



Freedom of Information and Protection of Privacy Law

TNL 06/2016

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Hegus Clint Williams

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Signature of Law Clerk

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PREAMBLE

WHEREAS:

- A. Tla'amin Ta'ow (*teachings*) are our traditional teachings and unwritten laws that our Ancestors lived by. In creating written laws, we continue to honour and uphold our Ancestral practices, teachings and core values. Through our laws, we reinforce the principles of respect, unity and connection to our lands and resources. We vow to keep these teachings and principles in mind in all that we do as Tla'amin people;
- B. Through this Law and other Tla'amin enactments, we are continuing to exercise our inherent right of self-determination. The Tla'amin Government will govern in an accessible, accountable and transparent manner;
- C. As we have always done, we continue to occupy our lands and carry out our Ta'ow (*teachings*) that require us to be stewards of our lands and resources today and always, and we are committed to the responsible, sustainable stewardship of lands, waters, air and other resources. In upholding our responsibilities, we will continue to seek the guidance of the Creator, our Ancestors and the knowledge of Tla'amin Elders as we protect and make decisions about managing our lands and resources;
- D. Our vision of self-government and of a healthy, self-sufficient Tla'amin Nation began long ago with our Ancestors and our leadership of the past. Many of those who were involved in shaping and advancing our vision have since passed on and we acknowledge their contributions and sacrifice. They put in place the foundation that we have built upon today. Those respected ones have cleared the path so that we, the Tla'amin Nation, could achieve our vision of "one heart, one mind, one Nation";
- E. It is on this basis that we accept the obligations and responsibilities inherent in governing and work to blend our traditional and modern-day governing approaches, including the development of freedom of information and protection of privacy laws;
- F. Through our written *Constitution* and this *Freedom of Information and Protection of Privacy Law*, we reinforce our Nation's objectives including Tla'amin unity, good faith engagement among ourselves and with our neighbours and maintaining enduring connections to our lands and resources;
- G. Further, we are committed to pursuing the economic, social and cultural wellbeing of our Nation with the aim of sustaining and improving the quality of life for present and future Tla'amin generations;
- H. It is our intention to accomplish this by making Tla'amin Institutions accountable to Tla'amin Citizens and to qualifying persons, providing reasonable access to information and by protecting personal privacy;

- I. We vow to keep our Ta'ow (*teachings*) and these principles in mind in all that we do as Tla'amin people. The Tla'amin Nation adopts this Law based on these values and principles;
- J. Under section 31 of the *Constitution*, the Tla'amin Government may exercise any right, power, privilege or authority, and may carry out any duty, function or obligation, of the Tla'amin Nation or Tla'amin Government in accordance with Tla'amin law, the *Constitution* and the Final Agreement including making any law within the authority of the Tla'amin Government;
- K. Under paragraph 1 of Chapter 15 [*Governance*] of the Final Agreement, the Tla'amin Nation has the right to self-government, and the authority to make laws, as set out in the Final Agreement;
- L. Under paragraphs 48 and 49 of Chapter 15 [*Governance*] of the Final Agreement, the Tla'amin Nation has the authority to make laws to provide Tla'amin Citizens and other qualifying persons with reasonable access to information in the custody or control of a Tla'amin Institution; and
- M. Under paragraph 3 of Chapter 15 [*Governance*] of the Final Agreement, the authority of the Tla'amin Nation to make laws in relation to a subject matter under the Final Agreement includes the authority to make laws and do other things as may be necessarily incidental to exercising its authority.

NOW THEREFORE the Legislative Assembly duly enacts as follows:

PART 1 - INTRODUCTORY PROVISIONS

Citation

1. This Law may be cited as the *Freedom of Information and Protection of Privacy Law*.

Definitions

2. In this Law,

“Administrative Decision Review and Appeal Policy” has the meaning given to that term in the *Review and Appeal Law*;

“archaeological human remains” has the meaning given to that term in the *Culture and Heritage Law*;

“Complaints and Whistleblower Policy” means the Complaints and Whistleblower Policy approved by the Executive Council in accordance with the Administration and Finance Law; *[Added June 23, 2016]*¹

“contact information” means information to enable a person to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of that person;

“employee” includes a volunteer and a service provider;

“law enforcement” means policing, investigations that lead or could lead to a penalty or sanction being imposed under an enactment, or proceedings that lead or could lead to a penalty or a sanction being imposed under an enactment;

“personal information” means recorded information about an identifiable individual other than contact information;

“qualifying person” means a person other than a Tla’amin Citizen whom the chief administrative officer determines to be directly and significantly affected by information contained in a record in the custody or under the control of a Tla’amin Institution; and

“third party” in relation to a request for access to a record or for correction of personal information, means any person, group of persons or organization other than

(a) the person who made the request, or

(b) a Tla’amin Institution.

