

FIPPA Fact Sheet

BC's *Freedom of Information and Protection of Privacy Act* (FIPPA) sets out the access and privacy rights of individuals as they relate to the public sector. FIPPA establishes an individual's right to access records in the custody or control of a public body, including access to one's own personal information. FIPPA also sets out the terms under which a public body can collect, use and disclose the personal information of individuals. Public bodies (such as: provincial government ministries; provincial agencies, boards and commissions and Crown Corporations; and, local public bodies, such as municipalities, school boards, universities) are held accountable for their information practices.

Under FIPPA, you have the right to

- request access to records held by public bodies, including your personal information;
- request the correction of your personal information in records held by public bodies;
- the collection, use, disclosure and secure storage of your personal information by public bodies, according to specific standards that protect your personal information; and
- ask the Office of the Information and Privacy Commissioner ("OIPC") to review or investigate decisions by public bodies about privacy or access to records and complain about public body personal information practices.

What is personal information?

Personal information is any recorded information that uniquely identifies you, such as your name, address, telephone number, age, sex, race, religion, sexual orientation, disability, fingerprints, or blood type. It includes information about your health care, educational, financial, criminal or employment history. It also includes anyone else's opinions about you and your own views or opinions.

What is a "record"?

Books, documents, maps, drawings, photographs, letters, vouchers, papers, e-mail and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means. In short, a record is any information that is recorded.

What records are covered by FIPPA?

FIPPA covers records "in the custody or under the control" of a public body. FIPPA does not apply to some types of records, including: court records; personal notes, communication or draft decision of a person who is acting in a judicial or quasi-judicial capacity; records created by or in the custody or control of an officer of the Legislature that is related to the exercise of that officer's function under an Act; and, a record of a question that is to be used on an examination or test.

FIPPA does not restrict the information that is available by law to a person involved in a court case, arbitration or other type of proceeding.

How long must a public body keep records under FIPPA?

When public bodies have used personal information to make decisions that directly affect people, they must keep that personal information for one year. However, FIPPA does not specify how long public bodies must keep general or non-personal information.



What are my privacy rights under FIPPA?

FIPPA contains rules that a public body must follow when it wants to collect, use, or disclose your personal information. These rules are your privacy rights under the Act. They are often called "fair information practices." For example:

- A public body may only collect your personal information if it has legal authority to collect it, if the information is for law enforcement purposes or if it is necessary for one of the public body's operating programs.
- A public body must tell you the purpose for collecting your personal information and give you the business title, address and telephone number of one of its officers or employees who can answer your questions about the collection.
- A public body may generally only use your personal information for the purpose it was collected, for a consistent purpose or with your consent for another purpose.
- A public body may only disclose your personal information for the purpose it was collected, for a consistent purpose, with your consent or for one of the other specified purposes in the Act, such as law enforcement or to protect individual or public health or safety.
- A public body must make reasonable efforts to ensure that your personal information in its records is accurate and complete.
- A public body may correct your personal information if you request it and must make a note beside it showing the correction you requested.
- A public body must make reasonable security arrangements to protect your personal information from unauthorized access, use or disclosure.

When can a public body collect my personal information?

Under FIPPA, a public body can collect personal information if

- the collection of that information is expressly authorized by or under an Act;
- the information is collected for law enforcement purposes; or
- the information relates directly to and is necessary for the operation of a program or activity of the public body.

When can a public body disclose my personal information?

The circumstances are limited. A public body can only disclose your personal information:

- to you, when responding to your own freedom of information request;
- if you have consented in writing to the disclosure of your personal information;
- if the disclosure is for the purpose for which the public body collected your information in the first place;
- if authorized by a B.C. or Canadian law;
- if authorized by a B.C. or Canadian treaty, arrangement or agreement;
- if the disclosure has a reasonable and direct connection to the purpose for which your information was collected and is necessary for the duties or obligations of the public body;
- for the purpose of complying with a subpoena, warrant or court order;
- to a public body or law enforcement agency in Canada to assist in an investigation related to law enforcement proceedings or from which a law enforcement proceeding is likely to result;
- if the head of a public body determines that compelling circumstances exist that affect health and safety and if notice of the disclosure is mailed to your last known address;
- so that your next of kin or a friend may be contacted if you are injured, ill or deceased; or
- for research or statistical purposes, but only in very limited circumstances.



How do I make a complaint if I think my privacy rights have been violated?

If you think that a public body has violated your privacy rights under FIPPA, you should make a complaint directly to the public body. Write or call the director, manager or coordinator of information and privacy and explain your complaint. The public body should investigate your complaint and respond to you. If you are not satisfied with the public body's response or actions, you may then take your complaint to the OIPC. The OIPC will consider your complaint and may investigate further. The OIPC may also, in certain circumstances, decline to investigate the complaint.

Requesting Records:

If you want to request access to records in the custody or under the control of a public body, you must make a written request to the public body saying what records you want. To make an FOI request, simply write to the public body that has custody or control of the records you want. Under FIPPA, public bodies have 30 business days to respond to your request for records. However, in certain circumstances, the public body may take a 30 business day time extension. You cannot be charged fees for requesting your own personal information, but you may be charged fees if you are requesting other types of records. A public body also cannot charge fees for the first 3 hours spent locating and retrieving the records you request, nor for the time spent reviewing and/or severing the records. However, a public body can charge you for:

- Locating, retrieving and producing the records after the first three hours of the search;
- Preparing the records for release;
- Making a copy of the records; and
- Shipping and handling of the records.

FIPPA is available online at:

WWW.BCLAWS.CA/EPLIBRARIES/BCLAWS_NEW/DOCUMENT/ID/FREESIDE/96165_00

Relevant information about FIPPA is also available on the OIPC's website at:

WWW.OIPC.BC.CA

