

City of Chilliwack

Bylaw No. 2983

**A bylaw to provide for public access to records and
establish procedures respecting access**

The Council of the City of Chilliwack in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “**Public Access to Records Bylaw 2004, No. 2983**”.

INTERPRETATION

2. In this bylaw:

“Disclose” means having a record available for public inspection at City Hall during regular office hours;

“Head” means the person or group of persons designated as the Head for the purposes of the *Freedom of Information and Protection of Privacy Act*;

“Person” includes an individual, partnership, corporation, association or public or private organization;

“Record” means records referred to in Section 8, and includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

PUBLIC ACCESS TO RECORDS

3. A Person may request inspection of or the obtaining of a copy of a Record of the City by submitting a request in writing to the Head.
4. A request under Section 3 must
 - (1) provide sufficient detail to enable an experienced employee of the City, with a reasonable effort, to identify the Records;
 - (2) provide written proof of the authority of the Person to make the request, if the Person is acting on behalf of another Person; and
 - (3) be submitted to the City on the basis the Person believes the City has custody or control of the Record.

5. The Head must respond not later than 30 days after receiving a request described in Section 3, except that the Head may extend the time for responding for up to 30 additional days if
 - (1) the Person does not give enough detail to enable the City to identify a requested Record;
 - (2) a large number of Records is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the City; or
 - (3) more time is needed to consult with a third party before the Head can decide whether or not to give the Person access to a requested Record.
6. If the time is extended under Section 5, the Head must advise the Person
 - (1) the reason;
 - (2) when a response can be expected; and
 - (3) the procedure to file a complaint to Council regarding the extension.
7. On receipt of a request for a Record, subject to the time limits set out in Sections 5 and 6, the Head must
 - (1) determine whether the Record is a record to which this bylaw applies;
 - (2) if not, tell the Person that the Record is not available;
 - (3) if so,
 - (a) disclose the Record, and
 - (b) on payment to the City of the applicable fees and charges as set out in the Miscellaneous Rates Bylaw and the Regulations to the *Freedom of Information and Protection of Privacy Act*, in force from time to time, provide the Person with a copy made of all or part of the Record.
8. The classes of Records available under this bylaw are those provided for under Section 97(1) of the *Community Charter* and those afforded by the *Freedom of Information and Protection of Privacy Act*, in force from time to time.

OFFENCE

9. It is an offence to remove a Record without authorization from the City, from the place where it has been provided for inspection.

OFFENCE (continued)

10. Every person who contravenes Section 9 of this bylaw is guilty of an offence and is liable on summary conviction of a fine of not more than two thousand dollars (\$2,000.00).

SEVERABILITY

11. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

Received first reading on the 5th day of January, 2004.

Received second reading on the 5th day of January, 2004.

Received third reading on the 5th day of January, 2004.

Finally passed and adopted on the 19th day of January, 2004.

“Clint Hames”

Mayor

“Robert L. Carnegie”

Clerk