



REQUEST FOR INFORMATION (RFI) POLICY

Policy Type:	Admin	Initially Approved:	January 30, 2024
Policy Sponsor:	Admin	Last Revised:	
Primary Contact:	Executive Director	Review Scheduled:	
Approver:	Chief and Council by BCM WFN 23/24-01-306		

A. PURPOSE

This procedure identifies specific requirements, processes, and supporting documents that Wahnapitae First Nation uses to implement requests for information until such a time that the Information and Privacy Act, Wahnapitae First Nation is enacted.

Accountability and transparency are important tenets of governance, and this must be balanced with the protection and safeguarding of personal and sensitive information under federal PIPEDA legislation as well as other agreements or requirements to which WFN is a party.

B. SCOPE

This procedure will apply to all records, data and information products in the custody of or under the control of Wahnapitae First Nation and its institutions.

This specifically excludes exemptions outlined in this document, and requirements under PIPEDA, and/or other privacy requirements under written agreements with another government.

C. PROCEDURES

1.0 Right of access

1.1 Subject to Section 3, every Wahnapitae First Nation member or qualifying person (herein referred to as the "requester") has a right of access to a record or a part of a record in the custody or under the control of Wahnapitae First Nation.

2.0 Request Process

2.1 To request access to a record, a person (requester) must make a written request to the First Nation believed to have custody or control of the record in an application format (attached).

2.2 Any request for information must provide enough detail to enable Wahnapitae First Nation to identify the record being requested.

- 2.3. The requester may ask for a copy of the record in hard copy or electronic format OR ask to examine the record(s) as set out in the application form.
- 2.4. In conjunction with a Coordinator they designate for this purpose, the Executive Director will first assess the request and may:
- Ask the applicant for more information in order to verify their identity or to simplify the process of locating the information,
 - Record the date the application was received and to follow up with further information,
 - Review the request and contact the individual for clarification,
 - Analyze the request to ensure clarity, and
 - Identify all sources and records that may hold the personal information that the individual is requesting.
- 2.5. As an initial response, the Coordinator must indicate the following in writing to the requester within 16 working days (per 5.1.):
- Whether the record exists,
 - Whether or not the requester is entitled access the record or to part of the record, applying exemptions as listed in Section 3.0,
 - If the requester is entitled access:
 - where and how access will be given,
 - the timeline (per Section 5.2.), and
 - the cost estimate and request for 50% deposit (per Section 4.2.)
 - If the requester is being denied access: the reason for the refusal and provision of this policy on which the refusal is based.
- 2.6. Upon review by the Executive Director, and upon receipt of the 50% deposit of the cost estimate, the Coordinator will then assess the request and within the designated timeframes (Section 5.2.), will retrieve, review, and prepare the identified records, applying any further exemptions as deemed necessary (Section 3.0.)
- 2.7. The prepared record for distribution to the requester should be done with the following formatting in mind:
- A cover page, including the name and contact information of the Coordinator, Executive Director so as to respond to further questions.
 - Documents should be numbered.
 - Portions of records or files should be sequentially numbered where possible so as to enable the requester to see whether any documents have been severed or exempted from disclosure.
 - Acronyms, abbreviations, or codes should be outlined or explained to ensure clarity.
 - Documents are to be reviewed by WFN for coherence and readability prior to submission to the requester.
- 2.8. Before disclosing a record that is not subject to Section 3, the Executive Director shall cause notice to be given to any third party to whom the information in the record relates, if it is practicable to do so.
This notice shall contain:
- a statement that the WFN intends to release a record or a part of a record that may affect the interests of a third party;
 - a description of the contents of the record or part that relate to the party; and
 - a statement that if the party makes representations to the WFN as to why the record or part should not be disclosed, those representations will be considered by the WFN.

- 2.9. Once the records are prepared and finalized for distribution, the final calculation of the fees and required payment will be provided to the requester.
- 2.10. Once the requisite final portion of the fees are paid, the records can be provided to the requester in either print or digital format, as indicated on the request form.
 - Alternate formats can be requested within reasonable timelines in order to accommodate a disability.
 - In cases where a large number of documents are involved, WFN will seriously consider inviting the requester to simply look at the documents at WFN offices.
- 2.11. Should final reporting disclosures be required per Section 6, these should be made in writing at this time.
- 2.12. Subject to appropriate retention policies, WFN will keep a copy of any documents as provided to the requester, retaining all related correspondence and coding.
- 2.13. The identity of a requester shall be kept confidential by the Executive Director and the designated Coordinator assigned to this work, and may be disclosed only to the extent required to respond to the request for access to the information.
- 2.14. The Executive Director and Coordinator shall make every reasonable effort to assist an applicant and to respond to an applicant openly, accurately, completely and without delay.

