 28/02	2001-42-13 2001-42-14	BC Reg 284/02

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

AM ⇒ 69(1) In this section:
Apr 11/02

“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.

AM ⇒ (2) The minister responsible for this Act must maintain and publish a personal information directory to provide information about records in the custody or under the control of ministries of the government of British Columbia and about the use of those records.
Apr 11/02
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AM ⇒ (3) The personal information directory must include a summary that meets the requirements of the minister responsible for this Act of the following information:
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- (a) the personal information banks that are in the custody or control of each ministry of the government of British Columbia;
- (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.
- AM ⇒
Apr 11/02 (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.
- AM ⇒
Apr 11/02 (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.
- AM ⇒
Apr 11/02 (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).
- AM ⇒
Apr 11/02 (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.
- AM ⇒
Oct 21/04 (8) Not later than 60 days after making an order under section 33.1 (3) (orders allowing disclosure outside Canada), the minister responsible for this Act must publish a summary of the order.

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.

AM ⇒ **72** [Repealed]
Apr 11/02

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.

Privacy protection offences

- AM ⇒ **74.1(1)** A person who contravenes section 30.4 (unauthorized disclosure) commits an offence.
Oct 21/04
- (2) A person who is a service provider or an employee or associate of a service provider commits an offence if the person does any of the following:
- (a) stores or allows access to personal information to which section 30.1 (location and access in Canada) applies contrary to that section;
 - (b) contravenes section 30.2 (obligation to report foreign demand for disclosure);
 - (c) contravenes section 30.3 (whistle-blower protection).

- (3) If an employee or associate of a service provider
 - (a) stores or allows access to personal information to which section 30.1 (location and access in Canada) applies contrary to that section,
 - (b) contravenes section 30.2 (obligation to report foreign demand for disclosure),
 - (c) contravenes section 30.3 (whistle-blower protection), or
 - (d) contravenes section 30.4 (unauthorized disclosure),in relation to personal information that is held because of the service provider's status as a service provider, the service provider commits an offence.
- (4) If a corporation commits an offence under this section, an officer, director or agent of the corporation who authorizes, permits or acquiesces in the commission of the offence also commits an offence, whether or not the corporation is prosecuted for the offence.
- (5) A person who commits an offence under this section is liable
 - (a) in the case of an individual, other than an individual who is a service provider, to a fine of up to \$2 000,
 - (b) in the case of a partnership that is or individual who is a service provider, to a fine of up to \$25 000, and
 - (c) in the case of a corporation, to a fine of up to \$500,000.
- (6) The time limit for laying an information to commence a prosecution for an offence under this section is
 - (a) one year after the date on which the act or omission that is alleged to constitute the offence occurred, or
 - (b) if the minister responsible for this Act issues a certificate described in subsection (7), one year after the date on which the minister learned of the act or omission referred to in paragraph (a).
- (7) A certificate purporting to have been issued by the minister responsible for this Act certifying the date referred to in subsection (6) (b) is proof of that date.
- (8) In a prosecution for an offence under this section, it is a defence for the person charged to prove that the person exercised due diligence to avoid the commission of the offence.

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.
- AM ⇒
Apr 11/02 (4) If an applicant is required to pay a fee for services under subsection (1), 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.
- AM ⇒
Apr 11/02 (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.
- AM ⇒
Apr 11/02 (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

AM ⇒
Apr 11/02

- (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.

AM ⇒ (3) [Repealed]
Apr 11/02

AM ⇒ (4) [Repealed]
Apr 11/02

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

Ministerial regulation making power

AM ⇒ **76.1(1)** The minister responsible for this Act may amend, by regulation, Schedule 2
Apr 11/02

- (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.

AM ⇒ (2) The minister responsible for this Act may amend, by regulation, Schedule 3 to
Apr 11/02 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.

AM ⇒ (3) For the purposes of this section, Schedule 2 or Schedule 3 means that
Apr 11/02 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

AM ⇒ 80(1) At least once every 6 years, a special committee of the Legislative Assembly
Apr. 11/02 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.

AM ⇒ (2) A report submitted under subsection (1) may include any recommended
Apr 11/02 amendments to this Act or any other Act.

AM ⇒ (3) For the purposes of subsection (1), the first 6 year period begins on
Apr 11/02 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 Tuberculosis 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.

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Oct 21/04	2004-64-9 2004-64-10	Royal Assent
AM April 11/02	2002-13-13 2002-13-14 2002-13-15 2002-13-16 2002-13-17 2002-13-18	Royal Assent

Transitional Provisions from Amending Acts

Freedom of Information and Protection of Privacy Amendment Act, 2002

- 20** A modification in the method of calculating time under a section of the Freedom of Information and Protection of Privacy Act that occurs as a result of an amendment enacted by this Act applies only to a period of time that begins after the amendment to that section comes into force.

