

Freedom of Information & Protection of Privacy (FOIPP) FAQs

What is a record?

A record is defined as "a record of information in any form and includes: books, documents, maps, drawings, photographs, letters, vouchers, notes, images, audiovisual recordings, x-rays and papers and any other information that is written, photographed, recorded or stored in any manner." Emails, notes, documents, etc. created by any Health PEI employee in the course of completing their job duties **are** records!

Is a FOIPP request the only way to access government records?

No, in some cases a FOIPP request for access to information is not required. Individuals can request information directly from a Health PEI program or service area, or through Communications. If the information requested does not contain any personal or sensitive information and none of the exceptions to disclosure in the FOIPP Act would apply, the Chief/Executive Director responsible for the program or service may approve routine disclosure. Examples of information provided through routine disclosure could include statistics, policies and general program information.

Are draft documents protected from disclosure under the FOIPP Act?

The FOIPP Act does not automatically protect all draft documents from disclosure. Drafts may be protected if there are decisions pending based on the content of the draft (i.e. advice to officials).

Do I need to redact/black out any confidential information from the records that I provide for a FOIPP request?

When you are asked to provide records for a FOIPP request, you must provide them to the ATIP Team in full without any redactions or alterations to the record. This will allow the team to review all content to determine what information can or must be protected in accordance with the FOIPP Act. Redactions are applied by the ATIP team and approved by the CEO prior to release to the Applicant.

What types of information are protected from disclosure?

The FOIPP Act outlines types of information that may or must be protected when releasing information to an Applicant. This can include personal information, information that could harm a third party (i.e. a business or organization that works with or for Health PEI), information that reveals advice to officials and information that is subject to legal privilege.

Who is the Applicant requesting access to these records?

The identity of an Applicant making a FOIPP request is treated as confidential, however the type of applicant can be shared as appropriate (for example: media, individual or organization).

Are staff names redacted (removed) from records before they are released to an Applicant?

No, the FOIPP Act establishes that it is not an unreasonable invasion of privacy to release a public body employee's name in relation to the performance of employment responsibilities. In very limited cases where a risk assessment shows a risk of harm to the employee if their name is released to an Applicant, the employee's identity can be protected.

Health PEI

Is the Applicant charged a fee for accessing records?

A \$5 access fee is charged for every FOIPP request submitted. Public bodies may charge fees for time spent processing records for release and for actual costs of photocopying, as permitted in the *Freedom of Information and Protection of Privacy General Regulations*.

How long do we have to respond to a FOIPP request?

The FOIPP Act requires public bodies to respond to requests within 30 days. The time to respond can only be extended as permitted by the Act, for reasons including a need to consult with a third party or to process a large volume of records.

What is the role of the Information and Privacy Commissioner in relation to FOIPP requests?

The Information and Privacy Commissioner has powers under the FOIPP Act to review, upon request from an Applicant or a third party, any decisions made by a public body regarding the release of information or refusal of access to information. The Commissioner may also issue orders based on her reviews, which public bodies are obligated to follow.