

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1507

Being a bylaw to designate the Head of Freedom of Information and Protection of Privacy and establish an Information Management Program and a Privacy Management Program.

WHEREAS the *Freedom of Information and Protection of Privacy Act*, as amended, requires the Regional District of Central Okanagan to designate the Head for the purposes of access to records that are in the custody or under the control of the Regional District of Central Okanagan;

AND WHEREAS the *Freedom of Information and Protection of Privacy Act*, as amended, requires the Regional District of Central Okanagan to designate a Privacy Officer for the purposes of protection of privacy;

AND WHEREAS the establishment of a Privacy Management Program and Information Management Program is necessary to support compliance with applicable legislation;

NOW THEREFORE THE REGIONAL BOARD OF THE REGIONAL DISTRICT OF CENTRAL OKANAGAN IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

PART 1 –CITATION

1.1 This Bylaw may be cited as “Information Management Bylaw No.1507, 2022”

PART 2 - INTERPRETATIONS

2.1 In this Bylaw:

“**Board**” means the Board of the Regional District of Central Okanagan;

“**Committees**” means committees established by the Chair and Board of the Regional District of Central Okanagan;

“**Control**” means having the authority for the management, access, use, disclosure, and protection of this record;

“**Corporate Officer**” means the person assigned responsibility for corporate administration under section 236 of the *Local Government Act*; or their Board appointed Deputy;

“**Custody**” means physical possession of the record;

“**Disposition**” means:

- a) The destruction or deletion of records, or
- b) The transfer, loan, or donation of records of enduring value; or

c) Permanent archive of records;

“Electronic Record” means information that is recorded or stored on any format in or by a computer system or other similar device and can be read or received by a person or a computer system or other similar device;

“FOIPPA” means the *Freedom of Information and Protection of Privacy Act, RSBC 1996, c.165* as amended;

“FOI Coordinator” means the person designated under section 3.2 of this Bylaw;;

“Head” means the person designated under section 3.1 of this Bylaw;

“Privacy Management Program” is a program to manage the access, collection, use, disclosure, disposal, and protection of personal information;

“Privacy Officer” means the person designated as **Head** under section 3.1;

“Record(s)” means records and information created, received, and maintained as evidence, and as an asset in pursuit of legal obligations and in the transactions of business of the **Regional District**, regardless of their format, media, or location;

“Information Management Program” is a program to manage records and information as assets of the Regional District from creation to final disposition;

“Records Schedule” means the records retention and classification schedule prepared under section 5.2 of this bylaw, as amended from time to time;

“Regional District” means the Regional District of Central Okanagan, including the **Regional Board** and **Committees**.

2.2 The definitions contained in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*, as amended from time to time, apply to this bylaw except where the context requires otherwise.

PART 3 – ADMINISTRATION OF FOIPPA

- 3.1 The **Corporate Officer** is designated as the **Head** of the Regional District for the purposes of meeting the requirements of **FOIPPA**.
- 3.2 The Deputy Corporate Officer is designated as the **FOI Coordinator** for the purpose of **FOIPPA** and is authorized to perform the duties and functions of the **Head**.
- 3.3 For the purposes of **FOIPPA**, the **Head** will act in their capacity for the **Board** and **Committees** of the Regional District.
- 3.3 As permitted under **FOIPPA**, a fee will be charged for the purpose of an application for access to records at the rate established by **FOIPPA** regulation.

PART 4 – PRIVACY MANAGEMENT PROGRAM ESTABLISHED

- 4.1 The **Privacy Management Program** is established under the direction of the **Corporate Officer** for the purposes of meeting the requirements of **FOIPPA**.
- 4.2 The **Corporate Officer** is hereby authorized to:
- a) Ensure a privacy management program is established.
 - b) Develop privacy management policies and procedures that are required and consistent with applicable legislation.
 - c) Ensure the **Regional District** access, collection, use, disclosure, or disposal of personal information follows the **Privacy Management Program**.

PART 5 – INFORMATION MANAGEMENT PROGRAM ESTABLISHED

- 5.1 The **Information Management program** is established under the direction of the **Corporate Officer**.
- 5.2 **Records** of the **Regional District** are created, accessed, maintained, and disposed of as provided by the **records schedule**.
- 5.3 The **Corporate Officer** is authorized to create and maintain a manual of policy and procedures (the "Manual") that provides for the management and systematic control of the Regional District **records**, that are created or received by the Regional District in the conduct of its operations including provisions regarding the:
- a) the making, receiving and capturing and organization of records, including records not authorized for creation;
 - b) the collection of records;
 - c) access to records;
 - d) disclosure of records;
 - e) maintenance of records;
 - f) managing records;
 - g) using records;
 - h) retention of records;
 - i) security of records including protection;
 - j) storage of records;
 - k) preservation of records;
 - l) disposal of record, including destruction; and
 - m) any other matter(s) the Corporate Officer authorizes to be included in the Manual.

5.4 The **Corporate Officer** may authorize the destruction of the original copies of records prior to the time outlined in the retention schedule if those originals have been converted to electronic format that will enable copies of the originals to be made.

PART 6 – COMPLIANCE WITH THE INFORMATION MANAGEMENT PROGRAM and PRIVACY MANAGEMENT PROGRAM

- 6.1 All **records** in the custody and control of the employees of the **Regional District**, are the property of the **Regional District**.
- 6.3 All **records** of the **Regional District** must be managed in accordance with the **Information Management Program**, and this Bylaw. All employees, management, service providers and volunteers of the **Regional District** must comply with this bylaw.
- 6.4 All **records** of the **Regional District** containing personal information must be compliant with **FOIPPA** and managed in accordance with the **Privacy Management Program**.
- 6.5 Any contract between an outside agency or contractor and the **Regional District** for the provision of goods or services, must specify the conditions for the protection of personal information and the custody and control of the **records** resulting from such contract.

PART 7 - AMENDMENT OF THE INFORMATION MANAGEMENT PROGRAM AND THE PRIVACY MANAGEMENT PROGRAM

7.1 The **Corporate Officer** is authorized to review and amend the **Information Management Program** and the **Privacy Management Program** as required.

PART 8 – SEVERABILITY

8.1 If any section, subsection, paragraph, subparagraph, or clause of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

PART 9 –REPEALED

9.1 Regional District of Central Okanagan Bylaw No.1406 being a bylaw cited for all purposes as the Regional District of Central Okanagan Freedom of Information Bylaw, No. 1406,2017 is hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME THIS DAY OF 2022

ADOPTED THIS DAY OF 2022

CHAIRPERSON

CORPORATE OFFICER