EFFECTIVE DATE	CHANGED BY	AUTHORITY
April 11/02	2002-13-20	Royal Assent

Freedom of Information and Protection of Privacy Amendment Act, 2004

Transitional -- existing contracts and research arrangements

23(1) In this section:

"contract" means

- (a) a contract entered into by a public authority for the provision of services by a service provider within the meaning of the *Freedom of Information and Protection of Privacy Act*, or
- (b) a contract or other arrangement entered into by a public authority under which personal information is disclosed under section 35 [disclosure for research or statistical purposes] of the *Freedom of Information and Protection of Privacy Act*;

"contract commitment date" means

- (a) in the case of a contract that a public authority is legally obliged to enter into as a result of a completed binding competitive process, the date on which the process was completed, or

- (b) in any other case, the date on which the contract was entered into by the public authority;

"new disclosure rules" means Part 3 of the *Freedom of Information and Protection of Privacy Act*, as amended by this Act, other than section 30.3 [whistle-blower protection] of that Act;

"previous disclosure rules" means Part 3 of the *Freedom of Information and Protection of Privacy Act*, as it read before its amendment by this Act;

"public authority" means

- (a) the government,
 - (b) a public body within the meaning of the *Freedom of Information and Protection of Privacy Act*, or
 - (c) a director under the *Child, Family and Community Service Act*.
- (2) The new disclosure rules apply in relation to all contracts for which the contract commitment date is later than
- (a) October 12, 2004, in the case of a contract entered into by the government or a ministry, or
 - (b) the date on which this Act receives Royal Assent, in the case of a contract entered into by another public authority.
- (3) Subject to subsection (4), in relation to a contract for which the contract commitment date is on or earlier than the applicable date under subsection (2),
- (a) the previous disclosure rules are deemed to continue in force and apply to the contract, until the end of the term of the contract as it was on that contract commitment date, and
 - (b) the new disclosure rules apply to the contract after that time.
- (4) In relation to the services provided under a contract to which subsection (3) applies, the public authority must use all reasonable efforts to come into compliance with the new disclosure rules as soon as reasonably possible.
- (5) For certainty, the application of section 30.3 [whistle-blower protection] of the *Freedom of Information and Protection of Privacy Act* is not affected by this section.

EFFECTIVE DATE	CHANGED BY	AUTHORITY
Oct 21/04	2004-64-23	Royal Assent

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;

AM ⇒
Oct 21/04 **“affiliate”** means an affiliate within the meaning of the *Business Corporations Act*;

AM ⇒
Oct 21/04 **“associate”** means, in relation to a service provider,

- (a) an officer, director or partner of the service provider,
- (b) an affiliate of the service provider,
- (c) a subcontractor, or further sub-subcontractor, of the service provider or an affiliate of the service provider, or
- (d) an employee, officer, director or partner of an affiliate referred to in paragraph (b) or of a subcontractor or further sub-subcontractor referred to in paragraph (c),

to or through whom access is made available to personal information that is

- (e) subject to Division 2 (Use and Disclosure of Personal Information by Public Bodies) of Part 3, and
- (f) held because of the service provider's status as a service provider;

“commissioner” means the commissioner appointed under section 37(1) or 39(1);

AM ⇒
Oct 21/04 **“contact information”** means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual;

AM ⇒
Apr 11/02 **“day”** does not include a holiday or a Saturday;

“educational body” means

- (a) a university as defined in the *University Act*,
- AM⇒
Mar 28/03 (b) [Repealed]
- (c) Royal Roads University,
- AM ⇒
Mar 28/03 (c.1) [Repealed]
- (d) an institution as defined in the *College and Institute Act*,
- AM ⇒
Jun 11/04 (e) [Repealed]
- (f) the Open Learning Agency established under the *Open Learning Agency Act*, or
- (g) a board as defined in the *School Act*;
- AM ⇒
Aug. 1/97 (h) a francophone education authority as defined in the *School Act*;
- AM ⇒
Oct 21/04 **“employee”**, in relation to a public body, includes
 - (a) a volunteer, and
 - (b) a service provider;

“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

AM
Mar. 14/03

- (h) [Repealed]

“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

AM ⇒
June 12/00
Jan. 1/04

- (a) a municipality,

AM ⇒
Jan. 1/04

- (b) [Repealed]

AM ⇒
Sept. 23/98

- (c) a regional district,

Jan 1/04

- (d) an improvement district as defined in the *Local Government Act*,

- (e) a local area as defined in the *Local Services Act*,
- AM ⇒ (f) a greater board as defined in the Community Charter or any
Sept 23/98 incorporated board that provides similar services and is
Jan.1/04 incorporated by letters patent,
- AM ⇒ (g) a board of variance established under section 899 of the *Local*
Sept 23/98 *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,
- AM ⇒ (o) a board of trustees established under section 37 of the
July 4/04 *Cremation, Interment and Funeral Services Act*;
- AM ⇒ (p) the Greater Vancouver Transportation authority, or
Mar. 28/03
- AM ⇒ (q) the Park Board referred to in section 485 of the *Vancouver Charter*;
Mar 28/03

“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;

AM ⇒
Jul 25/97
Jul 1/98
Sep 30/02

“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;

AM ⇒
Apr 11/02
Oct 21/04

“personal information” means recorded information about an identifiable individual other than contact information;

AM ⇒
Apr 11/02

“personal information bank” [Repealed]

“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;

AM ⇒
Oct 21/04

“service provider” means a person retained under a contract to perform services for a public body;

“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.

