

ISSUANCE: Public and Corporate Relations Department
Records Management Branch

APPROVED: December 10, 2019

1.0 GENERAL

1.1 Purpose

This Policy details the proactive disclosure of responses to General access to information requests (FOI Requests) in accordance with the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and the BC Oil and Gas Commission's (Commission) Proactive Disclosure Exemption Criteria.

1.2 Background

Transparency is one of the Commission's values and helps ensure openness and accessibility to information is incorporated in every aspect of the Commission's business. Supporting public access to information is the Commission's primary objective subject to applicable legislation and regulations.

1.3 Applicability

This Policy applies to all records, regardless of format, as they relate to general requests for information administered under FOIPPA. It does not replace, limit or extend an individual's right of access to information, or the Commission's obligations under FOIPPA. Rather, this Policy seeks to supplement the goals of FOIPPA and the values of the Commission, by encouraging the release of information and promoting transparency, while at the same time ensuring the protection of personal and other confidential information.

1.4 Authority

- *Freedom of Information and Protection of Privacy Act*
- *Copyright Act*

1.5 Definitions

- **Applicant** is the party making a request for access to records under FOIPPA. Examples of Applicant types include media, political party, researcher, industry and individual.
- **Contact information** means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual.
- **Confidential records** contain information requiring protection against unauthorized access or disclosure. Records are classified as confidential based on a variety of requirements, including but not limited to policy or legislation. For example, FOIPPA identifies exceptions to the disclosure of requested information. Examples of Commission confidential records include well data, where confidentiality periods apply as defined in the drilling and production regulations, and First Nation consultations and draft agreements.
- **Copyright** is the right to reproduce a work or any substantial part of a work. Records may be protected by copyright under the federal [Copyright Act](#), pursuant to which unauthorized reproduction of works is forbidden. Permission of the copyright owner must be obtained prior to reproduction, dissemination or sale of the records.

- **FOIPPA** means the B.C. [*Freedom of Information and Protection of Privacy Act*](#).
- **FOI Request** means an access request made under Part 2 of FOIPPA for records held by the Commission.
- **General FOI Request** means a request for records of a non-personal nature that potentially could be released, in whole or in part, to anyone.
- **Personal FOI Request** means a request for records containing personal information about an individual. The request may be made by the individual themselves, or an authorized representative acting on their behalf.
- **Personal Information** means recorded information about an identifiable individual other than contact Information.
- **Proactive Disclosure** means the public release of the Commission's responses to General FOI Requests.
- **Records** include books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise.
- **Routine Release** means the public release of Commission information that is not in response to an FOI Request.
- **Transparency** means the Commission encourages openness in access to clear information and the Commission's decision-making processes, operations or actions.

2.0 POLICY

The following policy requirements apply to the proactive disclosure of responses to General FOI Requests:

- 2.1 Responses to General FOI Requests must be posted to the Commission's website, unless an exemption is approved.
- 2.2 Responses to General FOI Requests will include the response letter, response records and Applicant type (e.g. Media, Researcher, Business, etc.).
- 2.3 Responses to General FOI Requests will be available on the Commission's website for up to one year following the date of posting. Any Responses that result in a formal review by the Office of the Information and Privacy Commissioner (OIPC) may be removed from the website sooner than one year.
- 2.4 An exemption to posting a response to a General FOI Request may be approved where specific exemption criteria apply. Exemption criteria are set out in Section 3.0.
- 2.5 Responses to Personal FOI Requests must not be posted to the Commission's website.
- 2.6 Any personal information must be removed from General FOI Request response records in accordance with the FOIPPA before posting to the Commission's website. Applicant contact information within response letters is also removed.
- 2.7 A response to a General FOI Request must be posted to the Commission's website a minimum of:
 - 72 hours after its release, if the response is sent or provided electronically to the Applicant; or
 - Five business days after its release, if a hard copy is mailed to the Applicant.

3.0 PROACTIVE DISCLOSURE EXEMPTION CRITERIA

- 3.1** Responses to General FOI Requests will be considered for exemption from proactive disclosure and posting on the Commission's external website if they contain:
- Personal information or information that could lead to the identification of the Applicant or other persons.
 - Information that may harm relations with a First Nation.
 - Information that may harm relations with another government.
 - Information that may harm a third party's business interests.
 - Information that is not suitable for proactive disclosure based on a formal risk assessment that disclosure to the public may threaten the safety of a person or harm the security of any property or system.
- 3.2** Commission FOIPPA staff will recommend an exemption from proactive disclosure where one or more of the above criteria are met.
- 3.3** Commission Public and Corporate Relations staff (Executive Director or Director) must approve any recommended exemption.

4.0 RESPONSIBILITIES

- 4.1 Executive and management are responsible for:**
- Leading the Commission in enhancing transparency and accountability through the increased release of Commission information.
- 4.2 Commission FOIPPA staff are responsible for:**
- Preparing responses to General FOI Requests for posting in accordance with established processes and timelines.
 - Recommending exemptions to the proactive disclosure of General FOI Requests in circumstances where established criteria is met.
 - Ensuring responses to Personal FOI Requests are not published.
 - Ensuring personal information is removed from General FOI Request responses before they are proactively disclosed.
 - Updating the Commission's FOI Proactive Disclosure Policy as required.
- 4.3 Commission Public and Corporate Relations staff are responsible for:**
- Approving exemptions to the proactive disclosure of General FOI Requests in circumstances where established criteria is met.
 - Providing information to Commission FOIPPA staff on relevant Copyright matters.
 - Advising the public of the Commission's FOI Proactive Disclosure Policy.

5.0 APPROVAL:



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