File: 292-40/[REQUESTNUMBER]

[TODAYDATE]

[RFNAME] [RLNAME]

c/o Institution Name

Address

Address

Dear [RFNAME] [RLNAME]:

# Re: Request for Access to Records

# *Freedom of Information and Protection of Privacy Act* (FOIPPA)

The Ministry of Public Safety and Solicitor General received your request for access to your personal information on [RECEIVEDDATE]. We understand your request to be for:

*[REQUESTDESCRIPTION]*

FOIPPA allows 30 business days for public bodies to respond unless the nature of the request requires an extension per section 10 of FOIPPA. We will make every effort to respond to your request by **[DUEDATE]**. We will notify you as soon as possible if there is a need to extend the time limit for responding to your request.

Please note all correspondence from our office will be sent to you at the Institution Name. In order to protect the security of your personal information, it is our policy to send all correspondence directly to you, the applicant, and not to a third party's address. Please advise by letter if you are transferred from Institution Name or are released. In your letter provide your new address, your full name, date of birth, CS number, and the file number located at the top of this letter.

Please be advised, court records are outside the scope of FOIPPA as per section 3(1)(a), (copy enclosed). FOIPPA applies to all records in the custody or under the control of a public body, but does not apply to a record in a court file. Court records are a matter of public record and therefore may be obtained by applying to the nearest court house with regards to your matter. A list of courthouses can be found at the following link:

<http://www.ag.gov.bc.ca/courts/overview/locations/index.htm>.

If request is for RCMP records only, delete references to CSC, municipal police records, youth

Regarding your request for access to RCMP records please be advised that these records are in the custody or control of the RCMP. As such the records are covered by the Federal *Privacy Act* not the BCprovincial *Freedom of Information and Protection of Privacy Act.*  You will need to send your requests directly to the RCMP. For your convenience I’ve included a copy of the federal Personal Information Request Form. The addresses to which you can send your requests are as follows:

**Royal Canadian Mounted Police**

Access to Information and Privacy Coordinator

73 Leikin Drive

Mail Stop 061

Ottawa Ontario K1A 0R2

**Correctional Service Canada**

Access to Information and Privacy Division

Sir Wilfrid Laurier Building

340 Laurier Avenue West

Ottawa Ontario K1A 0P9

Please also be advised that municipal police records are in the custody or control of the Police Departments and they process their own requests under FOIPPA. You will need to submit requests directly to the appropriate municipal police department for records held by their detachments. To assist, I have enclosed copies of the noted police departments access to records forms.

With respect to your request for your correctional youth records, please be advised that these records fall under the *Youth Criminal Justice Act*. As such, Information Access Operations (IAO) has no authority to release these records under FOIPPA. You will need to submit your request directly to:

Manager, Document Disclosure and Management

Ministry of Children and Family Development

PO Box 9714 STN PROV GOVT

Victoria BC V8W 9S1

Telephone: 250 952-6809 Fax: 250 953-4815

IAO will proceed with the portion of your request for your BC Corrections Records as described at the beginning of this letter.

You submitted your request outside of our online process. For future reference, you can submit both personal and general requests at: <https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information/freedom-of-information>. Using the online process is a fast, easy and secure way to submit your Freedom of Information (FOI) request. It also ensures that we receive the information required to open your request. The webpage also includes frequently asked questions, additional information regarding the FOI process, and links to previously completed FOI requests and proactively released government records.

If you have any questions regarding your request, please contact Information Access Operations toll-free at 1 833 283-8200. Please provide the FOI request number, [REQUESTNUMBER], in any communications.

Sincerely,

Information Access Operations

Enclosures Analyst to delete unnecessary enclosures and enclose appropriate access forms

# How to Request a Review with the

# Office of the Information and Privacy Commissioner

If you have any questions regarding your request please contact the analyst assigned to your file. The analyst’s name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

**Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:**

Information and Privacy Commissioner

PO Box 9038 Stn Prov Govt

4th Floor, 947 Fort Street

Victoria BC V8W 9A4

Telephone 250 387-5629 Fax 250 387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.

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

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

(c) 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;

(c.1) [Repealed 2002-50-19.]

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

(e) a record containing teaching materials or research information of

(i)  a faculty member, as defined in the *College and Institute Act* and the *University Act*, of a post-secondary educational body,

(ii)  a teaching assistant or research assistant employed at a post-secondary educational body, or

(iii)  other persons teaching or carrying out research at a post-secondary educational body;

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

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

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

(i) [Repealed 2011-17-1.]

(j) a record that is available for purchase by the public;

(k) a record of a service provider that is not related to the provision of services for a public body.

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

(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:

(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);

(e.1) section 30.5 (notification of unauthorized disclosure);

(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).