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Oct 21/04	2004-64-18 2004-64-11	Royal Assent
AM July 4/04	2004-35-85	BC Reg 274/04
AM June 11/04	2004-33-18	BC Reg 252/04
AM Jan 1/04	2003-52-79	BC Reg 465/03
AM Mar 31/03	2002-35-8	2002-35-17
AM Mar 28/03	2003-5-19	BC Reg 125/03
AM Mar. 14/03	2002-61-17	BC Reg 78/03
AM Sept 30/02	2002-50-20	BC Reg 266/02
AM Apr 11/02	SBC 2002-13-19	Royal Assent
AM June 12/00	SBC 2000-7-191	Royal Assent
AM Mar 31/99	1998-30-78	BC Reg 84/99
AM Sept 23/98	1998-34-254	BC Reg 311/98
AM Jul 1/98	1997-37-53	BC Reg 205/98
AM Aug 1/97	1997-52-40	BC Reg 287/97
AM Jul 25/97	1997-11-36	BC Reg 250/97

Schedule 2

(Note: see Schedule 1, definitions of “head” and “public body”)

Public Bodies

AMENDED	PUBLIC BODY	HEAD
	Adoption Agency licensed under the <i>Adoption Act</i>	Administrator
AM June 8/00	Advisory Committee on Veterinary Drugs	Minister of Agriculture, Food and Fisheries
	Advisory Committee to the Medical Services Commission	Minister of Health and Minister Responsible for Seniors
AM June 8/00	Advisory Council on Information Technology	Chair
	Appeal Boards (<i>Forest Act and Range Act</i>) (each Board)	Minister of Forests
	Aquaculture Industry Advisory Board	Minister of Agriculture, Food and Fisheries
AM June 8/00	Arbitration Review Panel	Chair
AM June 8/00	Assayers Certification Board of Examiners	Minister of Energy and Mines
	Assessment Committee (<i>Mental Health Act</i>)	Minister of Health and Minister Responsible for Seniors
	Audit Committee (<i>Medical Service Act</i>)	Minister of Health Services
	Auditor Certification Board	Minister of Finance
AM June 8/00	BC Benefits Appeal Board	Chair
AM June 8/00	BC Community Financial Services Corporation	Chair of the Board of Directors
AM June 8/00	BC Coroners Service	Chief Coroner
AM June 8/00	BC Heritage Rivers Board	Chair
AM June 8/00	BC International Commercial Arbitration Centre	Chair
	BC Mushroom Marketing Board	Chair
	BC Pavilion Corporation	Chair of the Board of Directors
AM June 8/00	BC Raspberry Industry Development Council	Chair
AM June 8/00	BC Transplant Society	Chair
AM June 8/00	BC Transportation Financing Authority	Chair
	Blueberry Industry Development Council	Chair
	Board of Brand Commissioners	Minister of Agriculture, Food and Fisheries
AM Mar 7/03	Board of Examiners (Community, Aboriginal and Women’s Services)	Minister of Community, Aboriginal and Women’s Services
	Board of Examiners (Education)	Minister of Education
AM June 8/00	Board of Examiners (Forests)	Chair

AMENDED	PUBLIC BODY	HEAD
	Board of Examiners (Municipal Affairs)	Minister of Municipal Affairs and Housing
	Boards of Reference (each Board)	Minister of Education
AM July 4/04	Boards of Trustees established under section 38 of the Cremation, Internment and Funeral Services Act (each Board)	Solicitor General
	British Columbia Agricultural Industry Development Council	Chair
	British Columbia Arts Board	Chair
AM June 8/00	British Columbia Arts Council	Chair
	British Columbia Assessment Authority	Chair of the Board of Directors
AM June 8/00	British Columbia Assets and Land Corporation	Chair of the Board of Directors
	British Columbia Board of Parole	Chair
	British Columbia Broiler Hatching Egg Commission	Chair
	British Columbia Buildings Corporation	Chair of the Board of Directors
	British Columbia Chicken Marketing Board	Chair
	British Columbia Community Pride Program	Minister of Small Business, Tourism and Culture
	British Columbia Council on Admissions and Transfer	Minister of Advanced Education
	British Columbia Courthouse Library Society	Chair
	British Columbia Cranberry Marketing Board	Chair
AM June 8/00	British Columbia Cultural Foundation	Minister of Community, Aboriginal, and Women's Services
	British Columbia Egg Marketing Board	Chair
AM Nov 1/03	British Columbia Farm Industry Review Board	Chair
	British Columbia Festival of the Arts Society	Minister of Community, Aboriginal, and Women's Services
AM June 8/00	British Columbia Film Board	Minister of Competition, Science and Enterprise
	British Columbia Film Development Society	Chair of Board of Directors
	British Columbia Forest Museum	Chair
	British Columbia Forest Research Advisory Committee	Minister of Forests
	British Columbia Game Farm Advisory Council	Minister of Agriculture, Food and Fisheries
AM June 8/00	British Columbia Games Society	Minister of Community, Aboriginal, and Women's Services
	British Columbia Gaming Commission	Chair
	British Columbia Grape Marketing Board	Chair
	British Columbia Hog Marketing Commission	Chair
	British Columbia Housing and Employment Development Financing Authority	Minister of Finance
	British Columbia Housing Management Commission	Chair
AM Mar 31/03	British Columbia Human Rights Tribunal	Chair
	British Columbia Hydro and Power Authority	Chair of the Board of Directors
AM Nov. 1/99	British Columbia Investment Management Corporation	Chief Investment Officer
AM June 8/00	British Columbia Library Foundation	Chair