3.0 **Exemptions**

- 3.1. WFN will refuse to disclose information to an applicant if the Executive Director determines that this disclosure could reasonably be expected to:
 - a) Divulge the Personal Information or invade the privacy of a third party (see "Definitions" section related to Personal Information),
 - b) Harm a law enforcement matter,
 - c) Harm individual or public safety,
 - d) Harm the commercial or financial interests of a third party,
 - e) Harm the intergovernmental relations or negotiations of Wahnapiatae First Nation or a WFN institution,
 - f) Harm the financial or economic interests of Wahnapiatae First Nation or a WFN institution,
 - g) Harm the spiritual or cultural practices of Wahnapiatae First Nation,
 - h) Disclose information that is subject to solicitor-client privilege,
 - i) Disclose information generated during a formal dispute resolution process,
 - j) Disclose information collected for purposes related to a Human Resources investigation; a breach of an agreement; or a contravention of the laws of Canada, Ontario, or Wahnapiatae First Nation,
 - k) Divulge policy advice or recommendations,
 - l) Divulge the specifics of in-camera deliberations of Chief and Council, and/or
 - m) Divulge documentation related to phone records, correspondence, and or private notes of Chief and Council.
- 3.2. WFN may refuse a request for information that exceeds its capacity for record-keeping.
- 3.3. WFN may also refuse a request that would unreasonably interfere with the operations of Wahnapiatae First Nation, because the request is repetitious, frivolous, or vexatious.

- 3.4. In any case where an exemption may apply, the requesting individual is to be informed that their request cannot be processed, in addition to the relevant reason(s).
- 3.5. When access to information is restricted by the above requirements for confidentiality, privacy, business interests, environment or enforcement sensitivity, or other authorized purpose under Section 3, all efforts will be made to ensure that the information will be processed (e.g., aggregated, summarized, or characterized) as appropriate to provide access while meeting requirements for restriction, if it is possible and feasible to do so; if this process will not unduly interfere with the operations of Wahnapiitae First Nation; and/or if it falls under 3.3.

4.0 Fees

- 4.1. Processing fees will be waived for any information solely relating to the individual themselves.
- 4.2. As part of its initial response to the requester per Section 2.5, WFN will provide a cost estimate of processing the request, the rate for which is as follows:
 - The first two hours of processing a request will be deemed to come at no cost.
 - Every hour thereafter will bear a processing fee of \$30/hour.

The requester will provide a deposit of 50% of the estimate at this time, with the remaining 50% (to be adjusted per final completion of the work) to be paid prior to the final delivery of the requested records.

- 4.3. Any request for a print version of the requested records will carry associated printing costs, which will also be required to be paid prior to provision of the records, and the rate for which is as follows:
 - The first 25 pages will be printed at no cost.
 - Every page thereafter will bear a printing fee of \$0.50 / page.
 - This fee will be waived in cases of specific accommodations.

Should the requester not wish to pay this fee, they can opt to instead receive this material in digital format if this option is available for this particular record.

5.0 Timeframes

- 5.1. An applicant will be provided with an access approval and/or denial within 16 working days from the Executive Director of the organization, upon consultation with the Privacy Officer designated by the organization and the Coordinator assigned to the request and who is responsible for information gathering.
- 5.2. If approved and depending on the nature of the request as determined by the Executive Director, the following timelines for production of the record will be followed:

Minor request	8 working days
Medium request	16 working days
Substantial request	32 working days

If a request is deemed to be exceptional, and the Coordinator feels the above windows are insufficient, a more specific window will be identified and communicated to the requester.

- 5.2.1. All related timelines outlined in this document are considered to be paused until the initial 50% deposit is received.

5.3. The Executive Director may extend the time for responding to a request if one or more of the following apply:

- The applicant did not give enough detail to enable the Coordinator to identify a requested record;
- If a large number of records are requested or must be searched, and responding to the access request would interfere to an unreasonable degree with WFN's activities;
- If responding to the request would require WFN to undertake consultations with a third party to determine whether or not an applicant can be provided access to a requested record;
- If an individual requires the information in an alternate format and it would take significant amounts of time to convert and/or compile it.

5.3.1. In addition to the ability under 5.3., the Executive Director may, at their discretion, further extend the time for responding to a request if the Coordinator concludes – based on written and reviewable criteria – that it would be fair and reasonable to do so.

5.3.2. If the time for responding to a request is extended under 5.3.1., the Coordinator must inform the requester of the reason for the extension and when a response can be expected.

