

This guide details the proactive disclosure process for responses to general access to information requests (FOI Requests) in accordance with the Freedom of Information and Protection of Privacy Act (FOIPPA) and the BC Energy Regulator's (BCER) Proactive Disclosure Exemption Criteria.

Transparency is one of the BCER's values and ensures openness and accessibility to information is incorporated in every aspect of BCER business. Supporting public access to information is the BCER's primary objective subject to applicable legislation and regulations.

This applies to all records, regardless of format, as they relate to general requests for information administered under FOIPPA. It does not replace, limit or extend an individual's right of access to information, or the BCER's obligations under FOIPPA. Rather, seeks to supplement the goals of FOIPPA and the values of the BCER by encouraging the release of information and promoting transparency, while at the same time ensuring the protection of personal and other confidential information.

Process

The following steps frame the proactive disclosure of responses to general FOI requests:

- Responses to general FOI requests are posted to the BCER's external website, unless an exemption is approved.
- An exemption to posting a response to an FOI request may be approved where specific exemption criteria apply. Exemption criteria are set out below.
- Responses will include the request number, response letter and records package, applicant type (e.g. Media, Researcher, Business, etc.), and the release date.
- Responses to personal FOI requests will not be posted to the BCER website.
- Any personal information will be removed from the response records in accordance with FOIPPA before posting to the BCER website. Applicant contact information within response letters is also removed.
- FOI responses will be posted to the website within a minimum of five days after its release to the Applicant.

Proactive Disclosure Exemption Criteria

Responses to FOI requests will be considered for exemption from proactive disclosure and posting on the BCER's external website if they contain:

- Personal information or information that could lead to the identification of the Applicant or other persons.
- Information that may harm relations with a First Nation.
- Information that may harm relations with another government.
- Information that may harm a third party's business interests.
- Information that is not suitable for proactive disclosure based on a formal risk assessment that disclosure to the public may threaten the safety of a person or harm the security of any property or system.

Helpful FOIPPA Definitions

- **Applicant** is the party making a request for access to records under FOIPPA. Examples of Applicant types include media, political party, researcher, industry and individual.
- **Contact information** means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual.
- **Confidential records** contain information requiring protection against unauthorized access or disclosure. Records are classified as confidential based on a variety of requirements, including but not limited to policy or legislation. For example, FOIPPA identifies exceptions to the disclosure of requested information. Examples of BCER confidential records include well data, where confidentiality periods apply as defined in the drilling and production regulations, and First Nation consultations and draft agreements.
- **Copyright** is the right to reproduce a work or any substantial part of a work. Records may be protected by copyright under the federal Copyright Act, pursuant to which unauthorized reproduction of works is forbidden. Permission of the copyright owner must be obtained prior to reproduction, dissemination or sale of the records.
- **FOIPPA** means the B.C. Freedom of Information and Protection of Privacy Act.
- **FOI Request** means an access request made under Part 2 of FOIPPA for records held by the BCER.
- **General FOI Request** means a request for records of a non-personal nature that potentially could be released, in whole or in part, to anyone.
- **Personal FOI Request** means a request for records containing personal information about an individual. The request may be made by the individual themselves, or an authorized representative acting on their behalf.
- **Personal Information** means recorded information about an identifiable individual other than contact Information.
- **Proactive Disclosure** means the public release of the BCER's responses to General FOI Requests.
- **Records** include books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise.
- **Routine Release** means the public release of BCER information that is not in response to an FOI Request.