

CITY OF MAPLE RIDGE

BYLAW NO. 7959-2023

A Bylaw to establish the administration of the *Freedom of Information and Protection of Privacy Act* at the City of Maple Ridge.

WHEREAS, Section 77 of the *Freedom of Information and Protection of Privacy Act*, Chapter 165 [RSBC 1996] (the “Act”) requires that a municipality establish, by bylaw, a person or group of persons as the head of the municipality for the purposes of the Act;

AND WHEREAS, Section 77 of the Act permits a municipality to set any fees, by bylaw, that the municipality requires to be paid under Section 75 of the Act;

NOW THEREFORE, Council of the City of Maple Ridge enacts as follows:

1. Citation

This Bylaw may be cited as “Maple Ridge Freedom of Information and Protection of Privacy Act Bylaw No. 7959-2023”.

2. Interpretation

For the purposes of this Bylaw:

- (a) except as otherwise defined in this Bylaw, any words or phrases herein will be construed in accordance with their meanings under the Act or the *Interpretation Act*, Chapter I-21, [RSC 1985].
- (b) headings are for convenience only and are not to be construed as defining, or in any way limiting, the scope or intent of this Bylaw;
- (c) any references made to a statute or regulation refers to the most current enactment of that statute or regulation in the Province of British Columbia, as amended or replaced from time to time;
- (d) any references made to a bylaw refers to the most current enactment of that bylaw at the City, as amended or replaced from time to time.

3. Definitions

In this Bylaw:

“**Act**” means the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, Chapter 165.

“**Applicant**” means a person who makes a request for access to information under the Act.

“**Commercial Applicant**” means a person who makes a request for access to information for use pertaining to a trade, business, profession, or other venture for profit.

“Corporate Officer” means the City Staff member appointed as the Corporate Officer to carry out duties as defined under section 148 of the *Community Charter*, or their designate.

“Council” means Council of the City of Maple Ridge.

“Head” means the City Staff member appointed as the Head of the municipality pursuant to Section 77 of the Act and Section 4(a) of this Bylaw.

“FOI Request” means a request for information under Section 5 of the Act.

“Records” means “books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

4. Designation of Head

- (a) The Corporate Officer is designated as the Head for the purposes of the Act and is bound to uphold the spirit and intent of the Act;
- (b) The Head may designate any person to assume the Head’s responsibilities in relation to the processing and review of FOI Requests; and
- (c) For the purposes of the Act, the Head and their designate will act in their respective capacities for all Boards, Commissions and Committees of the City.

5. Powers of the Head

- (a) Pursuant to Section 66 of the Act, the Head may delegate any of the Head’s duties, powers, or functions under the Act, to any other designated person per the Head’s discretion, except granting that person the power to delegate; and
- (b) The Head and their designate shall perform their respective roles in accordance with the provisions of the Act.

6. Information Protection

- (a) The Head and their designate shall protect personal information collected by the City by arranging for reasonable security against risks such as unauthorized access, collection, use, disclosure, or disposal of personal information; and
- (b) The Head and their designate must refuse to disclose personal information to an Applicant if the disclosure is prohibited or restricted by the Act, or by any other provincial or federal statute.

7. Fees

- (a) Pursuant to Section 75 [Fees] of the Act,
- (i) Fees for Applicants will be set by the Head in accordance with the fees set out in Schedule 1 of the *Freedom of Information and Protection of Privacy Regulation*, B.C. Reg 155/2012; and
 - (ii) Fees for Commercial Applicants will be set at the discretion of the Head and will reflect the actual cost for processing an FOI Request.

8. Inconsistency or Invalidity

- (a) If any section, subsection, clause, or other part of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw; and
- (b) If any section, subsection, clause, or other part of this Bylaw conflicts with, or could be interpreted to conflict with, the Act, then the Act will prevail.

9. Repealed

The Maple Ridge Freedom of Information and Protection of Privacy Act Bylaw No. 7415-2017 and all amendments thereto are hereby repealed in their entirety and replaced by the Maple Ridge Freedom of Information and Protection of Privacy Act Bylaw No. 7959-2023.

READ a first time the 26th day of September, 2023.

READ a second time the 26th day of September, 2023.

READ a third time the 26th day of September, 2023.

ADOPTED, the 10th day of October, 2023.



PRESIDING MEMBER



CORPORATE OFFICER