

1. PURPOSE

- 1.1 The Regional District of Nanaimo (RDN) is committed to protecting the confidentiality, privacy and security of Personal Information contained in RDN's records. Individuals and employees are entitled to access records that contain their own Personal Information and records that contain information about RDN activities in the custody or control of the RDN. The RDN has legal requirements under the *Freedom of Information and Protection of Privacy Act* (FOIPPA) to respond to requests for Personal Information and to respond to requests for records (FOI Requests).
- 1.2 Access by RDN employees to records containing Personal or Proprietary information is on a "need-to-know" basis for the purpose of carrying out the RDN's functions, programs, activities, and services, and for auditing and quality improvement purposes only.
- 1.3 FOI Requests are not required for public information made available through the RDN website or to information routinely released by the RDN (see list here: "[Routinely Released Information](#)").
- (a) FOI Requests and requests to correct documents are required in writing and are responded to as soon as possible, generally within 30 business days, and not exceeding 60 days from the day the written request is received unless otherwise authorized by FOIPPA.
- 1.4 The purpose of this Policy is to provide access to information while protecting the rights of individuals and businesses to confidentiality, privacy and security of Personal Information contained in RDN's records, to ensure legislative compliance, and to protect RDN from litigation. This process allows both individuals and employees to access and request correction of their Personal Information.

2. DEFINITIONS

"**Board**" means the Regional District of Nanaimo Board of Directors.

"**Business Contact Information**" means any information that enables an employee to be contacted at their place of business (for example name, business telephone number, business address, business email or business fax number).

"**CAO**" means the Chief Administrative Officer.

"**Email**" means electronic mail (abbreviated "e-mail" or, often, "email") is a store and forward method of composing, sending, storing, and receiving messages over electronic communication systems. Electronic mail records contain recorded information that may be either temporary use or required for ongoing purposes.

"**FOIPPA**" means the [Freedom of Information and Protection of Privacy Act](#).

"**Personal Information**" means any type of recorded information that allows the RDN to identify an individual, either directly (e.g., name, image, home phone number) or in combination with other

information (e.g., license plate number, IP address). Personal Information does not include Business Contact Information, or anonymous or aggregate information that cannot identify an individual.

“Proprietary Information” means any recorded information including trade secrets or commercial, financial, labour relations, scientific, or technical information of or about a third party that is supplied in confidence and the disclosure of which could be harmful to the business interests of a third party as detailed in the FOIPPA.

“RDN” means the Regional District of Nanaimo.

“User” includes all RDN officers, employees, Board Directors, Committee members, agents, volunteers and service providers and any other persons acting on behalf of the RDN.

3. SCOPE

- 3.1. This Policy applies to RDN employees of the RDN with respect to the collection, use, and disclosure of Personal Information while carrying out the RDN’s functions, programs, activities, and services.
- 3.2. This Policy applies to all Personal Information and Proprietary Information contained in the RDN’s records, whether such information is recorded manually or electronically.

4. RESPONSIBILITIES

- 4.1 The RDN is legally responsible for the management of all Personal Information and Proprietary information under its control. This includes the RDN’s responsibility to protect Personal Information and Proprietary Information under FOIPPA.
- 4.2 **The RDN’s Privacy Officer or their delegate** is responsible for administering the implementation of this Policy and is responsible for assisting with all aspects of record access, correction, and release, as needed. The Privacy Officer or their delegate is responsible for providing the training and support necessary to ensure employee compliance with applicable RDN policies and legislative requirements.
- 4.3 **Managers**, or their delegates, are responsible for ensuring that all employees are aware of this policy, complete related training and ensure all FOI Requests are submitted to the Privacy Officer for processing.
- 4.4 **Employees** are responsible for ensuring all FOI Requests are provided to the Privacy Officer for processing and only public or routinely released records may be released by individual employees.

5. POLICY

5.1. Storage

- (a) Hard copy records will be maintained in a locked file or locked room in the department or secure off-site storage.
- (b) Access is limited to management and support employees with reason to view, record, maintain, or audit information and while carrying out the RDN’s functions, programs, activities, and services.
- (c) User passwords and electronic permissions are assigned and withdrawn in a controlled manner to ensure authorized access only of electronic records.

5.2. **Request for Access to Records**

- (a) Employees and individuals have the right to request access to records that contain their own Personal Information being retained by the RDN.
- (b) All FOI Requests follow the process outlined in this Policy to ensure the individual's privacy rights are adhered to.

5.3. **Requests for Access to or Release of Records from a Third Party**

Personal Information can only be released to a third party with the individual's consent or with legal authority. Requests from a third party, including a lawyer, law enforcement, a Provincial licensing body or a coroner should be directed to the RDN's Privacy Officer (or FOI Head).