AMENDED	PUBLIC BODY	HEAD
	British Columbia Lottery Corporation	Chair of the Board of Directors
	British Columbia Milk Marketing Board	Chair
	British Columbia Oyster Board	Chair
	British Columbia Peace River Grain Development Council	Chair
AM Mar 1/00	British Columbia Pension Corporation	Chief Executive Officer
	British Columbia Racing Commission	Chair
	British Columbia Review Board	Chair
	British Columbia Round Table on the Environment and the Economy	Minister of Environment, Lands and Parks
AM Apr 1/04	British Columbia Safety Authority	Chair
	British Columbia Salmon Marketing Council	Chair
	British Columbia Securities Commission	Chair
AM June 8/00	British Columbia Securities Commission Policy Advisory Committee (SPAC)	Chair
	British Columbia Sheep and Wool Commission	Chair
	British Columbia Sport and Recreation Advisory Council	Minister of Small Business, Tourism and Culture
	British Columbia Steamship (1975) Ltd.	President
	British Columbia Student Assistance Appeals Committee	Minister of Advanced Education
	British Columbia Summer and Winter Games Society	Minister of Small business, Tourism and Culture
	British Columbia Trade Development Corporation	Director of the Corporation
	British Columbia Transit Corporation	Chair of the Board of Directors
AM May 29/03 AM Mar 26/04	British Columbia Transmission Corporation	Chair
	British Columbia Tree Fruit Marketing Board	Chair
	British Columbia Turkey Marketing Board	Chair
AM Apr 1/03	British Columbia Unclaimed Property Society	President
	British Columbia Utilities Commission	Chair
	British Columbia Vegetable Marketing Commission	Chair
	British Columbia Wine Institute	Chair
AM Apr 1/04	British Columbia Year of Music	Minister of Finance
	British Columbia Youth Council	Minister of Advanced Education
	Building Code Appeal Board	Minister of Community, Aboriginal, and Women's Services
AM Mar 26/04	Building Policy Advisory Committee	Chair
	Building Safety Advisory Council	Minister of Community, Aboriginal, and Women's Services
	Building Safety Standards Advisory Council	Minister of Municipal Affairs, and Housing
	Bull Control Committees (each Committee)	Minister of Agriculture, Food and Fisheries
AM Mar 26/04	Businesses Practices and Consumer Protection Authority	Chair
AM June 8/00	Cariboo Community Health Services Society	Chair
AM June 8/00	Carmanah Valley Forest Management Advisory Committee	Minister of Forests
	Cattle Industry Development Board	Chair

AMENDED	PUBLIC BODY	HEAD
AM June 8/00	Center for Curriculum Transfer and Technology	Chair
AM June 8/00	Central Kootenay Community Health Services Society	Chair
AM June 8/00	Centre for Education Information Standards and Services Society	Chair
	Chip Export Advisory Committee	Minister of Forests
	Class "C" Provincial Park Boards (each Board)	Minister of Water, Land and Air Protection
AM June 8/00	Clayoquot Sound Central Region Board	Co-chairs
	C.M.A. Parking Association	Land and Water British Columbia Inc.
AM June 8/00	Coast Garibaldi Community Health Services Society	Chair
AM Mar 7/03	College Pension Board of Trustees	Chair
AM June 8/00	Columbia Basin Trust	Chair
AM June 8/00	Columbia Power Corporation	President
	Commercial Appeals Commission	Chair
AM Mar 31/04	Commission on Resources and Environment	Minister of Sustainable Resource Management
	Commissions of Inquiry (each Commission)	Chair
	Committee of Special Advisors (<i>Labour Relations Code</i>)	Minister of Skills, Development and Labour
	Committee on Public Participation in Science and Technology	Minister of Competition, Science and Enterprise
AM June 8/00	Community Care Facilities Appeal Board	Chair
AM June 8/00	Community Care Facilities Variance Committee	Minister of Health Services
AM Aug 27/01	Community Charter Council under the <i>Community Charter Council Act</i> .	Minister of State for Community Charter
AM June 8/00	Community Health Services Societies (each society)	Chair
AM Mar 7/03	Community Living Services	Chair/Alternate
AM Mar 7/03	Community Living Transition Steering Committee	Minister of Children and Family Development
	Compensation Fairness Commission	Minister of Finance
	Construction Industry Advisory Council	Minister of Skills, Development and Labour
	Credit Union Deposit Insurance Corporation of British Columbia	Chair
	Creston Valley Wildlife Management Authority	Minister of Water, Land and Air Protection
	Crop Insurance Advisory Committees (each Committee)	Minister of Agriculture, Food and Fisheries
AM Mar 7/03	Cultus Lake Park Board	Secretary/Manager of the Board
AM June 8/00	Dairy Products Promotional Fund Committee	Minister of Agriculture, Food and Fisheries
AM June 8/00	Discovery Enterprises Inc.	Chair