Interpretation

3. (1) In addition to the terms defined in this Law, terms used in this Law may be defined in the *Interpretation Law*.

¹ Definition added June 23, 2016.

- (2) Only those defined terms that are capitalized in section 2 or in the *Interpretation Law* are presented capitalized in the text of this Law, and all other defined terms are presented in lower case.
- (3) References to “this Law” include any regulations made under this Law.

Severability

- 4. The provisions of this Law are severable, and where any provision of this Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Law and the decision that it is invalid must not affect the validity of the remaining portions of this Law.

Validity

- 5. Nothing under this Law must be rendered void or invalid by
 - (a) an error or omission in a notice, form or other document given or authorized under this Law; or
 - (b) a failure of the Tla’amin Nation or a Tla’amin official to do something within the required time.

Purpose

- 6. (1) In fulfillment of the commitments contained in the Final Agreement, the purposes of this Law are to make Tla’amin Institutions more accountable to Tla’amin Citizens and to qualifying persons, and to protect personal privacy by
 - (a) providing Tla’amin Citizens and qualifying persons with a right of access to public records in the custody or under the control of Tla’amin Institutions;
 - (b) giving individuals a right of access to, and a right to request correction of, personal information about themselves;
 - (c) preventing the unauthorized collection, use, retention, disclosure and disposal of personal information by Tla’amin Institutions; and
 - (d) providing for an independent review of the operation of this Law.
- (2) Tla’amin Institutions must ensure that the purposes of this Law are effectively and efficiently achieved.
- (3) This Law supplements and does not replace provisions in other Tla’amin enactments to ensure that Tla’amin Institutions uphold Tla’amin values and guiding principles of governance, public administration and financial administration as set out in the *Constitution*.

Scope of this Law

- 7. (1) Subject to subsections (5) and (6), this Law applies to all records in the custody or under the control of Tla’amin Institutions, but does not apply to records that

Tla'amin Institutions make subject to the freedom of information and protection of privacy enactment of another government by way of written agreement with that government.

- (2) This Law does not limit access to records in the custody or under the control of Tla'amin Institutions to which Tla'amin Citizens or the general public have a right of access under another Tla'amin enactment.
- (3) This Law does not limit the information available by law to a party to a judicial or administrative proceeding under a Tla'amin law or a federal or provincial enactment, or otherwise by law.
- (4) This Law does not limit Tla'amin Institutions from providing access to information, other than personal information, which Tla'amin Institutions decide to make available to the general public.
- (5) This Law does not apply to the following:
 - (a) a record in judicial or adjudicative proceedings;
 - (b) a personal note or communication or the draft decision of a person acting in a judicial or adjudicative capacity;
 - (c) a record that is created by or for, or is in the custody or under the control of, a member or an officer of the Executive Council or of the Legislative Assembly and that relates to the exercise of that individual's functions under a law;
 - (d) a record of a question that is to be used on an examination or test;
 - (e) a record containing teaching materials or research information of employees of an educational body; or
 - (f) a record relating to a prosecution if all proceedings in respect of the prosecution have not been completed.
- (6) Except in regard to an individual's request relating to records containing that individual's personal information, Part 2 applies only to records created on or after the Effective Date.
- (7) Parts 1, 2, 5 and 6 of this Law apply to Tla'amin Entities named in Schedule A to this Law and a Tla'amin Entity named in Schedule A to this Law is considered to be a Tla'amin Institution for the purposes of these Parts.

PART 2 - FREEDOM OF INFORMATION

Information rights and how to exercise them

- 8. (1) A Tla'amin Citizen or qualifying person who makes a request under section 9 has a right of access to any record in the custody or under the control of

Tla'amin Institutions, including a record containing personal information about the applicant.