6.0 Record Disclosure

6.1. Before disclosing a record that may pertain to a third party and which meets the exemption requirements, the Executive Director shall cause notice to be given to any person to whom the information in the record relates, if it is practicable to do so. This notice shall contain:

- a. a statement that the WFN intends to release a record or a part of a record that may affect the interests of a third person;
- b. a description of the contents of the record or part that relate to the person; and
- c. a statement that if the person makes representations to the WFN as to why the record or part should not be disclosed, those representations will be considered by the WFN.

6.2. There may be exceptional times when Wahnapiatae First Nation is required to disclose personal information without an individual's consent in order to comply with a subpoena, warrant or court order. It is possible that the individual concerned may request access to information related to this disclosure.

If WFN receives a request for such information from the concerned individual, WFN must undertake the following steps:

- a. Provide notice to the relevant institution that WFN has received this request, and inquire if there are any permissible grounds on which it would object to the release.
- b. WFN may not respond to the individual's access request before either hearing back from the institution or until 30 days has passed since WFN notified the institution; whichever occurs first.
- c. If the institution objects to the release of the information to the individual based on permissible grounds, WFN must withhold it and may not reveal that WFN communicated with the institution, or that the institution objected to the disclosure.

7.0 Appeals

7.1. A person who has made a request under the above procedures may appeal any decision of the Wahnapiatae First Nation concerning the request.

- 7.2. Where a person has made a request, and the First Nation does not give the person notice of its decision within the time frame required by this procedure, the First Nation is deemed to have refused the request, and the person may appeal the deemed refusal.
- 7.3. A person who wishes to appeal shall send written notice to the Chief and Council by way of a completed Appeal Form within 30 days after the Wahnapiatae First Nation has given notice of its decision.
- 7.4. An appellant shall pay the applicable appeal fee of \$10 as set by Wahnapiatae First Nation, made payable to the Wahnapiatae First Nation. This fee will be refunded in cases of a successful appeal.

E. DEFINITIONS

Term	Definition (provide description of term)
Coordinator	Staff member or contracted person responsible for information gathering for the purposes of accessing records for the applicant.
Frivolous	Lacking a legal basis or merit, a matter that is not serious; not reasonably purposeful. When a request is either clearly devoid of substance, lacking in factual basis, absent an air of reality, lacking in proper seriousness, or without importance.
PIPEDA	Personal Information Protection and Electronic Documents Act
Personal Information	Recorded information about an identifiable individual, including, (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual, (b) information relating to the education or the medical, psychiatric, psychological, criminal, social, or employment history of the individual or information relating to financial transactions in which the individual has been involved, (c) any identifying number, symbol or other particular assigned to the individual, (d) the address, telephone number of the individual, (e) the personal opinions or views of the individual except if they relate to another individual, (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence, (g) the views or opinions of another individual about the individual, and (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual
Qualifying Person	A person other than a member of Wahnapiatae First Nation who the Executive Director determines to be directly and significantly affected by information contained in a record in the custody or under the control of Wahnapiatae First Nation or its institutions.
Record	"Record" means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes, (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a video,, a

	<p>sound recording, a computer-generated record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and</p> <p>(b) any record that is capable of being produced from a computer generated readable record under the control of WFN by means of technical expertise normally used by the organization.</p>
Trivial	<p>Trifling, inconsiderable; of small worth or importance to be considered in accessing a record formally. Alternative format and agreement may be considered.</p> <p>Is the matter supported by facts or is it purely speculative or hypothetical in nature? Is it a situation where there is no justifiable reason?</p>
Vexatious	<p>Without reasonable or probable cause or excuse; harassing; annoying; instituted maliciously or on the basis of improper motives; intended to harass or annoy.</p> <p>When requests are clearly repetitious of one or more previous requests that all share substantially the same theme and have already been determined.</p> <p>Attempts to abuse or misuse the Request for Information process even if legally justified to do so. Vexatious requests include without limitation, any one or more of the following:</p> <ul style="list-style-type: none"> persistently bringing Requests for Information to determine an issue that has already been determined by a competent body; persistently bringing Requests for improper purposes and without reason; <p>Considerations: Is the matter/continued and pursued for an improper purpose? Is the matter/continued intended to annoy or embarrass?</p>

F. RELATED POLICIES

- PIPEDA

G. RELATED LEGISLATION

- *Information and Privacy Act, Wahnapiatae First Nation (under development)*

H. RELATED DOCUMENTS

- Governance Policy

I. REVISION HISTORY

Date (mm/dd/yyyy)	Description of Change	Motions	Person who Entered Revision (Position Title)	Person who Authorized Revision (Position Title)



Access to Information Request Form

Protected when completed

Date Received / Signature WFN

Department or Jurisdiction For Request Eg. Health, Lands, Government, Finance, Education, etc.