AMENDED	PUBLIC BODY	HEAD
	Downtown Revitalization Program Society	Minister of Municipal Affairs and Housing
	Duke Point Developments	Chair
AM June 8/00	East Kootenay Community Health Services Society	Chair
	Education Advisory Council	Minister of Education
AM June 8/00	Election Advisory Committee	Chief Electoral Officer
	Elections British Columbia	Chief Electoral Officer
	Electoral Boundaries Commission	Chair
	Electrical Safety Advisory Committee	Minister of Community, Aboriginal, and Women's Services
	Electrical Safety Appeal Board	Minister of Community, Aboriginal, and Women's Services
	Electrical Safety Board of Review	Minister of Community, Aboriginal, and Women's Services
	Elevating Devices Appeal Board	Minister of Community, Aboriginal, and Women's Services
	Elevating Devices Safety Advisory Committee	Minister of Community, Aboriginal, and Women's Services
AM July 30/97	Emergency Communications Corporation under the <i>Emergency Communications Corporation Act</i>	General Manager or President (as applicable)
	Emergency Health Services Commission	Minister of Health Services
	Emergency Medical Assistants Licensing Board	Minister of Health Planning
AM Mar 7/03	Employment and Assistance Appeal Tribunal	Chair
AM June 8/00	Employment Standards Tribunal	Chair
	Environmental Appeal Board	Chair
	Expropriation Compensation Board	Chair
AM June 8/00	Film Development Society of British Columbia	Chair of the Board of Directors
	Financial Institutions Commission	Chair
AM June 1/04	Financial Services Tribunal	Chair
	Fire Code Committee	Minister of Community, Aboriginal, and Women's Services
	Fire Safety Advisory Council	Minister of Community, Aboriginal, and Women's Services
	Fire Services Advisory Board	Minister of Community, Aboriginal, and Women's Services
	First Nations Forestry Council	Minister of Forests
	First Peoples' Heritage, Language and Culture Advisory Committee	Minister of Community, Aboriginal and Women's Services
	First Peoples' Heritage, Language and Culture Council	Minister of Community, Aboriginal and Women's Services
	Forensic Psychiatric Services Commission	Minister of Health Services
	Forest Appeals Commission	Chair
	Forest Practices Advisory Council	Chair

AMENDED	PUBLIC BODY	HEAD
AM Mar 7/03	Forest Practices Board	Chair
	Forest Research Council	Minister of Forests
	Forest Resource Commission	Minister of Forests
	Forest Sector Strategy Committee	Minister of Forests
AM June 8/00	Forest Worker Agency	Chair
	Friends of Barkerville Society	Chair
	Friends of Fort Steele Society	Chair
	Gas Safety Advisory Committee	Minister of Community, Aboriginal, and Women's Services
	Gas Safety Appeal Board	Minister of Community, Aboriginal, and Women's Services
	Habitat Conservation Fund Public Advisory Board	Minister of Water, Land and Air Protection
AM June 8/00	Health Care Practitioner's Special Committee for Audit (<i>Medicare Protection Act</i>)	Minister of Health Planning
	Health Facilities Association of British Columbia	Minister of Health and Minister Responsible for Seniors
AM June 8/00	Heritage Rivers Board	Chair
AM Sept. 21/98	Homeowner Protection Office	Chief Executive Officer
AM Apr 21/97	Hospital Appeal Board (<i>Hospital Act</i>)	Chair
AM Jan. 1/97	Human Rights Advisory Council	Minister of Attorney General and Minister Responsible for Treaty Negotiations
	Income Assistance Advisory Council	Minister of Human Resources
	Independent Schools Teacher Certification Committee	Minister of Education
	Industrial Inquiry Commissions (each Commission)	Minister of Skills, Development and Labour
AM Mar 26/04	Industry Training Appeal Board	Chair
AM May 29/03 AM Jan 2/04	Industry Training Authority	Chair
AM June 8/00	Information Science and Technology Agency	Minister of Advanced Education, Training and Technology
AM Mar 12/03	Innovation and Science Council of British Columbia	Minister of Competition, Science and Enterprise
	Insurance Corporation of British Columbia	President and Chief Executive Officer
	Insurance Council of British Columbia	Chair
	International Financial Centre Vancouver Society	Minister of Competition, Science and Enterprise
	International Maritime Centre - Vancouver Society	Minister of Competition, Science and Enterprise
	Job Protection Commission	Minister of Competition, Science and Enterprise
AM June 8/00	Joint Advisory Committee to the Collective Agreement Arbitration Bureau	Chair

