

Module 3: Access to Information TIP SHEET



Under the **Freedom of Information and Protection of Privacy Act (FOIPPA)**, individuals have a right to access:

- Their own personal information held by public bodies
- General information held by public bodies, including information about government operations, programs and services, with limited exceptions

Access to information is:

- A foundational democratic principle, supported by FOIPPA
- Permitted or required by law
- Granted based on a line-by-line review of the record to ensure that the information is legally appropriate for release to the person requesting it

Anyone, including individuals, political parties, media, law firms, businesses, researchers, interest groups, or other governments, may make an FOI request. An applicant may submit a request to access a record in any written format. If the applicant is making the request on behalf of another person, the applicant must also provide written permission from the other person (unless permitted by the **FOIPP Regulation**).

FOI exceptions to disclosure

While the public body's intention should always be to release information wherever possible, FOIPPA lists a number of **exceptions** to the release of information. These exceptions provide public bodies with the authority to sever (take out) information from a record before releasing it. The person who made the request retains the right to access the remainder of the record.

Mandatory exceptions	Discretionary exceptions
<p>Public bodies must withhold information:</p> <ul style="list-style-type: none"> • Subject to cabinet confidences • Harmful to the interests of an Indigenous people • Harmful to the business interests of a third party • Harmful to a third party's personal privacy 	<p>Public bodies may withhold information that is:</p> <ul style="list-style-type: none"> • Subject to local public body confidences • Policy advice or recommendations • Legal advice • Harmful to: law enforcement; intergovernmental relations or negotiations; financial or economic interests of a public body; conservation of heritage sites; or, individual or public safety



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In general, once a public body receives a request, the public body:

1. **Reviews the request** to clarify and/or determine if the information being requested is already available to the public
2. **Confirms receipt of the request.**
3. **Assigns a file number or method** of tracking the request.
4. **Establishes fees** to charge for the request (if any). Public bodies must not use fees to discourage an applicant from proceeding with a request.
5. **Searches for the record** anywhere there is reason to believe recorded information relevant to the request might be stored—and document the details of the search.
6. **Retrieves the record.**
7. Completes a **line-by-line review** of the information to determine what information (if any) may or must be severed before release. See [FOI Exceptions to Disclosure](#).

If some information must be severed, the public body must give the reasons, in writing, for refusing access to that information, as well as:

- The FOIPPA provision(s) on which the refusal is based
 - Contact information for an employee who can answer the applicant's questions
 - Information about how to ask the Office of the Information and Privacy Commissioner to review the decision.
8. **Provides results to the applicant** within a maximum of 30 business days from the time the request was received.

Third parties: A public body may receive a request for access to a record that, although in the public body's custody, was either not authored by the public body or relates to a third party. If the public body thinks there may be harm in giving access to that information, it should consider whether they may or must consult with the third party before making a decision ([s. 23/24](#)).

Extensions: FOIPPA permits public bodies to take a 30-day extension for a number of reasons ([s. 10](#)). The Office of the Information and Privacy Commissioner (OIPC) may also authorize a public body to take an extension for periods longer than 30 days for the same reasons, or if the OIPC otherwise considers that it is fair and reasonable to do so.

Proactive disclosure: Public bodies are required to establish categories of records that are in their custody or control that are available to the public without an FOI request ([s. 70](#) and [71](#)) and to immediately disclose information where it relates to a risk of significant harm to people or the environment, or where disclosure is clearly in the public interest ([s. 25](#)).