- (2) For the purposes of subsection (1), the chief administrative officer may determine who constitutes a qualifying person.
- (3) The right of access to a record does not extend to information excepted from disclosure under section 16, but if that information can reasonably be severed from a record an applicant has the right of access to the remainder of the record.
- (4) The right of access to a record is subject to the payment of any fee that may be required by regulation under section 37.

How to make a request

- 9. (1) To obtain access to a record, an applicant must make a written request in the prescribed format to the chief administrative officer and provide in that request
 - (a) supporting documents or sufficient detail to enable the chief administrative officer, with a reasonable effort, to identify the record sought; and
 - (b) written proof of the applicant's authority to make the request, if the applicant is acting on behalf of another person in accordance with the regulations.
- (2) The applicant may ask for a copy of the record or ask to examine the record.

Duty to assist applicants

- 10. (1) The chief administrative officer must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
- (2) The chief administrative officer must create a record for an applicant if
 - (a) the record can be created from a computer record in the custody or under the control of a Tla'amin Institution, using its customary computer hardware and software and technical expertise; and
 - (b) creating the record would not unreasonably interfere with the operations of the Tla'amin Institution.

Time limit for response

- 11. (1) The chief administrative officer must respond not later than 20 business days after receiving a request described in section 9.
- (2) The chief administrative officer is not required to comply with subsection (1) if the time limit is extended under section 14.

Contents of response

12. (1) In a response under section 10, the chief administrative officer must tell the applicant
 - (a) whether the record exists;
 - (b) whether or not the applicant is entitled to access the record or to part of the record;
 - (c) if the applicant is entitled to access, where, when and how access will be given; and
 - (d) if access to the record or to part of the record is refused
 - (i) the reasons for the refusal and the provision of this Law on which the refusal is based, and
 - (ii) that the applicant may ask for a review under section 32.
- (2) Despite subparagraph (1)(d)(i), the chief administrative officer may refuse in a response to confirm or deny the existence of a record containing
 - (a) information described in section 16(1)(c); or
 - (b) personal information of a third party if disclosure of the existence of the information would be an unreasonable invasion of that third party's personal privacy.
- (3) If a record referred to in paragraph (1)(a) does not exist, the chief administrative officer must confirm to the applicant that the requested record does not exist.

How access will be given

13. (1) If an applicant is told under section 12(1) that access will be given, the chief administrative officer must comply with subsection (2) or (3) of this section, as applicable.
- (2) If the applicant has asked for a copy of a record under section 9(2) and the record can reasonably be reproduced
 - (a) a copy of that record or part of it must be provided with the response; or
 - (b) the applicant must be given reasons for the delay in providing the record.
- (3) If the applicant has asked to examine a record under section 9(2) or if the record cannot reasonably be reproduced, the applicant must
 - (a) be permitted to examine that record or part of it; or

- (b) be given access in accordance with the regulations, including any regulation regarding photocopying fees.

Extending the time limit for response

- 14. (1)** The chief administrative officer may extend the time for responding to a request for up to 20 business days, if one or more of the following apply:
- (a) the applicant does not give enough detail to enable the chief administrative officer to identify a requested record;
 - (b) a large number of records are requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the Tla'amin Institution; or
 - (c) more time is needed to consult with a third party before the chief administrative officer can decide whether or not to give the applicant access to a requested record.
- (2) In addition to the authority under subsection (1), the chief administrative officer may extend the time for a reasonable period for responding to a request as follows:
- (a) if one or more of the circumstances described in paragraphs (1)(a) to (1)(c) apply, for a period permitted under that subsection; or
 - (b) if the chief administrative officer otherwise considers that it is fair and reasonable to do so.
- (3) If the time for responding to a request is extended under this section, the chief administrative officer must
- (a) tell the applicant the reason for the extension and when a response can be expected; and
 - (b) notify the applicant that they may make a written submission to the Executive Council for a review of the extension.

Routine disclosure of records

- 15.** The chief administrative officer must make every effort to regularly post on a website information generated by Tla'amin Institutions that would be available if requested under this Law or that contains records that have been disclosed under this Law and that could reasonably be expected to be of general interest.

