

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: March 13, 2023
TO: Mayor and Council
FROM: Tracey Arthur, Director of Corporate Administration
SUBJECT: White Rock Freedom of Information Bylaw, 2023, No. 2457

RECOMMENDATION

THAT Council receive for information the corporate report dated March 13, 2023, from the Director of Corporate Administration, titled “White Rock Freedom of Information Bylaw, 2023, No, 2457” for consideration.

INTRODUCTION/BACKGROUND

Staff were asked to bring forward this topic for Council consideration. It had been considered by the previous Council in April 2022.

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
2023	12 (up to Feb 28)
2022	27
2021	53
2020	58
2019	51
2018	78
2017	96

Many requests received require significant staff resources to seek out the requested records and then respond to them. It is recognized that staff time to respond to the requests will in no way be

recovered by this nominal fee of \$10; however, it may encourage FOI applicants to be clearer with their requests and in some cases for the FOI process to not be considered casually.

An as example, one applicant, made 19 of the City's 53 access requests in 2021(≈ 36%) and two applicants made 8 of the City's 27 access requests for 2022 (≈ 30%) this equates to a significant amount of staff resources dedicated to the interests of one to two persons.

The Province of British Columbia has implemented the fee and a cursory poll of the Corporate Officers in BC show some public bodies have also implemented of an FOI application fee including:

- City of Chilliwack
- District of Hope
- City of Pitt Meadows
- District of Central Saanich
- City of Surrey
- Resort Municipality of Whistler

Many responded that they have not implemented the FOI application fee including:

- Village of Anmore
- Village of Belcarra
- Bowen Island Municipality (at this time looking into possibly implementing the fee)
- City of Burnaby
- Columbia Shuswap Regional District
- City of Coquitlam
- City of Courtney
- Langley City
- Langley Township
- City of Port Coquitlam
- City of New Westminster
- District of Sechelt
- City of Vancouver

This is something that each municipality can consider in looking at what will work for their circumstance.

PREVIOUS COUNCIL DIRECTION

Motion # & Meeting Date	Motion Details
2022-105 March 28, 2022	<i>Council received an initial report regarding implementation of a FOI Application fee and endorsed an update be made to the FOI Bylaw implementing an FOI application fee (to be charged only after the first application – first application to be free each calendar year)</i>
2022-183 April 28, 2022	<i>When the White Rock Freedom of Information Bylaw, 2022, No. 2421 was brought forward with the requested update for consideration of initial readings it was defeated.</i>

FINANCIAL IMPLICATIONS

An FOI application fee will help offset a small 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. See Appendix B Schedule of Maximum Fees directly from the FOI and Protection of Privacy Regulations.

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, 2023, No. 2457*. 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.

Once these new processes are in place as a way to collect the application fee there will be no further work required.

OPTIONS / RISKS / ALTERNATIVES

The following options are available for Council's consideration:


1. Endorse the newly presented *White Rock Freedom of Information Bylaw, 2023, No. 2457* as circulated, including directing the implementation of an FOI application fee be applied in White Rock.
2. Take no action, thereby preserving the City's current FOI bylaw and process.
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.

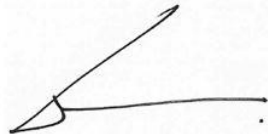
Respectfully submitted,



Tracey Arthur
Director of Corporate Administration

Comments from the Chief Administrative Officer

I concur with the recommendation of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

Appendix A: Draft Proposed “*White Rock Freedom of Information Bylaw, 2023, No. 2457*”

Appendix B: Excerpt from the FOI and Protection of Privacy Regulations, Maximum Permitted Fees