AMENDED	PUBLIC BODY	HEAD
	Justice Development Commission	Chair
	Kilby Museum Historic Society	Chair
	Labour Relations Board	Chair
AM June 8/00	Law Foundation	Chair
	Law Reform Commission	Chair
	Legal Services Society	Chair
	Liquor Appeal Board	Chair
AM June 8/00	Manufactured Home Park Dispute Resolution Committee	Chair
	Mediation and Arbitration Board	Minister of Energy and Mines
AM June 8/00	Medical Practitioners Audit committee (<i>Medicare Protection Act</i>)	Minister of Health and Minister Responsible for Seniors
	Medical Review Board	Minister of Health and Minister Responsible for Seniors
	Medical Review Panels (<i>Workers Compensation Act</i>) (each Panel)	Minister of Labour
	Medical Services Commission	Minister of Health Services
AM June 8/00	Minister's Advisory Committee on Community Archives Grants	Minister of Management Services
AM June 8/00	Minister's Advisory Committee on Ethical Issues in Health Care	Minister of Health and Minister Responsible for Seniors
AM June 8/00	Minister's Advisory Council on Affordable Housing	Minister of Community, Aboriginal, and Women's Services
AM Mar 7/03	Minister's Advisory Council on Mental Health	Minister of Health Services
AM June 8/00	Minister's Advisory Council on Women's Health	Minister of Health and Minister Responsible for Seniors
	Minister's European Community Advisory Committee	Minister of Competition, Science and Enterprise
AM Mar 26/04	Motor Dealer Council	Chair
AM June 8/00	Motor Dealer Customer Compensation Fund Board	Minister of Competition, Science and Enterprise
AM Mar 26/04	Multicultural Advisory Council	Chair
AM Mar 7/03	Municipal Pension Board of Trustees	Chair
AM Mar 15/99	Muskwa-Kechika Advisory Board	Chair
	Native Courtworkers and Counselling Association of British Columbia	President
AM Mar 7/03	Native Economic Development Advisory Board	Minister of Community, Aboriginal and Women's Services
AM Mar 26/04	Nechako-Kitimat Development Fund Society	Chair
AM Mar 7/03	New Tree Fruit Varieties Development Council	Chair
	North America Free Trade Advisory Committee	Minister of Competition, Science and Enterprise
AM June 8/00	North West Community Health Services Society	Chair

AMENDED	PUBLIC BODY	HEAD
	Notaries Public, Board of Examiners	Chair
AM June 8/00	Notary Foundation	Chair
AM Sept 30/02	Office for Child and Youth	Child and Youth Officer
	Office of the Auditor General	Auditor General
AM Apr 1/03	Office of the British Columbia Ferries Commissioner	Commissioner
	Office of the Commissioner appointed under the <i>Members' Conflict of Interest Act</i>	Commissioner
AM June 8/00	Office of the Forest Jobs Commissioner	Minister of Forests
	Office of the Information and Privacy Commissioner	Commissioner
	Office of the Ombudsman	Ombudsman
AM July 1/98	Office of the Police Complaint Commissioner appointed under the <i>Police Act</i>	Police Complaint Commissioner
	Office of the Premier and Executive Council Operations	Premier
AM Mar 31/00	Office of the Public Guardian and Trustee	Public Guardian and Trustee
AM Oct 28/02	Office of the Registrar under the <i>Lobbyist Registration Act</i>	Registrar
AM July 31/98	Oil and Gas Commission	Commissioner
AM Jan 2/04	Oil and Gas Commission Advisory Committee	Chair
	Okanagan Valley Tree Fruit Authority	Chair of the Board of Directors
	Order of British Columbia Advisory Council	Chair
AM June 8/00	Organized Crime Agency of BC	Chair
	Pacific National Exhibition	President
AM June 8/00	Pacific Racing Association	Chair
	Pacific Rim Institute of Tourism	Minister of Small Business, Tourism and Culture
AM Mar 7/03 AM Mar 26/04	Partnerships British Columbia Inc.	Chair
AM June 28/04	Passenger Transportation Board	Chair
AM June 8/00	Peace Liard Community Health Services Society	Chair
	Pension Benefits Standards Advisory Council	Minister of Skills, Development and Labour
	Pharmacare Advisory Committee	Minister of Health Services
AM June 8/00	Pharmacoeconomics Initiative	Registrar, College of Pharmacists
AM June 8/00	Pharmanet Committee	Registrar, College of Pharmacists
	Plain Language Institute of British Columbia Society	Chair
	Plumbing Code Advisory Committee	Minister of Municipal Affairs and Housing
	Power Engineers and Pressure Vessel Safety Advisory Committee	Minister of Community, Aboriginal, and Women's Services