Exceptions

- 16. (1)** Subject to subsection (2), the chief administrative officer may refuse to disclose information to an applicant if that disclosure could reasonably be expected to
- (a) divulge the substance of deliberations of the Executive Council;

- (b) divulge policy advice or recommendations;
 - (c) harm a law enforcement matter;
 - (d) disclose information that is subject to solicitor client privilege;
 - (e) harm the intergovernmental relations or negotiations of a Tla'amin Institution;
 - (f) harm the financial or economic interests of a Tla'amin Institution;
 - (g) result in damage to, or interfere with, the conservation of archaeological human remains and burial objects, natural sites, or an endangered, threatened or vulnerable species, subspecies or race of plants, vertebrates or invertebrates, or any other rare or endangered living resources;
 - (h) harm the spiritual or cultural practices of the Tla'amin First Nation; or
 - (i) harm individual or public safety.
- (2) The chief administrative officer must refuse to disclose information to an applicant if that disclosure could reasonably be expected to
- (a) harm the commercial or financial interests of a third party; or
 - (b) invade a third party's personal privacy.
- (2) The Tla'amin Government is not required to disclose any information that may be withheld under a privilege at law.

Information must be disclosed if in the public interest

- 17. (1)** Whether or not a request for access is made, the chief administrative officer must, without delay, disclose to the public, to an affected group of people or to an applicant, information
- (a) about a risk of significant harm to the environment or to public health or safety; or
 - (b) the disclosure of which is, for any other reason, clearly in the public interest.
- (2) Subsection (1) applies despite any other provision of this Law.
- (3) Before disclosing information under subsection (1), the chief administrative officer must, if feasible, notify any third party to whom the information relates.
- (4) If it is not feasible to comply with subsection (3), the chief administrative officer must mail a notice of disclosure in the form prescribed by regulation to the last known address of the third party.

**PART 3 - COLLECTION, PROTECTION AND RETENTION OF
PERSONAL INFORMATION BY TLA'AMIN INSTITUTIONS**

Purpose for which personal information may be collected

18. Personal information may not be collected by or for a Tla'amin Institution, unless

- (a) the collection of that information is expressly authorized or required under a Tla'amin law or regulation;
- (b) that information is collected for the purposes of an active law enforcement investigation or where required by law enforcement; or
- (c) that information relates directly to and is necessary for an operating program, service or related activity of a Tla'amin Institution.

How personal information is to be collected

19. (1) A Tla'amin Institution must collect personal information or cause personal information to be collected directly from the individual the information is about unless

- (a) another method of collection is authorized by
 - (i) that individual, or
 - (ii) another Tla'amin law, regulation or policy;
 - (b) the collection of the information is necessary for the medical treatment of an individual and it is not possible
 - (i) to collect the information directly from that individual, or
 - (ii) to obtain authority under subparagraph (a)(i) for another method of collection; or
 - (c) the information is collected for the purposes of
 - (i) determining suitability for an honour or award including a honorary degree, a scholarship, a prize or a bursary,
 - (ii) a proceeding before an administrative review body,
 - (iii) collecting a debt or fine or making a payment, or
 - (iv) law enforcement.
- (2) Subject to subsection (3), at or before the time the information is collected, a Tla'amin Institution must make reasonable efforts to ensure that an individual from whom it collects personal information, or causes personal information to be collected, is notified

- (a) of the purpose for collecting the information and to whom it may be disclosed;
 - (b) of the legal authority for collecting it;
 - (c) who can answer the individual's questions about the collection; and
 - (d) that they are not required to provide consent for the use or disclosure of the information and they have the right withdraw consent at any time, subject to legal or contractual restrictions, and reasonable notice.
- (3) In exceptional circumstances and with the consent of the Executive Council, consent with respect to use or disclosure may be sought after the information has been collected but before it is used.
- (4) Notification under subsection (2) may be provided in writing or orally depending upon the collection method.
- (5) Subsection (2) does not apply if
 - (a) the information is about law enforcement;
 - (b) the Executive Council excuses a public body from complying with that subsection because doing so would
 - (i) result in collection of inaccurate information, or
 - (ii) defeat the purpose or prejudice the use for which the information is collected; or
 - (c) the information
 - (i) is not required, under subsection (1), to be collected directly from the individual the information is about, and
 - (ii) is not collected directly from the individual the information is about.

Accuracy of personal information

- 20.** If an individual's personal information is in the custody or under the control of a Tla'amin Institution, it must make reasonable efforts to ensure that the personal information is accurate and complete.

