



BYLAW

Administration of the Freedom of Information and Protection of Privacy Bylaw

Bylaw No. 248, 1994

Consolidated for convenience only **February 2026**

This Consolidation includes the following Bylaw Amendments:

248-1, 2025

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of this bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Corporate Officer for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SECHELT

BYLAW NO. 248, 1994

A BYLAW FOR THE ADMINISTRATION OF THE FREEDOM OF INFORMATION AND PROTECTION OF
PRIVACY ACT

WHEREAS, under the Freedom of Information and Protection of Privacy Act (the “Act”), a local government:

- (a) Must designate a person or group of persons as the Head of the municipality for the purposes of the Freedom of Information and Protection of Privacy Act (the “Head”);
- (b) May authorize a person to perform any duty or exercise any function under the Act of the Head of the municipality; and
- (c) May set any fees the local public body requires to be paid under section 75 of the Freedom of Information and Protection of Privacy Act.

NOW, THEREFORE, The Council of the District of Sechelt in open meeting assembled enacts as follows:

TITLE

1. This bylaw may be cited for all purposes as “Freedom of Information Bylaw No. 248, 1994.”

DEFINITIONS AND INTERPRETATION

2. The definitions contained in Schedule 1 of the Act and those in the preamble of this Bylaw shall apply to this Bylaw except where the context requires otherwise.

In this Bylaw the following definitions shall apply:

Commercial Applicant means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession of the other venture for profit.

Coordinator Means the person designated in Section 3(3) as the Information and Privacy Coordinator.

Council means the Council of the District of Sechelt.

Municipality means the District of Sechelt.

Records Manager means the person hired by the Municipality to fill the position or assume the responsibility of Records Manager.

Request means a request under Section 5 of the Act.

ADMINISTRATION

3.

- (1) The Council hereby appoints the Corporate Officer for the Municipality as the Head for the purposes of the Act.
- (2) The duties and powers and related functions of Head are described in the Act.
- (3) The Council hereby designates the Records Administrator to be the Information and Privacy Coordinator.

DUTIES AND POWERS OF THE COORDINATOR

4. The Council hereby authorize the Coordinator to perform the following duties or exercise the following powers and other related functions of the Head under the Act:

(1) **Respond to Requests**

- (a) The power to create a record from a machine-readable record in the custody or under the control of the municipality using its normal computer hardware and software and technical expertise where creating the record would not unreasonably interfere with the operations of the Municipality or the time constraints of the Coordinator;
- (b) The power to respond to a request after the Head has made a decision regarding the disclosure or non-disclosure of a record.

(2) **Extend time**

- (a) The power to extend the time for responding to a request for up to 30 days.
- (b) The power to apply to the Information and Privacy Commissioner for a longer period for response to a request where:

- (i) The applicant does not give enough detail to enable the Municipality to identify a requested record
 - (ii) A large number of records is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the Municipality.
 - (iii) More time is needed to consult with a third party or the public body before the Head can decide whether or not to give the applicant access to a requested record, or,
 - (iv) A third party asks for a review under Section 52(2) or 62(2) of the Act.
- (c) The power to tell the applicant the reason for an extension, when a response can be expected and that the applicant may complain about the extension under Section 42(2)(b) or 60(1)(a) of the Act where the time for a response to a request has been extended under Section 10(1) of the Act.

(3) TRANSFER REQUESTS

- (a) The power to transfer a request and, if necessary, the records to another public body if:
- (i) The record was produced by or for the other public body;
 - (ii) The other public body was the first to obtain the record; or
 - (iii) The record is in the custody or under the control of the other public body
- (b) The power to notify the applicant of the transfer.

(4) REFUSE CERTAIN DISCLOSURE

The power to refuse to disclose information that is available for purchase by the public under Section 20(1)(a) of the Act.

(5) GIVE NOTIFICATION

- (a) The power to notify a third party that the municipality intends to give access to a record that the coordinator has reason to believe contains

information that might be excepted from disclosure under Section 21 (information harmful to business interests of a third party) or Section 22 (information harmful to personal privacy) of the Act.

- (b) The power to give a notice under Section 23(1.2) of the Act where the Coordinator does not intend to give access to a record that contains information excepted from disclosure under Section 21 (information harmful to business interests of a third party) or Section 22 (information harmful to personal privacy) of the Act.
- (c) The power to give written notice of the decision whether or not 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 of the Act to the applicant and a third party.

(6) DISCLOSE PUBLIC INTEREST INFORMATION

The power to disclose information in accordance with Section 25 of the Act to the public, to an affected group of people or to an applicant:

- (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.

(7) PROTECT CERTAIN INFORMATION

- (a) The power to protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.
- (b) The duty to refuse to disclose information to an applicant if the disclosure is prohibited or restricted by or under another Act.

(8) COMPLY WITH COMMISSIONER'S ORDERS

The power to comply with an order of the Information and Privacy Commissioner.

FEES

- 5. Except where a lesser maximum fee is prescribed by regulation to the Act, an applicant making a request shall pay to the Municipality the fees set out in District of Sechelt Fees and Charges Bylaw No. 575, 2019, and its amendments, for the purpose of:

- (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.

Coming into Force

6. This Bylaw shall come into force and effect upon proclamation of Stats B.B. 1992 c.46, as it applies to Municipalities

READ A FIRST TIME THIS	16 th DAY OF	NOVEMBER, 1994
READ A SECOND TIME THIS	16 th DAY OF	NOVEMBER, 1994
READ A THIRD TIME THIS	16 th DAY OF	NOVEMBER, 1994
RECONSIDERED AND FINALLY ADOPTED THIS	7 th DAY OF	DECEMBER, 1994

MAYOR

MUNICIPAL CLERK