



Community. Leadership. Pride.

**Policy
2015-84**

Access to Information


	AUTHORIZED BY	səx ^w k ^w ulm̓ k̓l̓ ɣɬayɬat/Director of Operations
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2018-06-20	2015-84.01	Policy 2015-84 Access to Information approved and signed by the Director of Operations.	
2018-08-22	2015-84.02	Minor Revision for consistency with the WFN Freedom of Information and Protection of Privacy Law, approved by the Legal Counsel/Council Secretariat.	
2019-06-12	2015-84.03	Minor Revision for reference correction approved by the Legal Counsel/Council Secretariat.	
2024-04-29	2015-84.04	Policy 2015-84 Access to Information approved and signed by the Acting Director of Operations.	

Access to Information

1. Policy

stqá?tkw̓niw̓t sqilxw̓/Westbank First Nation (WFN) recognizes that effective governance relies on the appropriate handling of information and the maintaining of confidentiality in certain defined circumstances. In accordance with its Freedom of Information and Protection of Privacy Law and related legislation and governance instruments (Privacy Legislation), WFN uses Personal Information held by WFN solely for the purpose(s) for which it is collected and protects it from unauthorized access.

2. Purpose

The purpose of this Policy is to outline the principles governing access to Information held by WFN.

3. Scope

This Policy applies to səxw̓k̓w̓lm̓/Workers, including yí səxw̓k̓w̓ínma?m̓/Council, and to individuals requesting access to Information held by WFN, whether Electronic Records or Physical Records. For clarity, this Policy does not apply to WFN limited liability partnerships or affiliated entities.

Subject to the limitations set out in this Policy or as prescribed by law, Members have a right to access Information under the custody and control of WFN.

a) Limitations

i. Council Confidences

So that Council may carry out its mandate to lead community governance, certain Information relating to advocacy, negotiations, material subject to solicitor-client privilege, and other matters essential to good governance are deemed to be Council confidences, and therefore are exempt from this Policy and must not be released.

ii. Business Confidences

In certain situations, WFN may not be able to provide access to Information it holds about corporate, business, or other related business ventures. These exceptions may include, but are not limited to, Information that cannot be disclosed for legal, security, or commercial

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proprietary reasons, or is subject to solicitor-client or litigation privilege. Business confidences are also exempt from this Policy and will not be released.

iii. Personal Information

In order to protect the privacy and Personal Information of individuals, Information about an identifiable person, personal health Information, or Information relating to social assistance, child and family matters, post-secondary assistance, housing applications, or contracts with businesses is considered to be covered under Policy 2015-82 Personal Information and Privacy Protection and must not be disclosed under this Policy.

iv. Publicly Available Information

Information available within a Public Registry, a publication for general release, or other forms of Public Information will not be provided under the direction of this Policy.

b) Security and Safeguards

Records containing sensitive Information that could affect performance, result in financial loss, damage the integrity, image, or operation of WFN, or are considered Personal Information must be;

- i. Identified by marking the Information with the appropriate security level in accordance with Standard 2015-02 Security of Information; and
- ii. Safeguarded by storing the Information using appropriate protection measures, techniques, or equipment.

c) Requests for Access to Information

Individuals requesting access to WFN-owned Information must do so in accordance with Procedure 2017-36 Making and Processing Information Requests (Procedure 2017-36). The Privacy Officer must respond to such requests in accordance with the provisions under Procedure 2017-36, which may include a decision to disregard a request if it is deemed repetitious or systematic in nature, Frivolous, or Vexatious and therefore reasonably interfering with the operations of WFN. Access requests made under Procedure 2017-36 are retained in accordance with the retention period

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specified under Policy 2015-05 Records and Information Management and related governance instruments.

4. Responsibilities

- a) WFN is responsible for protecting Information in its custody and control, in accordance with legislative requirements.
- b) The Director of Operations is responsible for supporting the Privacy Officer in the fulfillment of their responsibilities.
- c) The Privacy Officer is responsible for;
 - i. Developing, maintaining, and publishing governance instruments in support of this Policy, if necessary, ensuring they comply with Privacy Legislation,
 - ii. Receiving and responding to access to Information requests, in accordance with Section 3.c) of this Policy; and
 - iii. Providing expert advice, guidance, training, and awareness on the matters covered by this Policy within WFN and ensuring that Council, səxʷkʷuɫm and WFN activities comply with this Policy; and
 - iv. Ensuring that Members are aware of their rights under this Policy.
- d) səxʷkʷuɫm are responsible for immediately reporting to their supervisor any alleged unauthorized releases of Information they become aware of.
- e) Individuals wishing to request access to WFN-owned information must do so in accordance with Section 3.c) of this Policy.

5. Monitoring and Reporting

The Privacy Officer monitors for compliance with this Policy.

6. Definitions

“Electronic Record” means information recorded by a computer produced or received in the initiation, conduct, or completion of an individual action. Examples of Electronic Records includes email messages, word-processed documents, electronic spreadsheets, digital images, and databases.

“Frivolous” means not having any serious purpose of value.

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“Information” means knowledge communicated or received, and may be any documentary material regardless of medium or production mode, form or format, communications source, or recording medium.