Right to request correction of personal information

- 21.** An individual who believes there is an error in their personal information may request the chief administrative officer to correct the information and the chief administrative officer may correct the information if they believe the correction is necessary.

Protection of personal information

- 22.** Tla'amin Institutions must protect the personal information in their custody or under their control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

Unauthorized disclosure prohibited

- 23.** An employee, officer or director of a Tla'amin Institution who has access to personal information in the custody or under the control of a Tla'amin Institution, must not disclose that information except as authorized by this Law.

Notification of unauthorized disclosure

- 24.** An employee, officer or director of a Tla'amin Institution who knows that there has been an unauthorized disclosure of personal information in their custody or under their control must immediately notify the chief administrative officer.

Application to employees and others

- 25.** The requirements and restrictions established in this Part also apply to the employees, officers and directors of Tla'amin Institutions.

PART 4 - USE AND DISCLOSURE OF PERSONAL INFORMATION BY TLA'AMIN INSTITUTIONS

Use of personal information

- 26.** Tla'amin Government and Tla'amin Institutions must ensure that personal information in their custody or under their control is used only
- (a) for the purpose for which that information was obtained or compiled, or for uses consistent with that purpose; or
 - (b) if the individual the information is about has identified the information and has consented to the use.

Disclosure of personal information

- 27. (1)** Tla'amin Government and Tla'amin Institutions must ensure that personal information in their custody or under their control is disclosed only as permitted under this section.
- (2)** Tla'amin Government and Tla'amin Institutions may disclose personal information in their custody or under their control as follows:
- (a) for the purpose for which it was obtained or compiled or for a use consistent with that purpose;
 - (b) if the individual the information is about has consented in writing to the disclosure of that information;

- (c) in accordance with a Tla'amin enactment or an enactment of British Columbia or Canada;
 - (d) in accordance with a provision of a treaty, arrangement or agreement that
 - (i) authorizes or requires its disclosure, and
 - (ii) is made under a Tla'amin enactment or an enactment of British Columbia or Canada;
 - (e) to comply with a subpoena, warrant or order issued or made by a court, person or body in Canada with jurisdiction to compel production of information;
 - (f) to a public body or law enforcement agency in Canada to assist in a specific investigation
 - (i) undertaken with a view to a law enforcement proceeding, or
 - (ii) from which a law enforcement proceeding is likely to result; or
 - (g) to an officer or employee of a Tla'amin Institution or to a member of the Executive Council, if the information is necessary for the performance of the duties of that officer or employee or that member of the Executive Council.
- (3) Despite subsection (1), if disclosure for a specific statistical or research purpose is clearly in the interest of the Tla'amin Nation and there is no alternative to disclosing the information in individually identifiable form, the Executive Council may authorize the disclosure, subject to any restrictions or conditions that the Executive Council considers advisable.
- (4) Where personal information is required to be used or disclosed for purposes other than those for which it was collected
- (a) the new purpose shall be identified prior to use; and
 - (a) unless a Tla'amin law permits the new purpose, the consent of the individual is required before information can be used for that purpose.
- (5) Where personal information that has been collected is to be used for legal, medical, or security purposes not previously identified, and the individual providing the information is unable to provide consent for use, that personal information may be used or disclosed without the knowledge and consent of the individual.
- (6) Where the Tla'amin Government is required to use or disclose personal information for purposes other than those for which it was collected, the new purpose and the steps taken to obtain consent shall be documented.

Definition

28. In sections 26 and 27, “consistent with that purpose” means the use of personal information is consistent with the purpose for which the information was obtained or compiled if the use

- (a) has a reasonable and direct connection to that purpose; and
- (b) is necessary for carrying out the statutory duties, functions and obligations of a Tla’amin Institution that uses or discloses the information or causes the information to be used or disclosed.

Right of access to personal information

29. (1) Every individual has the right to, and must on written request be given access to view and obtain a copy of, personal information about that individual in a record in the custody or under the control of Tla’amin Institutions if

- (a) the personal information was supplied by that individual; or
 - (b) disclosure of the information to the individual is reasonably expected not to be inconsistent with section 16(2).
- (2) The Executive Council may establish standards, policies, procedures, and reasonable timelines considered necessary with respect to viewing and copying personal information.