AMENDED	PUBLIC BODY	HEAD
	Power Engineers and Pressure Vessel Safety Appeal Board	Minister of Community, Aboriginal, and Women's Services
	Premier's Advisory Council for Persons with Disabilities	Minister of Education, Skills and Training
	Premier's Advisory Council on Science and Technology	Minister of Employment and Investment
AM Mar 7/03	Premier's Technology Council	Chair
AM Mar 26/04	Private Career Training Institutions Agency	Chair
	Private Investigators and Security Agencies Advisory Board	Chair
AM Aug 3/04	Private Managed Forest Land Council	Chair
	Private Post Secondary Education Commission	Chair
AM Oct. 23/98	Property Assessment Appeal Board	Chair
AM Oct. 23/98	Property Assessment Review Panels (each Panel)	Minister of Sustainable Resource Management
	Provincial Adult Care Facilities Licensing Board	Minister of Health and Minister Responsible for Seniors
	Provincial Advisory Committee on Services to Adults with a Mental Handicap	Minister of Children and Family Development
AM Nov 1/02	Provincial Agricultural Land Commission	Chair
	Provincial Capital Commission	Chair
	Provincial Child Care Council	Minister of Community, Aboriginal, and Women's Services
	Provincial Child Care Facilities Licensing Board	Minister of Health and Minister Responsible for Seniors
AM Mar 7/03	Provincial Health Services Authority	Chair
AM June 8/00	Provincial Heritage Advisory Council	Chair
AM June 8/00	Provincial Mental Health Advisory Council	Minister of Health and Minister Responsible for Seniors
	Provincial Rental Housing Corporation	Minister of Community, Aboriginal, and Women's Services
	Public Documents Committee	Minister of Employment and Investment
	Public Interest Inquiry Boards (each Board)	Minister of Skills, Development and Labour
	Public Service and Public Sector Inquiry Commission	Minister of Management Services
AM Mar 7/03	Public Service Pension Board of Trustees	Chair
AM June 8/00	Queen Elizabeth II British Columbia Centennial Scholarship Advisory committee	Minister of Management Services
AM June 8/00	Rapid Transit Project 2000 Limited	President
	Raspberry Industry Development Council	Chair
AM Mar 26/04	RAV Project Management Ltd.	Project Director
AM June 8/00	Real Estate Council	Chair
	Real Estate Foundation of British Columbia	Chair

AMENDED	PUBLIC BODY	HEAD
	Regional Advisory Committees (each Committee)	Chair
	Regional Advisory Councils on Services to Adults with a Mental Handicap (each Council)	Minister for Children and Family Development
AM Mar 7/03	Regional Community Living Councils (each Council)	Chair
	Review Panels (<i>Mental Health Act</i>)	Minister of Health Services
AM Apr 1/03	Royal British Columbia Museum	Chair of the Board of Directors
AM Apr 1/04	Safety Standards Appeal Board	Chair
	Seed Control Committees (each Committee)	Minister of Agriculture, Food and Fisheries
	Seed Potato Control Committees (each Committee)	Minister of Agriculture, Food and Fisheries
	Skagit Environmental Endowment Commission	Minister of Water, Land and Air Protection
	Special Advisory Committee on Ethical Issues in Health Care	Minister of Health and Minister Responsible for Seniors
AM June 8/00	Spotted Owl community Advisory Group	Minister of Forests
	Standing Committee on Student Financial Assistance	Minister of Advanced Education
AM Apr 1/04	Superannuation Commission	Minister of Finance
AM Mar 7/03	Teacher's Pension Board of Trustees	Chair
AM Apr 1/03	Terry Fox Medical Research Foundation	Minister of Finance
	The ICA Foundation of British Columbia	Chair
AM June 8/00	Therapeutics Initiatives	Chair
	Timber Export Advisory Committee	Minister of Forests
AM Apr. 1/97	Tourism British Columbia	Chair
	Travel Assurance Board	Minister of Public Safety and Solicitor General
	Treasury Advisory Board	Minister of Finance
	TRIUMF-KAON Venture Office Advisory Board	Minister of Competition, Science and Enterprise
AM June 8/00	Upper Island/Central Coast Community Health Services Society	Chair
AM June 8/00	Vancouver Trade and Convention Centre Authority	President
AM June 8/00	Victoria Line Ltd.	President
	Victoria Rediscovery Society	Minister of Small Business, Tourism and Culture
	Victoria Regional Transit Commission	Chair
	Vocational Rehabilitation of Disabled Persons Appeal Secretariat	Minister of Human Resources
	Whistler Land Corporation Development Ltd.	Minister of Sustainable Resource Management
AM June 8/00	Woodlot Product Development Council	Chair
AM May 29/03	Worker's Compensation Appeal Tribunal	Chair
	Workers' Compensation Board	Chair of the Board of Directors
	Youth Program Committee	Chair

