

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: March 28, 2022

TO: Mayor and Council

FROM: Tracey Arthur, Director, Corporate Administration

SUBJECT: White Rock Freedom of Information Bylaw, 2022, No. 2421

RECOMMENDATION

THAT Council receive for information this corporate report dated March 28, 2022, from the Director of Corporate Administration, titled “White Rock Freedom of Information Bylaw, 2022, No, 2421” and endorse an update to the White Rock Freedom of Information practice that will introduce an FOI application fee in White Rock.

INTRODUCTION/BACKGROUND

This corporate report informs Council of recent amendments by the province to the *Freedom of Information and Protection of Privacy Act* (the “Act”) and the *Freedom of Information and Protection of Privacy Regulation* (the “Regulation”) (together, FIPPA Legislation) have made it possible for public bodies to now charge a prescribed application fee for Freedom of Information (“FOI”) access requests. Council is being asked to consider endorsing an update to the White Rock Freedom of Information Bylaw that will introduce an application fee for FOI access requests in White Rock.

The City’s Administration Department processes FOI access requests pursuant to the requirements of FIPPA Legislation. Through the FOI process, the public can gain access to City records that are not routinely available or readily accessed through other means.

The City receives and processes a number of FOI access requests each year:

Year	FOI Requests
2021	53
2020	58
2019	51
2018	78
2017	96

Many requests received require significant staff resources to clarify and respond to. An application fee will encourage FOI applicants to be clearer with their requests and treat the FOI process less casually.

An as example, one applicant, who is not a member of the media, made 19 of the City's 53 access requests in 2021 (≈ 36%). This equates to a significant amount of staff resources dedicated to the interests of one (1) person.

Other public bodies are considering the implementation of an FOI application fee. The Province of British Columbia, the City of Surrey, and the City of Pitt Meadows have already implemented or indicated an intention to implement an FOI application fee. However, it is expected that some public bodies will decide not to implement an application fee for this service.

This is something that each municipality has the ability to consider in what will work for their community.

FINANCIAL IMPLICATIONS

An FOI application fee will help offset a portion of the costs associated with processing FOI access requests. Until recently, the Act prohibited the charging of an application fee for FOI access requests except in limited circumstances (ex: for locating and retrieving a record \$7.50 per ¼ hour after the first three (3) hours). In practice, the City has rarely charged such fees.

Staff are proposing the implementation of an FOI application fee pinned to the rate described in the Regulation. This rate is currently set at \$10.00 per request (maximum permitted charge brought in by the recent amendments to the legislation).

LEGAL IMPLICATIONS

The implementation of an FOI application fee will require an update to the *White Rock Freedom of Information Bylaw, 2010, No. 1922*. Staff are proposing that this bylaw be repealed and replaced with a newly created *White Rock Freedom of Information Bylaw, 2022, No. 2421*. The proposed replacement bylaw includes some updated wording and pins all of the City's FOI fees to those set by the Province of British Columbia in the Regulation.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

If supported by Council, the Freedom of Information page on the City website will be updated with information about the FOI application fee and include the new Bylaw.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

If supported by Council, the Information Technology Department will be involved in the creation of a new online FOI access request form that will assist with the collection of FOI application fees.

The Finance Department will be tasked with accounting related to the FOI application fees collected.

OPTIONS / RISKS / ALTERNATIVES

The following options are available for Council's consideration:

1. Endorse the newly presented *White Rock Freedom of Information Bylaw, 2022, No. 2421* as circulated, thereby directing the implementation of an FOI application fee be applied in White Rock.
2. Take no action, thereby preserving the City's FOI process in its current state.
3. Provide alternative direction.

CONCLUSION

Recent amendments to FIPPA Legislation have made it possible for public bodies to charge a prescribed application fee for FOI access requests. City staff recommend that Council endorse an update to the White Rock Freedom of Information practice that will introduce an FOI application fee in White Rock. The fee is proposed to be pinned to the rate described in FIPPA Legislation, which is currently set at \$10.00 per request.

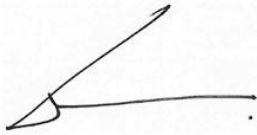
Respectfully submitted,



Tracey Arthur
Director of Corporate Administration

Comments from the Chief Administrative Officer

I concur with the recommendations of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

Appendix A: Draft "*White Rock Freedom of Information Bylaw, 2022, No. 2421*"