Nicola Similkameen School District

Administrative Procedure 103

REQUESTING ACCESS TO INFORMATION

Purpose

To establish procedures for requesting and responding to requests for access to records in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA or the "Act").

Guidelines

The public has a right of access to records in the custody or under the control of the School District, subject to the exceptions to disclosure contained in the Act and the payment of any fees authorized by the Act.

The right of access applies to records that are in existence and in the custody or under the control of the School District. Access requests are requests for records and are not a process for requiring the School District to answer questions or create information that does not exist.

The School District is not generally required to create a new record in response to a request; however, in accordance with section 6(2) of the Act, the School District must create a record where the information can be created from a machine-readable record using its normal computer hardware, software and technical expertise, and doing so would not unreasonably interfere with the operations of the School District.

In accordance with its duty to assist under section 6(1) of the Act, the School District will make every reasonable effort to assist applicants and respond to each applicant openly, accurately, completely and without delay.

An applicant who makes a request under section 5 of the Act has a right of access to a record in the custody or under the control of the School District, including a record containing personal information about the applicant, subject to the exceptions and other provisions of the Act.

Definitions

"Record" 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;

General Procedures

1. Making a Request

To obtain access to a record, an applicant must submit a written request to the School District's FIPPA Officer (Director of Human Resources). The request must:

a. provide sufficient detail to enable an experienced employee of the School District, with reasonable effort, to identify the record(s) sought;
b. provide written proof of the applicant's authority to make the request where the applicant is acting on behalf of another person in accordance with the Act and regulations; and
c. be submitted to the School District on the basis that the applicant believes the School District has custody or control of the requested record(s).

The applicant may request a copy of the record or ask to examine the record.

Where an applicant's ability to read or write English is limited, or the applicant has a physical disability that impairs their ability to make a written request, an oral request may be made in accordance with the Freedom of Information and Protection of Privacy Regulation.

Applicants are encouraged to provide sufficient information to assist the School District in locating the requested records, including, where applicable:

- the subject matter of the request;
- the type of records being requested;
- the applicable school, department, program or employee;
- a specific date range; and
- any other information that may assist in identifying the requested records.

Use of a District form is not required. A request may be submitted in any other written format that contains sufficient information to meet the requirements of the Act and may be submitted to the FIPPA Officer (Director of Human Resources).

2. Acknowledgement of Request

The School District will endeavour to provide written acknowledgement of receipt of a request within seven (7) business days.

Where practicable, the acknowledgement will identify the date the request was received and the anticipated statutory response date.

3. Response to a Request

The School District's response will advise the applicant:

a. whether the applicant is entitled to access the record or part of the record;
b. whether any fee authorized by the Act is payable in connection with the request;
c. if access is granted, where, when and how access will be provided; and
d. if access to all or part of the record is refused:

i. the reasons for the refusal and the provision(s) of the Act on which the refusal is based;
ii. the name, title, business address and business telephone number of an officer or employee who can answer the applicant's questions about the refusal; and
iii. information regarding the applicant's right to request a review under the Act.

4. Refusal to Confirm or Deny Existence of a Record

Where authorized by the Act, the School District may refuse to confirm or deny the existence of:

a. a record containing information described in section 15 of the Act, where disclosure could reasonably be expected to harm law enforcement; or
b. a record containing personal information of a third party where disclosure of the existence of the information would constitute an unreasonable invasion of the third party's personal privacy.

5. Time Limit for Response

The School District will respond to a request not later than 30 days after the request is received, unless:

a. the time limit is extended in accordance with section 10 of the Act; or
b. the request is transferred to another public body in accordance with section 11 of the Act.

Where the response period is extended, the applicant will be notified in accordance with the requirements of the Act.

Date of Superintendent Approval: September 16, 2026

Legal References

- Freedom of Information and Protection of Privacy Act, RSBC 1996, c. 165
- Freedom of Information and Protection of Privacy Regulation, B.C. Reg. 155/2012

Cross References

- Access to Information and Protection of Privacy and Personal Information Policy
- Privacy Management Program
- Forms

Forms Request for Access to Records Form - General
Request for Access to Records Form - Student or Parents (insert link)
Request for Access to Records Form – Employees (insert link)
Request for Access to Records Form – Volunteer