5.4. **Fees for processing an FOI Request**

- (a) The RDN will charge fees for processing a FOI request pursuant to the "Regional District of Nanaimo Freedom of Information and Protection of Privacy Bylaw No. 1695, 2014", as amended from time to time. In those circumstances:
 - i. the RDN will first provide the requesting individual with an estimate of the fee; and
 - ii. the amount of the fee cannot exceed the amount of the Schedule of Maximum Fees listed in Schedule 1 of the FOIPPA Regulations, and RDN will consider factors such as:
 - A. amount of employee time that is needed to assemble the records requested; and
 - B. photocopying charges or charges incurred for providing the information in a form suitable to the requester, USB key, and courier costs.

5.5. **Documentation of FOI/Correction Requests**

Upon receipt of a request for access, correction, or release of records/Personal Information, RDN will document the request, as well as any access and release processes, using the "Freedom of Information Request Form/Request to Correct Personal Information Form".

5.6. **Correction of a Record**

- (a) The RDN will endeavour to correct a record containing Personal Information upon receiving notice or evidence that the information currently in the record is incorrect.
- (b) The RDN will correct a record containing Personal Information upon receipt of the information necessary to correct the record.
- (c) Requests to correct an individual's own Personal Information are processed without a fee.
- (d) When corrections are made, all original records will be retained with a notation that a correction has been made, when the correction was made, and by whom.
- (e) The RDN will notify third parties of corrections, as appropriate and in accordance with the Access to Information procedures.
- (f) In circumstances where a correction is requested and an RDN employee believes the original and current documentation is correct, the individual requesting the correction will be notified of RDN's belief that the record is correct as is, and allow the requester to write a Statement of Disagreement with regards to the RDN's decision not to fulfill the correction request, inclusive of the correction they are requesting.
- (g) Employees or individuals with a "need-to-know" requirement for the individual's information are informed about the Statement of Disagreement, as applicable.

6. PROCESS

- 6.1. Individuals have the right to request access to Personal Information about them. Individuals also have the right to request access to information about the ways in which their Personal Information is being or has been used, and the names of the individuals and organizations to which their Personal Information has been disclosed. The right of access does not extend to information that may be excepted from disclosure under Part 2 of FOIPPA.
- 6.2. Individuals must make their request for access to information in writing. Individuals may also be required to prove their identity before the RDN provides them with access to their Personal Information.
- 6.3. Individuals may make a formal FOI Request by writing to FOI@rdn.bc.ca. Although it is not required for making a formal FOI Request, individuals may choose to use the RDN's [Request for Access to Records](#) application form, which can be accessed via the RDN's [FOI webpage](#).
- 6.4. Individuals may deliver, mail, fax or email their FOI Request to:

Legislative Services and FOIPPA Coordinator
Regional District of Nanaimo
Corporate Services
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Email: FOI@rdn.bc.ca
Fax: 250-390-4163 (if faxing please call or email to confirm)
Phone: 250-390-4111
Toll Free: 1-877-607-4111

- 6.5. If an individual's Personal Information is stored in an electronic format, the RDN will provide them with the option to receive a copy of the Personal Information in electronic or paper form, if possible.
- 6.6. If access can be provided, the RDN will make the requested information available to the individual within 30 business days. Otherwise, the RDN will provide the individual with written notice of an extension where additional time is required to fulfill the individual's request.
- 6.7. If the RDN is authorized or required by FOIPPA to refuse access or give access to a limited amount of Personal Information, the RDN will inform the individual in writing. The RDN will state the reasons for its refusal and outline further steps that are available to the individual. This may apply in certain circumstances, such as whether the requested Personal Information is protected by solicitor-client privilege or would reveal policy advice or recommendations that are currently before the RDN Board.

7. COMPLIANCE

- 7.1 Breaches of this policy by employees who are subject to collective agreements will be managed through existing collective agreements, including identified grievance and arbitration processes. These mechanisms include the ability for the RDN to take appropriate disciplinary action up to and including dismissal.
- 7.2 Breaches of this policy by exempt employees will be managed through existing processes and in accordance with current employment law. The CAO reviews alleged breaches, makes any necessary inquiries, and determines appropriate disciplinary action.

7.3 The consequences for a breach of this policy by contract employees will be governed by the terms and conditions of the contract.

8. RELATED RDN POLICIES

8.1. This Policy may be considered in conjunction with the following RDN policies:

- a) Privacy Policy A1.40
- b) Breach Management Policy A1.41

Department	Legislative Services	Approval Date	May 22, 2026
CAO Signature	Original Signed	Amendment Date(s)	
		Next Scheduled Review Date	