

FREEDOM OF INFORMATION

Policy Recommendations

On Monday this week we held a half-day study session on the extension of Freedom of Information and Protection of Privacy provisions to local governments in B.C. The session was very well attended and extremely informative.

Based on discussions yesterday and the results of the quick survey we did at the session, as Session Chair I would recommend that UBCM adopt the following position:

1. That the UBCM Executive, following this Convention, be authorized to establish a working committee of elected and appointed officials to do further research into the technical aspects of freedom of information and privacy legislation for local government; to liaise with provincial staff; and to make recommendations to the Executive with respect to UBCM's detailed position on legislation.
2. Some issues to be considered by the working committee include:

Where will the local provisions be found in legislation

Legislative provisions for local governments on freedom of information and privacy become part of the *Municipal Act* or will be part of a separate statute for locally-elected authorities

Fundamental principles of local legislation

Further discussions should consider these principles that have previously been recognized by UBCM:

- that legislation recognize the fact that local governments are elected and not appointed bodies;
- that local governments have flexibility in administering freedom of information and privacy provisions according to local circumstances and local needs;
- that legislation enable local government to determine what is appropriate for initial appeal processes; and
- that legislation allow for cost recovery by local governments in responding to access requests.

When legislation should be implemented

Local governments should be given ample lead time after the legislation is introduced in which to prepare for implementation. Consideration should be given to at least 2 or 3 years.

3. That the provincial government assist the local government sector to prepare and implement the legislation by providing policy and procedures advice, records management assistance, and support ongoing training of staff.