



Making and Processing Information Requests

**Procedure
2017-36**

ISSUED BY	xatús x ^w stcutn/Council Secretariat
DEPARTMENT	Council Secretariat
EFFECTIVE DATE	2024-04-29
RELATED DOCUMENTS	WFN Freedom of Information and Protection of Privacy Law Policy 2015-82 Personal Information and Privacy Protection Policy 2015-84 Access to Information
IMPLEMENTATION	<p>Applies to individuals making requests for Information or requests for corrections to personal Information and to stqá?tk^w+niwt sqilx^w/Westbank First Nation (WFN) səx^wk^wuím/Workers responsible for processing those requests.</p> <p>This Procedure is a review, update, and revision of, and supersedes Procedure 2017-36 Processing Access to Personal Information Requests approved and signed by the Legal Counsel/Council Secretariat on x̄^wi?x̄^wi?tán/August 23, 2018 and Procedure 2017-37 Processing Access to WFN Owned Information Requests approved and signed by the Legal Counsel/Council Secretariat on sknír'mn/February 15, 2019.</p>

Purpose This Procedure outlines the steps to make and process an Information request (Request), and any required timelines involved in responding to those Requests.

1. Procedure		
Responsibility	Step	Description of Task
Requestor	a)	<ol style="list-style-type: none"> i. Review Information That Does or Does Not Require a Formal Request (Appendix A). ii. If the Information being requested or corrected requires a formal request, submit a completed Access to or Correction of Information Request (Appendix B) to the WFN Privacy Officer, along with the Basic Administrative Fee identified on Fees for Processing Requests for Information (Appendix C).
Privacy Officer	b)	<ol style="list-style-type: none"> i. Review the submitted Access to or Correction of Information Request (Request). If the Information being requested or corrected; <ol style="list-style-type: none"> 1) Does not require a formal Request, forward the Request to the appropriate department for them to respond to the Requestor; or



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1. Procedure (Continued)		
Responsibility	Step	Description of Task
Privacy Officer	b)	<p>2) Does require a formal Request, create a file for managing all Information pertaining to the Request.</p> <p>ii. Under the WFN Freedom of Information and Protection of Privacy Law (Law) and related governance instruments;</p> <p>1) Determine if the Requestor is a Qualifying Person; and</p> <p>2) Determine if the request is a legitimate one. Requests that will reasonably interfere with WFN operations of requests that are:</p> <p>(a) Repetitious or systematic in nature,</p> <p>(b) Frivolous; or</p> <p>(c) Vexatious.</p> <p>iii. If the request is deemed to be;</p> <p>1) Not legitimate, respond to the Requestor, in writing, within forty-five (45) business days, providing them with the reasons why their request was denied and letting them know that if they wish to appeal the decision, they may do so as long as they submit their appeal to the Director of Operations within thirty (30) days of receiving the denial of their request.</p> <p>2) Legitimate, and the Requestor is a Qualifying Person, send a message to all səxʷkʷulm and Third Parties who may hold Information pertaining to the request, requesting that they send a reply within kaʔís sǰíʂaít/three (3) business days, not including the day they received your message, to indicate on of the following:</p> <p>(a) No relevant Information is in their custody.</p> <p>(b) Relevant Information is in their custody and this Information is either attached or will be sent within ʔupn̄kst uʔ číłkst sǰíʂaít/fifteen (15) business days.</p> <p>(c) They are unsure whether any relevant Information is in their custody but will respond definitively with číłkst sǰíʂaít/five (5) business days.</p>