“Personal Information” means Information about an identifiable individual not including information that cannot be associated with a specific individual. In addition to the common basic elements used to identify and interact with an individual such as the individual's name, gender, physical characteristics, address, contact information, identification, and file numbers, also included are criminal, medical, financial, family, and educational history as well as other details specific to the individual's life. For the purposes of this Policy, however, Personal Information does not include the name, title, business address, or business telephone number of WFN employees.

“Physical Records” means tactile Information, such as paper, that takes up physical space.

“Privacy Officer” means the person appointed under the WFN Freedom of Information and Protection of Privacy Law (Law) to monitor the administration of the Law and related governance instruments.

“Public” means any individual not employed by, contracting with, or volunteering with, WFN including, but not limited to, individuals residing on Westbank Lands but not WFN Members, members of the media, residents of other communities, and members of the general Public.

“Public Registry” means a collection of Information that has been made publicly available and is accessible by any individual or organization.

“Vexatious” means causing or tending to cause annoyance, frustration, or worry.

“Worker” (səx^wk^wuim) means any employee, volunteer, contractor, client, or other visitor who performs tasks on behalf of WFN at any WFN workplace through a formal arrangement including, but not limited to, an employment agreement, contract, remote work agreement, or approved volunteer application.

7. Cultural Context of Definitions

səx^wk^wuim (Worker) The person or profession (səx^w) “to work, fix, or create” (k^wuim). The root of səx^wk^wuim comes from k^wimcutn, the word for “Creator”. WFN’s



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səx^wk^wulm are, in a sense, creators, working to provide important and valuable programs, services, and tools, and to solve issues as they arise, to ensure a productive, excellent, and fruitful government and community. The word also denotes value. Originating from the Creator, səx^wk^wulm have inherent value and are to be treated as such by their supervisors, colleagues, and clients.

səx^wk^wulm kⁱ yʕayʕat (Director of Operations) The səx^wk^wulm who is over (kⁱ) everyone (yʕayʕat). Through their team of Directors, they oversee all WFN's səx^wk^wulm.

spⁱl^mtən (April) Moon of bitterroot (spⁱl^m).

stqáʔtk^wniwt sqilx^w (Westbank First Nation) The people (sqilx^w) living where wind blows (niwt) and forms swamps or puddles alongside a large lake (stqáʔtk^w). Being a windy area, the winds would cause the water to wash upon the shore leaving puddles and pools to cleanse the land and which would either seep into the land, creating wet, marshy areas or wash back into the lake. This area has been identified as the portion of syilx territory from Antler's Beach/Hardy Falls area to around the Gellatly/Green Bay area (essentially from the bend in the lake along the whole shoreline) but it includes a few other areas, including x^waʔ mnik, the area closer to Tsinstikeptum Indian Reserve #10 and many other areas that have specific place names.

yⁱlmix^wm naʔ səx^wk^winaʔməm (Chief and Council) The Chief of WFN has been chosen by the people to be the overall manager or leader (yⁱlmix^wm) of WFN. yⁱlmix^wm includes "yⁱl" which references the binding or weaving together of different strands to make one strong whole. The Chief is responsible for ensuring that all the workings of the community are connected and bound together. This leadership position is one of servanthood and self-sacrifice. Traditionally, the yⁱlmix^wm represented the will of the people in carrying out the rights of being syilx, as well as representing the guarantee that the syilx will continue on. The yⁱlmix^wm also represented good decisions of the people while protecting the land and the natural laws. The Chief's willingness to be a good role model and lead by example through lifestyle, experience, and wisdom sets the example for səx^wk^winaʔməm, the other members of Council chosen by the people to be responsible for (səx^w) working (k^w) to oversee things (ínmaʔm), and for the youth, and for all the people. In seeking to lead well, Chief and Council are dependent on each other's willingness to sacrifice



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for the good of others. Traditionally, səx^wk^winaʔməḡ were those chosen to oversee hunting and fishing or to serve as a sort of enforcer of community laws but the term has now been broadened to incorporate the oversight of government. “naʔ” is simply the ḡsyilxcḡ term for “and”.



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8. Approval

The Director of Operations approved this Policy on the 29th day of s̓iłm̓tən/April, 2024.



Julia Buck, s̓ex̓k̓wulm̓ k̓l̓ y̓ɣayɣat/Acting Director of Operations

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9. References and Related Authorities

[i? sckw'lt skcxipla?tat i? scxanwixwtat/WFN Self-Government Agreement](#)

[Access to Information Act](#)

[Personal Information Protection and Electronic Documents Act](#)

[Privacy Act](#)

WFN Governance

[Westbank First Nation Constitution](#)

[WFN Freedom of Information and Protection of Privacy Law](#)

[Policy 2015-01 Governance Instrument Creation, Revision, and Rescindment](#)

[Policy 2015-05 Records and Information Management](#)

[Policy 2015-06 Management of In Camera Council Matters and Minutes](#)

[Policy 2015-82 Personal Information and Privacy Protection](#)

[Standard 2015-02 Security of Information](#)

[Standard 2017-17 Personal Information Inventory](#)

[Standard 2018-05 Securing Information When Working Offsite or in Transit](#)

[Procedure 2017-36 Processing Access to Personal Information Requests](#)

[Procedure 2017-39 Privacy Breach Management](#)

[Reference 2017-01 Health and Wellness Panorama Privacy and Security Policy and Procedure Manual](#)

10. Attachments

Nil