



**VILLAGE OF BELCARRA**  
**Freedom of Information and Protection**  
**of Privacy Bylaw No. 616, 2023**



A bylaw for the Administration of the Freedom of Information and  
Protection of Privacy Act

**WHEREAS**, Section 77 of the *Freedom and Information and Protection of Privacy Act* (the Act), Chapter 165 [RSBC 1996], as amended, requires that a municipality by bylaw:

- (a) must designate a person or group of persons as the head of the municipality for the purposes of the Act; and,
- (b) may set any fees the municipality requires to be paid for providing the services described in Section 75 of the Act.

**NOW THEREFORE**, the Council of the Village of Belcarra enacts as follows:

**Part 1 - Citation**

- 1.1 This bylaw may be cited for all purposes as the "Village of Belcarra Freedom of Information and Protection of Privacy Bylaw No. 616, 2023."

**Part 2 - Definitions**

- 2.1 In this bylaw

**"Act"** means the Freedom of Information and Protection of Privacy Act, R.S.B.C., 1996 Chapter 165, as amended;

**"Applicant"** means a person who makes a request for access to a record under the *Act*.

**"Commercial Applicant"** means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit;

**"Coordinator"** means the person designated under Section 3.2 as the Freedom of Information and Privacy Coordinator ("FOI Coordinator").

**"Head"** means the person designated under Section 3.1 of this Bylaw as the Information and Privacy Head.

**"Records"** includes 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;

**"Request"** means a request under Section 5 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, Chapter 165, as amended.

**"Village"** means the Village of Belcarra.

- 2.2 The definitions contained in Schedule 1 of the Act, shall apply to this bylaw except where the context requires otherwise.

### Part 3 – Designation of Authority

- 3.1 The Corporate Officer is designated as the *Freedom of Information and Protection of Privacy* Head for the purposes of the *Act*.
- 3.2 In the absence of the Corporate Officer, the Chief Administrative Officer shall act as the Head.
- 3.3 The Accounting Clerk is designated as the FOI Coordinator.
- 3.4 The Coordinator is hereby authorized to exercise responsibility for the overall management of *Freedom of Information and Protection of Privacy* functions on behalf of or in the absence of the Head.

### Part 4 - Fees

- 4.1. Pursuant to Section 75 [Fees] of the *Act*, an applicant making a request shall pay to the Village the following:
  - (a) a prescribed application fee of \$10.00, with an exception for those seeking their own personal information (as per the *Freedom of Information and Protection of Privacy Act*)
  - (b) prescribed fees for the following services
    - i. locating and retrieving the record;
    - ii. producing the records;
    - iii. preparing the record for disclosure, except for time spent severing information from the record;
    - iv. shipping and handling the record;
    - v. providing a copy of the record.
- 4.2. An applicant who makes a request under Section 5 of the *Act* shall pay to the Village the fees set out in the Schedule of Maximum Fees contained in the *Freedom of Information and Privacy Regulation*, as amended.
- 4.3 The Head may provide records of the Village which are available to the public, upon payment of the applicable fees as determined in Village of Belcarra Fees and Charges Bylaw No. 517, 2018 (consolidated) – Schedule 1 – General Administration, without a request for access under the *Act*.

### Part 5 – Severability

- 5.1 In the event that any section of this bylaw is for any reason held invalid by a decision of a court, the invalid section shall be severed from and not affect the remaining provisions of this bylaw.

**PART 5 – Repeal**

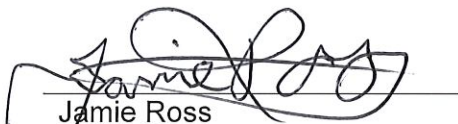
- 5.1. “Village of Belcarra Freedom of Information and Protection of Privacy Bylaw No. 477, 2014” be repealed in its entirety.

READ A FIRST TIME on September 11, 2023

READ A SECOND TIME on September 11, 2023

READ A THIRD TIME on September 25, 2023

ADOPTED by the Council on October 10, 2023

  
\_\_\_\_\_  
Jamie Ross  
Mayor

  
\_\_\_\_\_  
Amanda Seibert  
Corporate Officer

This is a certified a true copy of  
Village of Belcarra Freedom of Information and  
Protection of Privacy Bylaw No. 616, 2023

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Chief Administrative Officer