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1. Procedure (Continued)		
Responsibility	Step	Description of Task
səx ^w k ^w uim contacted by the Privacy Officer under Section 1., Step b)iii.2) of this Procedure	c)	Respond to the request of the Privacy Officer within the timelines required under Section 1. Step b)iii.2) of this Procedure. <ul style="list-style-type: none"> i. If you know or are unsure whether you have relevant Information in your custody, track the number of hours, by fifteen (15) minute increments, spent looking for, retrieving, reviewing, copying, and compiling Information in response to the request under Section 1., Step b)iii.2) of this Procedure. ii. You are not responsible for assessing whether the Information can be released or should be redacted.
Privacy Officer	d)	Review the Information received by səx ^w k ^w uim and Third Parties requested under Section 1, Step b)iii.2) of this Procedure. <ul style="list-style-type: none"> i. Determine whether a review of the Information by General Legal Counsel will be required prior to a response being given to the request made under Section 1, Step a) of this Procedure. ii. If a processing fee is required for the request made under Step 1. of this Procedure, to cover the costs of collection, collating, and review (Processing Fee), provide the Requestor with an estimate of the Processing Fee, in accordance with the rates identified in Fees for Processing Requests for Information (Appendix C) within sixteen (16) days of receipt of the request made under Section 1. Step a) of this Procedure, and request confirmation on whether the Requestor wishes to proceed with their request.
Requestor	e)	Confirm with the Privacy Officer whether to proceed with their request or to terminate it.
Privacy Officer	f)	If the Requestor confirms they wish to proceed with their request; <ul style="list-style-type: none"> i. Track the number of hours, by fifteen (15) minute increments, spent reviewing and compiling Information in response to the request, ii. Sever parts of the Information allowed under Section 13 of the Law; and iii. Request a review of the Information by General Legal Counsel, if applicable, including parts of the Information severed under



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1. Procedure (Continued)

Responsibility	Step	Description of Task
Privacy Officer	f)	Section 1., Step f)ii. of this Procedure, and wait for General Legal Counsel’s response before proceeding to the next Step of this Procedure.
Privacy Officer	g)	<p>Provide a response to the Requestor within forty-five (45) business days of receipt of the request under Section 1., Step a) of this Procedure;</p> <ul style="list-style-type: none"> i. Letting them know the outcome of their request, providing reasons if all or part of their request was denied, and letting them know that if they are unhappy with the outcome, they may apply for a Freedom of Information and Protection of Privacy (FOIPP) Complaint review; or ii. Letting them know that the response time to their request will be extended in accordance with the provisions under Section 11 of the Law, providing them with reasons for the extension and when a response can be expected, and letting them know they may apply for a FOIPP Complaint Review of the extension; and iii. If applicable, billing the Requestor for the Processing Fee, in accordance with the rates identified in Fees for Processing Requests for Information (Appendix C).

2. Definitions

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

“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.

“Qualifying Person” means a person of at least eighteen (18) years of age, other than a Member, whom the Privacy Officer determines to be directly and significantly affected by Information contained in a record in the custody or under the control of the WFN government.

“Record” means Information created, received, and maintained by WFN as evidence of its legal obligations or in the transaction of WFN business, which enables and documents decision-making, and supports WFN reporting, performance, and accountability requirements. Records include books, documents, maps, drawings, photographs, letters, and any other thing on which information is recorded or stored by graphic, electronic, mechanical, or hardcopy means.



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2. Definitions (Continued)

“Requestor” means a person who asks for something or who makes a request.

“Third Party” means any individual, corporation, firm, municipality, regional district, industry, society or non-governmental organization carrying on or proposing to carry on an activity within WFN’s governance area.

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

“Worker” (səx^wk^wu^lm) 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.

3. Cultural Context of Definitions

səx^wk^wu^lm (Worker) The person or profession (səx^w) “to work, fix, or create” (k^wu^l). The root of səx^wk^wu^lm comes from k^wl^lncutn, the word for “Creator”. WFN’s səx^wk^wu^lm 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^wu^lm have inherent value and are to be treated as such by their supervisors, colleagues, and clients.

sknir[’]mn (February) Moon of the buttercup.

spil[’]mtən (April) Moon of bitterroot (spil[’]mtən).

stqá?tk^w+niwt sqilx^w (Westbank First Nation) (WFN) The people (sqilx^w) living where wind blows (niwt) and forms swamps or puddles alongside a large lake (stqá?tk^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^wa⁺ mnik, the area closer to Tsinstikeptum Indian Reserve #10 and many other areas that have specific place names.

xatús x^wstcutn (Council Secretariat) Traditionally, xatus were the heads of extended family clans, and could be either male or female. xatus took care of keeping good relations between their family members and other family clans. If a family member did wrong to a person from another family and the household head could not straighten it out, then it went to all the family heads.

ǰ^wi?ǰ^wi?tán (August) Moon of sharp grass (ǰ^wi?ǰ^wi?t means grass that is sharp enough to cut you).

4. Appendices

Appendix A – Information That Does or Does Not Require a Formal Request

Appendix B – Access to or Correction of Information Request



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4. Appendices (Continued)

Appendix C – Fees for Processing Requests for Information

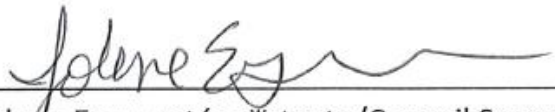
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Council Secretariat approved this Procedure on the 29th day of spilmtan/April 2024.