Provide details regarding the information being sought (e.g. subject matter, date range, type of records) below:

Method of access preferred (Please choose one) Receive paper copies of the documents Receive electronic copies of the documents Examine the documents in WFN offices

Name of applicant

Street, address, apartment

City or town

Province

Postal Code

Telephone number

Email Address (if applicable)

This request for access to information under WFN's *Request for Information Policy* is being made by

a Band member or a permanent resident OR a business or corporation present in Canada.

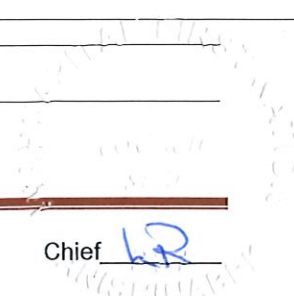
an individual present in Canada, best described as:
 media academia business
 organization member of the public
 decline to identify

Please note that WFN may contact you to verify your identity and to confirm that you have a right of access under WFN's *Request for Information Policy*.

The personal information provided on this form is protected under the provisions of WFN's *Request for Information Policy* and the *Privacy Act* and is retained on file for 15 years.

Signature

Date





APPEAL FORM FOR AN INFORMATION REQUEST

Note: An appeal must be sent in writing **to the Chief and Council within 30 days** after WFN has given notice of its decision related to an Information Request.

Where to send this form

Chief and Council: Private and Confidential
259 Taighwenini Trail Rd ■ Capreol, ON ■ P0M 1H0

Fields marked with an asterisk (*) are mandatory.

1. Request type*

Please select *one* of the following:

- I made a request for access to a general record, and have enclosed the required \$10.00 appeal fee.
- I made a request for access to my own personal information and have enclosed the required \$10.00 appeal fee.
- I received a notice that the institution intends to disclose a record/personal information that may relate to me. (No appeal fee required.)

2. Your information:

on behalf of myself:

Surname	Given name	Initials
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on behalf of a company, association, or organization:

Name of Company	Contact (Last Name)	First Name
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Preferred pronoun (optional)

- He/Him/His
 She/Her/Hers
 They/Them/Theirs
 Other (specify) →

Street Address or P.O Box #:			
City/Town:		Province:	
Country		Postal Code	
Telephone Day:		Telephone Evening:	
*Email:			

*E-mail address: I consent to being contacted at this e-mail address or through that of my representative on my behalf. I acknowledge that sending e-mail over the Internet is not secure, in that it can be intercepted and/or manipulated and retransmitted.

3. Representative information

(Complete only if you will be represented.)

- I authorize the following person to act on my behalf and to receive any personal health information pertaining to me, as necessary for the purposes of this access/correction complaint.

Representative Lawyer Agent

Name of Company, Business or Organization				
Street Address or P.O. Box #:				
City/Town:		Province:		
Country				Postal Code
Telephone Day:		Telephone Evening:		
Email:				

5. Attachments

The following documents have been attached (if available): Copy of

- the request.
 Copy of the WFN decision letter.
 Appeal fee of \$10 may be made payable to Wahnapiatae First Nation

6. Details of the appeal*

Please select the box(es) that explain why the appeal is being made.

- Deemed Refusal** – It is more than 30 days since I made my request and I have not received a decision.
- Failure to Disclose Records** – Wahnapiatae First Nation decided to grant access to requested records but I have not received them.
- Time Extension** – The institution decided to extend the time limit for responding to my request, and I disagree.
- No Jurisdiction** – WFN indicated that the requested records are excluded from the Policy and I disagree.
- Reasonable Search** – The institution indicated that some or all of the requested records do not exist and I believe that more records do exist.
- Frivolous or Vexatious** – WFN indicated my request is frivolous or vexatious and I disagree. **Exemptions** – WFN has exempted all or part of the requested records and I believe that more of them should be disclosed.
- Refusal to Confirm or Deny** – WFN has refused to confirm or deny the existence of the requested records.
- Third Party** – WFN has indicated it will grant access to a record/personal information that may relate to me or the appellant, and I feel this information should not be disclosed.
- Other** – please explain:

7. Resolution of appeal

Describe how you feel this appeal could be resolved.

Note: The WFN does not have the power to, issue fines, award damages or tell an institution to discipline its staff members.

8. Related appeals (optional)

List any previous, or ongoing information or appeals about this matter.

9. Declaration and signature

I acknowledge and agree that:

- (a) my appeal will be processed in accordance with the Wahnapiatae's Appeal Procedures; and
- (b) I will cooperate fully with the WFN and provide responses to the WFN in accordance with any instructions or deadlines communicated to me.

Signature

Your signature*

Date (mm/dd/yyyy)*