Power to disregard requests

30. The Executive Council may, by regulation, authorize the chief administrative officer to disregard requests that would unreasonably interfere with the operations of a Tla’amin Institution because those requests are

- (a) repetitious or systematic in nature; or
- (b) frivolous or vexatious.

Retention and destruction

31. (1) Tla’amin Institutions will develop guidelines and implement procedures for the retention of personal information.

- (2) These guidelines must include minimum and maximum retention periods.
- (3) Personal information that has been collected for the purpose of making a decision about an individual shall be retained for a period of time adequate to permit the individual access to the information after the decision has been made and accommodate time for the conduct of possible review and appeal procedures.
- (4) Personal information that is no longer required to fulfill the identified purposes should be destroyed, erased, or made anonymous.

- (5) Tla'amin Government and Tla'amin Institutions shall develop guidelines and implement procedures to govern the destruction of personal information, with reference to any minimum retention periods required by law or regulations.

PART 5 - REVIEW AND COMPLAINTS

Right to ask for a review

32. (1) A person may raise a complaint or challenge concerning compliance with this Law to a designated Tla'amin Nation employee in accordance with the Administrative Decision Review and Appeal Policy. *[Amended June 23, 2016]*²
- (2) Tla'amin Institutions will put procedures in place to receive and respond to complaints or inquiries about compliance with this Law, related regulations or policies that are consistent with the Administrative Decision Review and Appeal Policy. *[Amended June 23, 2016]*³
- (3) Tla'amin Institutions shall inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures.
- (4) A range of these procedures may exist.
- (5) Tla'amin Institutions shall investigate all complaints.
- (6) If a complaint is found to be justified, appropriate measures, as set out in regulations or policies, will be taken.
- (7) A person who has made a request to the chief administrative officer for access to a record or who has made a request for correction of personal information may
 - (a) appeal the decision of the chief administrative officer to the Executive Council; or *[Amended June 23, 2016]*⁴

² The subsection enacted on April 5, 2016, originally read:
(1) A person may raise a complaint or challenge concerning compliance with this Law to a designated Tla'amin Nation employee in accordance with the **Administrative Decision Review and Appeal Policy**.

Amended June 23, 2016, to:

(1) A person may raise a complaint or challenge concerning compliance with this Law to a designated Tla'amin Nation employee in accordance with the **Complaints and Whistleblower Policy**.

³ The subsection enacted on April 5, 2016, originally read:

(2) Tla'amin Institutions will put procedures in place to receive and respond to complaints or inquiries about compliance with this Law, related regulations or policies that are consistent with the Administrative Decision Review and Appeal Policy.

Amended June 23, 2016, to:

(2) Tla'amin Institutions will put procedures in place to receive and respond to complaints or inquiries about compliance with this Law, related regulations or policies that are consistent with **the Complaints and Whistleblower Policy** and the Administrative Decision Review and Appeal Policy.

⁴ The clause enacted on April 5, 2016, originally read:

- (b) ask the Executive Council to review any decision, act or failure to act of the chief administrative officer that relates to that request.
- (8) Upon receipt of an appeal or a request for review under subsection (7), the Executive Council may refer all or part of the matter to the Review and Appeal Panel in accordance with section 24 of the *Review and Appeal Law* in order to assist the Executive Council in discharging its review and appeal responsibilities under this Law.

Improper use

- 33.** An individual may submit a complaint to the Executive Council if that individual believes that a Tla'amin Institution has improperly collected, used, disclosed, retained or disposed of that individual's personal information.

How to appeal a decision

- 34.** (1) To ask for an appeal under this Part, a written request in the prescribed form must be delivered to the Executive Council in accordance with the Administrative Decision Review and Appeal Policy.
- (2) A request for a review of a decision of the chief administrative officer must be delivered within
- (a) 20 business days of the person asking for the review being notified of the decision; or
 - (b) a longer period with the approval of the Executive Council.
- (3) The failure of the chief administrative officer to respond in time to a request for access to a record is to be treated as a decision to refuse access to the record, but in such a case the time limit referred to in paragraph (2)(a) for delivering a request for review does not apply.

Notifying others of review

- 35.** On receiving a request for a review, the Executive Council must give a copy to
- (a) the chief administrative officer; and
 - (b) any person that Executive Council considers appropriate.