Jolene Esau, xatús x^wstcutn/Council Secretariat



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Appendix A – Information That Does or Does Not Require a Formal Request (page 1)

Note: Verification of identity may be required for certain types of information even if it is in the list of routinely disclosed information. For example, if an individual requests confirmation of their own Membership registry number, the Requestor may be required to provide valid identification to confirm their identity.

Personal Information Routinely Disclosed to Authorized Persons that Does Not Require a Formal Request

1. Location of own name on WFN Rental Housing List.
2. Indian Registry Number (for WFN Members, this number is sometimes referred to as a Membership Registry Number).
3. Social Insurance Number.
4. Record of Employment.
5. Departments may have a list of Personal Information holdings that can be provided to authorized persons (identification required), for example, that individual's Indian Registry Number.

Other Information that Does Not Require a Formal Request

1. Publicly available program or service information such as brochures, pamphlets, and other Information that is descriptive or otherwise intended to encourage Public awareness of programs and services.
2. Notices of meetings and schedules.
3. WFN program and services budgets, annual reports, and community plans.
4. Long term plans and budgets.
5. Minutes of general meetings of Council, General Assemblies, and Committees are available to Members without a Formal Request.
6. WFN lands, leases, and plans.
7. Program and service policies and procedures.
8. WFN Funding agreements.



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Appendix A – Information That Does or Does Not Require a Formal Request (page 2)

9. Recipients of WFN Member grants and loans.
10. WFN annual audited financial statements.
11. Salaries, benefits, honoraria, and travel expense reports of elected officials including Council.
12. Departments have a list of Personal Information holdings that can be provided to authorized persons (identification required), for example, an individual's Membership Registry Number.

Information that Does Require a Formal Request

1. Internal staff and Council correspondence, memoranda, reports, and other Records relating to negotiations, planning, internal reporting, and administration.
2. Council Records including briefings, submissions, and correspondence.
3. Economic Development Records including development permits that are not yet approved.

Limitations to Access to Personal Information Requests

Please note that certain requests may have information severed or be denied in their entirety if the Personal Information at issue was not supplied by the individual that is asking or if disclosure could harm another's personal privacy or commercial/financial interests. Additionally, repetitious or frivolous requests may be denied if they unreasonably interfere with WFN operations.

Relevant sections of the *WFN Freedom of Information and Protection of Privacy Law* are excerpted here for convenience only.

13. EXCEPTIONS

- 13.2 The Privacy Officer must refuse to disclose information to a Requestor 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.



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Appendix A – Information That Does or Does Not Require a Formal Request (page 3)

25. RIGHT OF ACCESS TO PERSONAL INFORMATION

25.1 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 Westbank First Nation, 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 13.2.

25.2 The Privacy Officer may establish standards, policies, procedures, and reasonable timelines considered necessary with respect to viewing and copying Personal Information.

26. POWER TO DISREGARD REQUESTS

26.1 The Privacy Officer may, by regulation or policy, disregard requests that would unreasonably interfere with the operations of Westbank First Nation because those requests are:

- (a) Repetitious or systematic in nature; or
- (b) Frivolous or Vexatious.

Exceptions to Disclosure of Other Information

Please note that certain Information may require exemption from access such as information relating to a law enforcement matter and other individual's personal information.

Relevant sections of the *WFN Freedom of Information and Protection of Privacy Law* are excerpted here for convenience only.

13. EXCEPTIONS

13.1 Subject to section 13.2, the Privacy Officer may refuse to disclose information to a Requestor if that disclosure could reasonably be expected to:

- (a) divulge the substance of deliberations of Council;
- (b) divulge policy advice or recommendations;



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Appendix A – Information That Does or Does Not Require a Formal Request (page 4)

- (c) harm a Law Enforcement matter;
 - (d) disclose information that is subject to solicitor-client privilege;
 - (e) harm the intergovernmental relations or negotiations of Westbank First Nation;
 - (f) harm the financial or economic interests of Westbank First Nation;
 - (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 Westbank First Nation; or
 - (i) harm individual or public safety.
- 13.2 The Privacy Officer must refuse to disclose information to a Requestor 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.


