
Second Session, Forty-second Parliament
70 Elizabeth II, 2021
Legislative Assembly of British Columbia

BILL 22

**FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY
AMENDMENT ACT, 2021**

Honourable Lisa Beare
Minister of Citizens' Services

Explanatory Notes

SECTION 1: *[Freedom of Information and Protection of Privacy Act, section 2]* makes a minor amendment for consistency.

SECTION 2: *[Freedom of Information and Protection of Privacy Act, sections 3 and 4]*

- amends and reorganizes provisions respecting the application of the Act;
- makes a minor amendment for consistency;
- amends the provision respecting information access rights.

BILL 22 – 2021

**FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY AMENDMENT ACT, 2021**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 2 (1) (c) of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended by striking out “rights” and substituting “right”.

[...]

44 Section 75 is repealed and the following substituted:

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 the following:
- (a) a prescribed application fee;
 - (b) prescribed fees for the following services:
 - (i) locating and retrieving the record;
 - (ii) producing the record;
 - (iii) preparing the record for disclosure, except for time spent severing information from the record;
 - (iv) shipping and handling the record;
 - (v) providing a copy of the record.
- (2) Subsection (1) (b) (i) does not apply to the first 3 hours spent on a request.
- (3) Subsection (1) does not apply to a request for the applicant's own personal information.
- (4) If an applicant is required to pay fees for services under subsection (1) (b), the head of the public body
- (a) must give the applicant a written estimate of the total fees before providing the services, and
 - (b) may require the applicant to pay a deposit in an amount set by the head of the public body.

- (5) If the head of a public body receives an applicant's written request to excuse payment of all or part of the fees required under subsection (1) (b), the head of the public body may excuse payment, if, in the head of the public body'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.
- (6) The head of a public body must respond to a request under subsection (5) in writing and within 20 days after receiving the request.
- (7) The fees that prescribed categories of applicants are required to pay for services under subsection (1) (b) may differ from the fees other applicants are required to pay for the services but may not be greater than the actual costs of the services.

[...]