(a) appeal the decision of the chief administrative officer to the Executive Council; or
Amended June 23, 2016, to:

(a) appeal the decision of the chief administrative officer to the Executive Council **in accordance with the Administrative Decision Review and Appeal Policy**; or

PART 6 - GENERAL PROVISIONS

Intergovernmental agreements

36. In accordance with any applicable legislation, including federal and provincial access to information and privacy legislation, the Tla'amin Government may enter into agreements in relation to any one or more of the following:

- (a) collection of information;
- (b) protection of information;
- (c) retention of information;
- (d) use or disclosure of information; or
- (e) confidentiality of personal, general or other information.

Regulations

37. The Executive Council may make regulations it considers advisable for the purposes of this Law, and, without limitation, may make regulations in respect of the following:

- (a) the normal business hours for the examination of records;
- (b) standards to ensure reasonable access to records;
- (c) policies and procedures to be followed for access to records;
- (d) the destruction of records;
- (e) categories of records and publication schemes;
- (f) reasonable restrictions with respect to inspections of records and the protection of personal information;
- (g) reasonable fees for copies and other services provided in respect of records; and
- (h) any other matter the Executive Council considers advisable for the operation of this Law.

Relationship of this Law to other laws

- 38.** (1) If a provision of this Law is inconsistent or in conflict with a provision of another Tla'amin enactment, the provision of this Law prevails unless the other Tla'amin enactment expressly provides that it, or a provision of it, applies despite this Law.
- (2) Federal or provincial law prevails to the extent of a conflict with Tla'amin laws in relation to the protection of personal information.

Offences and penalties

39. (1) A person must not willfully do any of the following:
- (a) make a false statement to, or mislead or attempt to mislead, the Executive Council, the chief administrative officer, or any other person in the performance of that other person's duties, powers or functions under this Law;
 - (b) obstruct the Executive Council, the chief administrative officer, or any other person in the performance of their duties, powers or functions under this Law; or
 - (c) disclose personal information in contravention of this Law.
- (2) Any officer or employee of a Tla'amin Institution who contravenes any section of this Law is liable to disciplinary action to be determined by the chief administrative officer, as set out in the regulations.
- (3) A person who contravenes subsection (1) commits an offence is liable to a fine up to \$5,000. *[Amended June 23, 2016]*⁵

PART 7 - COMING INTO FORCE

Coming into force

40. (1) This Law comes into force on the date it is enacted by the Legislative Assembly.
- (2) For greater certainty, this Law is in effect as of April 5th, 2016 and the corrections dated June 23rd, 2016 apply as of April 5th, 2016. *[Added June 23, 2016]*
41. This Law comes into force on the date it is enacted by the Legislative Assembly. *[Added June 23, 2016]*

THIS LAW IS HEREBY DULY ENACTED by the Legislative Assembly on the 5th day of April 2016 and IS HEREBY DULY AMENDED WITH CORRECTIONS on the 23rd day of June, 2016 on Tla'amin Lands, in the Province of British Columbia.

⁵ The subsection enacted on April 5, 2016, originally read:
 (2) Tla'amin Institutions will put procedures in place to receive and respond to complaints or inquiries about compliance with this Law, related regulations or policies that are consistent with the Administrative Decision Review and Appeal Policy.
 Amended June 23, 2016, to:
 (2) Tla'amin Institutions will put procedures in place to receive and respond to complaints or inquiries about compliance with this Law, related regulations or policies that are consistent with **the Complaints and Whistleblower Policy** and the Administrative Decision Review and Appeal Policy.

SCHEDULE A – TLA’AMIN ENTITIES SUBJECT TO THIS LAW

(Section 7(7))

Tla’amin Entities subject to this Law

LEGISLATIVE HISTORY

(Note: The Legislative History is for administrative purposes only and is not part of the Law.)

Freedom of Information and Protection of Privacy Law [TNL 06/2016] enacted April 5, 2016.

Amendments and Corrections

Table of Legislative Changes

Name of Law or Order	Law or Order Number	Date Amended or Corrected	Section(s) Amended
Order correcting the <i>Freedom of Information and Protection of Privacy Law</i>	TNO- LA 41/2016	June 23, 2016 (corrections in effect April 5, 2016)	Clerical corrections to sections 2, 32 and 40

Regulations enacted under this Law:

List any regulations made under the Law, in the following format:

Access to Information Regulation [TNReg 09/2016].