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Appendix B – Access to or Correction of Information Request (page 1)

Access to or Correction of Information Request			
 <p><i>To be completed by individuals requesting information from WFN or requesting a correction to their personal information held by WFN and submitted to the Privacy Officer, in accordance with Procedure 2017-36 Making and Processing Information Requests</i></p> <p>Protected when Completed</p> <p><i>Community. Leadership. Pride.</i></p>			
Instructions			
<p>Step 1 Determine which WFN Department is most likely to have the information you are looking for or believe needs correction.</p>	<p>Step 2 Provide as much detail as possible about the record or information you are requesting or that you believe needs correcting.</p>	<p>Step 3 Complete all requested information to enable WFN to determine accessibility and to contact you if clarification is required.</p>	<p>Step 4 Submit the completed form and any required fee to the WFN Privacy Officer at the address provided at the end of the form.</p>
Information Being Requested or Needing Correction			
WFN Department			
<p>Please check the appropriate box:</p> <p><i>Requests pertaining to personal information</i></p> <p><input type="checkbox"/> I am a WFN Member or resident of Westbank Lands and am requesting personal information about myself.</p> <p><input type="checkbox"/> I am requesting personal information on behalf of another individual who is a WFN Member or resident of Westbank Lands.</p> <p><input type="checkbox"/> I am a WFN Member or resident of Westbank Lands and am requesting a correction to my personal information.</p> <p><i>Requests pertaining to general information</i></p> <p><input type="checkbox"/> I am a WFN Member and am requesting information on a particular matter.</p> <p><input type="checkbox"/> I am not a WFN Member and am requesting information on a particular matter.</p>			

The personal information on this form is collected under section 15 of the *WFN Freedom of Information and Protection of Privacy Law (Law)* and will be used to process this request. WFN may contact you to verify your identity and confirm you have a right of access under the Law. If you have any questions about the collection or use of this information, please contact the Privacy Officer at 250-769-4999.

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Appendix B – Access to or Correction of Information Request (page 2)

<p>Please provide sufficient detail regarding the information or correction being requested to enable the Privacy Officer to identify the information being requested of that needs correction (e.g. subject matter, date range, type of record, nature of the error or omission and correction requested).</p>			
<p>If you are not a WFN Member, please indicate how you feel you are directly and significantly affected by information contained in the record to which you are seeking access.</p>			
<p>If you are requesting information on behalf of another person, you must submit proof of your authority to do so with this form.</p>			
Delivery of Information			
Method of access preferred (Please choose one)	<input type="checkbox"/> Receive paper copies of the documents	<input type="checkbox"/> Receive electronic copies of the documents	<input type="checkbox"/> Examine the documents in WFN offices
Name of Requestor		Membership Registry # (if applicable)	
Address			
Email Address		Phone Number	
Signature		Date	

The personal information on this form is collected under section 15 of the WFN Freedom of Information and Protection of Privacy Law (Law) and will be used to process this request. WFN may contact you to verify your identity and confirm you have a right of access under the Law. If you have any questions about the collection or use of this information, please contact the Privacy Officer at 250-769-4999.



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Appendix B – Access to or Correction of Information Request (page 3)

General Timeframe and Service Level Expectations								
Sun	Mon	Tue	Wed	Thu	Fri	Sat		
31	Access request submitted, along with any required processing fee	1	2	3	4	5	6	
7	8	9	10	11	12	13		
14	15	16	Privacy Officer advises requestor of any estimated costs	17	Privacy Officer must review request by this day & enlists legal counsel in severing information that is not eligible for release	18	19	20
21	22	23	24	25	26	27		
28	29	30	31	1	2	3		
4	5	6	7	8	9	10		
11	12	13	Deadline to provide response (45 th day) (may be subject to extension)	14	15	16	17	

The personal information on this form is collected under section 15 of the *WFN Freedom of Information and Protection of Privacy Law (Law)* and will be used to process this request. WFN may contact you to verify your identity and confirm you have a right of access under the Law. If you have any questions about the collection or use of this information, please contact the Privacy Officer at 250-769-4999.


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Appendix C – Fees for Processing Requests for Information

 Fees for Processing Requests for Information <i>Community. Leadership. Pride.</i>		
Type of Fee	Amount	Details
Basic Administrative Fee	\$5.00	Required to be paid for each Access to or Correction of Information Request (Request). The amount covers the first five (5) hours of work related to processing and handling each Request.
Overtime Administrative Fee	\$7.50 per 15-minute period	Required to be paid for every 15-minute period of work over the five (5) hours of work covered by the Basic Administrative Fee.