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Nov 22/04	2003-79-27	BC Reg 466/04
AM Aug 3/04	2003-80-55	BC Reg 371/04
AM July 4/04	2004-35-86	BC Reg 274/04
AM June 28/04	2004-39-70	BC Reg 265/04
AM June 1/04	2003-51-32 (b)	BC Reg 222/04
AM Apr 1/04	2003-54-27, Sch.A	BC Reg 11/2004
AM March 31/04	2004-12-6	2004-12-36
AM March 26/04	BC Reg 147/04	Freedom of Information and Protection of Privacy
AM Jan 2/04	BC Reg 01/04	Freedom of Information and Protection of Privacy
AM Jan 2/04	2003-34-19	BC Reg 323/03
AM Nov 1/03	2003-7-24	BC Reg 350/03
AM Aug 28/03	2002-15-1(b)	BC Reg 328/03
AM May 29/03	2003-37-22 2003-37-23	Royal Assent
AM May 29/03	BC Reg 210/2003	Freedom of Information and Protection of Privacy
AM Apr 1/03	BC Reg 124/2003 BC Reg 153/2003	Freedom of Information and Protection of Privacy
AM Apr 1/03	2003-12-32	BC Reg 151/2003
AM Mar 12/03	2003-7-25	Royal Assent
AM Mar 7/03	BC Reg 75/2003	Freedom of Information and Protection of Privacy
AM Nov 1/02	2002-36-81	BC Reg 171/02
AM Oct 28/02	2002-42-15	BC Reg 284/02
AM Sept 30/02	2002-50-21	BC Reg 266/02
AM August 27/01	2001-35-6	Royal Assent
AM June 8/00	BC Reg 86/00	BC Gaz 2000, P270
AM Mar 31/00	BC Reg 111/00	Deposit Date
AM Mar 1/00	1999-44-56	BC Reg 66/00
AM Nov 1/99	1999-44-56	BC Reg 345/99
AM Mar 15/99	1998-38-20	BC Reg 66/99
AM Sep 21/98	1998-31-38	BC Reg 309/98
AM Oct 23/98	1998-22-19	BC Reg 367/98
AM Jul 31/98	1998-39-26	BC Reg 278/98
AM Jul 1/98	1997-37-54 and 55	BC Reg 205/98
AM Nov 28/97	1997-50-28(b)	BC Reg 386/97
AM Jul 30/97	1997-47-15	Royal Assent
AM Apr 21/97	RS1996 (Supp)-165-1	BC Reg 121/97
AM Apr 1/97	1997-13-21	Act s.25(3)
AM Jan 1/97	RS1996 (Supp)-165-1	RS1996(Supp)-165-2(1)

Schedule 3

Governing Bodies of Professions or Occupations

	Applied Science Technologists and Technicians of British Columbia
	Architectural Institute of British Columbia
AM Nov 5/03	⇒ Association of British Columbia Forest Professionals
	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
AM June 8/00	⇒ Board of Examiners in Barbering
AM June 8/00	⇒ Board of Examiners in Cosmetology
AM June 8/00	⇒ Board of Examiners in Optometry
AM June 8/00	⇒ Board of Examiners in Podiatry
AM June 8/00	⇒ 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
AM Dec. 1/98	⇒ Building Officials' Association of British Columbia
	Certified General Accountants' Association of British Columbia
AM June 8/00	⇒ College of Acupuncturists of British Columbia
AM June 20/03	⇒ College of Applied Biology
AM June 8/00	⇒ College of Dental Hygienists of British Columbia
	College of Dental Surgeons of British Columbia
AM June 8/00	⇒ College of Dental Technicians of British Columbia
AM June 8/00	⇒ College of Denturists of British Columbia
AM Mar 26/04	⇒ College of Dieticians of British Columbia
AM June 8/00	⇒ College of Licensed Practical Nurses of British Columbia
AM June 8/00	⇒ College of Massage Therapists of British Columbia
AM June 8/00	⇒ College of Midwives of British Columbia
AM June 8/00	⇒ College of Naturopathic Physicians of British Columbia
AM June 8/00	⇒ College of Occupational Therapists of British Columbia
AM June 8/00	⇒ College of Opticians of British Columbia
	College of Pharmacists of British Columbia
AM June 8/00	⇒ College of Physical Therapists of British Columbia
	College of Physicians and Surgeons of British Columbia
	College of Psychologists of British Columbia
AM June 8/00	⇒ College of Registered Psychiatric Nurses of British Columbia
	College of Teachers
AM Jan 2/04	⇒ College of Traditional Chinese Medicine Practitioners and Acupuncturists
	Corporation of Land Surveyors of British Columbia
	Council of Licensed Practical Nurses
	Dental Technicians and Denturists Board
AM June 8/00	⇒ 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

EFFECTIVE DATE	CHANGED BY	AUTHORITY
AM Mar 26/04	BC Reg 147/04	Freedom of Information and Protection of Privacy
AM Jan 2/04	BC Reg 1/04	Freedom of Information and Protection of Privacy
AM Nov 5/03	2003-19-36	BC Reg 389/03
AM June 20/03	2002-68-39.1	BC Reg 229/03
AM June 8/00	BC Reg 86/00	BC Gaz 2000,p.270
AM Dec 1/98	1997-16-20	BC Reg 370/98