

Freedom of Information and Protection of Privacy Bylaw

CITY OF LANGFORD

"CITY OF LANGFORD FREEDOM OF INFORMATION BYLAW NO. 1925, 2020"

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

WHEREAS, the City enacted the "District of Langford Freedom of Information Bylaw No. 80, 1994" (the "1994 Bylaw");

WHEREAS the City wishes to repeal and replace the 1994 Bylaw with a new Freedom of Information and Protection of Privacy Bylaw;

NOW THEREFORE, the Council of the City of Langford, in open meeting assembled enacts as follows:

1.0 CITATION:

- 1.1 This Bylaw may be cited for all purposes as the "City of Langford Freedom of Information Bylaw No. 1925, 2020.

2.0 DEFINITIONS AND INTERPRETATION:

- 2.1 The definitions contained in Schedule 1 of the Act shall apply to this bylaw except where the context requires otherwise.

- 2.2 In this bylaw:

"Act" means the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, chapter 165 as amended or replaced.

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

"Council" means the Council of the City of Langford.

"Head of Privacy" means the person or group of persons designated as the Head of the municipality pursuant to Section 3 of this Bylaw.

"City" means the City of Langford.

"Request" means a request under Section 5 of the Act.

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3.0 ADMINISTRATION:

- 3.1 Pursuant to section 77 of the Act, Council appoints the persons occupying the following positions to be the Head of Privacy under the Act:
- a) Director of Corporate Services; and
 - b) Manager of Legislative Services.
- 3.2 The Head of Privacy may delegate to any person any duty, power or function of the Head of Privacy provided that the delegation:
- a) is in writing,
 - b) is subject to such restrictions or conditions as the Head of Privacy may deem appropriate;
 - c) does not include the authority to delegate under Section 66 of the Act;
 - d) is otherwise in compliance with the Act.
- 3.3 The Head of Privacy is also the head of privacy for all boards, committees, commissions, panels, agencies, or corporations created or owned by the City.

4.0 FEES:

- 4.1 An applicant making a request may be subject to fees for the purpose of:
- a) locating, retrieving and producing the record;
 - b) preparing the record for disclosure;
 - c) shipping and handling the record; and
 - d) providing a copy of the record.

The charge for fees under this Bylaw shall be in accordance with the Schedule of Maximum Fees in the British Columbia Regulation 155/2012, as amended from time to time.

- 4.2 Where an applicant requests the City waive the fees in 4.1, the applicant must submit a written request to the City and must provide sufficient detail for the City to determine whether or not to waive the fees. Factors to be considered may include but are not limited to:
- a) Volume of materials sought; and
 - b) Severe financial hardship and resulting impact on the applicant.

5.0 REPEALS

- 5.1 This Bylaw repeals and replaces "District of Langford Freedom of Information Bylaw No. 80, 1994".

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6.0 SEVERABILITY

- 6.1 If any portion of this bylaw is found to be invalid, it shall be severed from the bylaw and the remaining provisions shall not be affected but shall remain in full force and effect as if the bylaw had been enacted without the invalid portion.

READ A FIRST TIME this 8th day of September, 2020.

READ A SECOND TIME this 8th day of September, 2020

READ A THIRD TIME this 8th day of September, 2020.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 5th day of October, 2020

CERTIFIED CORRECT

MAYOR



**STEWART YOUNG
MAYOR**

(Corporate Officer)



Marie Watmough
Deputy Corporate Officer