



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: September 6, 2022 **REPORT:** 22-122
FROM: Legislative Services **FILE:** 0580-00
SUBJECT: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY AMENDMENT
BYLAW (APPLICATION FEE) NO. 2345, 2022

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Corporate and Community Services be endorsed.

RECOMMENDATION(S)

That Council consider giving first, second and third readings to “Freedom of Information and Protection of Privacy Amendment Bylaw (Application Fee) No. 2345, 2022”.

PURPOSE OF REPORT

This report seeks Council’s consideration for the first three readings of the “Freedom of Information and Protection of Privacy Amendment Bylaw (Application Fee) No. 2345, 2022”.

Information Report Administrative Report (Decision or Direction)

DISCUSSION

Background

The Resort Municipality of Whistler (RMOW) is required to respond to freedom of information (FOI) requests in accordance with the *Freedom of Information and Protection of Privacy Act* (FOIPPA). RMOW Council enacted the Freedom of Information and Protection of Privacy Bylaw No. 1088, 1995 (FOIPPA Bylaw) on February 6, 1995. The FOIPPA Bylaw and the corresponding Memo to Council are attached as Appendix A. The FOIPPA Bylaw sets out the requirements and fees associated with the RMOW preparing and releasing FOI requests.

Amendments to FOIPPA received Royal Assent on November 25, 2021. Those amendments included the introduction of a ten dollar (\$10) application fee for non-personal FOI requests. The purpose of the Freedom of Information and Protection of Privacy Amendment Bylaw (Application Fee) No. 2345, 2022 (FOIPPA Amendment Bylaw) is to include the new FOI application fee. The FOIPPA Amendment Bylaw also includes a few other minor housekeeping updates. Staff notes that all fees related to FOI requests are set out in FOIPPA and that these fees have not changed since FOIPPA was introduced.

Analysis

The FOIPPA Amendment Bylaw includes the following:

- Update the FOIPPA Introductory section reference
- Update the “Designation of Head” title
- Update the “Authorization of Assistance for Head” title
- Replace the previous “Schedule A - SCHEDULE OF MAXIMUM FEES” with the new Schedule A – “Schedule of Maximum Fees” adding the \$10 application fee (no other fee changes)

Section	Existing Wording	Proposed Wording
Introductory Section	Replace: “WHEREAS, under Section 76.1 of the Freedom of Information and Protection of Privacy Act”	With: “WHEREAS, under Section 77 of the Freedom of Information and Protection of Privacy Act”
2	Replace: “The Clerk of the Resort Municipality of Whistler”	With: “The Corporate Officer of the Resort Municipality of Whistler”
3	Replace: “The Deputy Clerk of the Resort Municipality of Whistler”	With: “The Legislative and Privacy Coordinator of the Resort Municipality of Whistler”
Schedule A	Replace: Schedule A - ‘SCHEDULE OF MAXIMUM FEES’	With: Schedule A – “Schedule of Maximum Fees”

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Council adopted the Freedom of Information and Protection of Privacy Bylaw No. 1088, 1995 (FOIPPA Bylaw) on February 6, 1995.

Corporate Plan

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

Council Focus Areas

Community Balance

*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*

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 Climate Action

*Provide leadership to **accelerate climate action and environmental performance** across the community*

 Housing

*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***

 Pandemic Recovery

*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*

 Not Applicable**Corporate Goals** Community character and mountain culture is reflected in municipal initiatives Municipal decision-making supports the effective stewardship of natural assets and ecological function Corporate policies and operations ensure continuous excellence in infrastructure, facility and program management A high level of accountability, transparency and community engagement is maintained Corporate financial health is optimized to ensure long-term community success A vibrant local economy and safe, resilient resort community is effectively reinforced by organizational activities

BUDGET CONSIDERATIONS

None. Costs associated with the introduction of the FOI application fee process are included within the Legislative Services department budget.

LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lílwat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy.

There are no specific considerations to include in this report.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

 Inform Consult Involve Collaborate Empower

The FOI process is on the whistler.ca/FOI webpage. Important information about how to request an FOI is available there. There are no notification requirements required for the introduction of this fee.

REFERENCES

Appendix A – Freedom of Information and Protection of Privacy Bylaw No. 1088, 1995 and Memo to Council.

“Freedom of Information and Protection of Privacy Amendment Bylaw (Application Fee) No. 2345, 2022” (Included in Council Package)

SUMMARY

The proposed amendments as included in the FOIPPA Amendment Bylaw documents that we are in line with the amendments to FOIPPA and that the FOIPPA Amendment Bylaw accurately reflects current practice.

SIGN-OFFS

Written by:

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Reviewed by:

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Officer

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