# Public Notice

The *Freedom of Information and Protection of Privacy Act Amendment Act, 2*015 will be presented to Executive Council at their March 12, 2015 Executive Council Meeting.

*The Freedom of Information and Protection of Privacy Act Amendment Act* will be considered by the Legislature during the 2015 Spring Session of Legislature beginning on March 20, 2015.

Dated: March 9, 2015

# HUU-AY-AHT FIRST NATIONS

## FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT AMENDMENT ACT, 2015

# REGISTRY OF LAWS CERTIFICATION

**I certify that the *Freedom of Information and Protection of Privacy Act Amendment Act, 2015* was passed by Executive Council on:**

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**Chief Councillor, Jeff Cook**

**I certify that the *Freedom of Information and Protection of Privacy Act Amendment Act, 2015* is enacted as law on:**

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**Ta'yii Hawilth, Derek Peters**

**I certify that the *Freedom of Information and Protection of Privacy Act Amendment Act, 2015* came into force on:**

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**Deputy Law Clerk, Deborah Smith**

# *Freedom of Information and Protection of Privacy Act Amendment Act, 2015*

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### Amendment

**1** The *Freedom of Information and Protection of Privacy Act*, HFNA 2/2012 is amended in section 26, by adding the following subsection:

(1.1) The chair of the Huu-ay-aht Tribunal may extend the term of appointment of the Independent Review Commissioner appointed under subsection (1) by up to 6 months if the chair reasonably believes such an extension is in the best interests of the Huu-ay-aht.

### Commencement

**2** This Act comes into force on the date of its enactment by the Legislature.

### Consolidation

**3** The Law Clerk is directed to consolidate the *Freedom of Information and Protection of Privacy Act*, HFNA 2/2012 to include the amendments contained in this Act.

# HUU-AY-AHT FIRST NATIONS



# FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

**CONSOLIDATION**
**AS OF MARCH 12, 2015**

*The Huu-ay-aht Legislature enacts this law to ensure that Huu-ay-aht bodies are open, accountable and transparent and to ensure that the personal privacy* of *individuals is protected.*

(ii) the storage format of the records,

(iii) the retention period for the records,

(iv) the level of security precautions,

(v) any agreements with other governments relating to confidentiality, access to information or protection of privacy of the records,

(vi) whether part or all of the records are Huu-ay-aht public records, and

(vii) any other information specified by Executive Council, and

(c) contact information of a public officer responsible for the records management of each category of records.

(3) A Huu-ay-aht body must provide Executive Council with the information necessary to fulfill the requirements of this section.

**Retention of records**

**25** A Huu-ay-aht body must ensure that records under its custody or control are retained for at least 5 years after the later of

(a) the date the records were created, and

(b) the date the records came into the custody or under the control of the Huu-ay-aht body.

## PART 7 – INDEPENDENT REVIEW

**Independent Review Commissioner**

**26** (1) By September 1, 2014, and every 4 years after that date, the chair of the Huu-ay-aht Tribunal must appoint a qualified individual to the position of Independent Review Commissioner for a term not to exceed 6 months.

(1.1) <u>The chair of the Huu-ay-aht Tribunal may extend the term of appointment of the Independent Review Commissioner appointed under subsection (1) by up to 6 months if the chair reasonably believes such an extension is in the best interests of the Huu-ay-aht.</u>

(2) The Independent Review Commissioner must

(a) invite written input from Huu-ay-aht citizens on the operation of this Act,

(b) conduct research and prepare a written report on the operation of this Act,

(c) deliver the report to Executive Council by December 1 in the year of the review,

(d) give public notice of the report, and

(e) present the report at the first People's Assembly after the report is delivered to Executive Council.

(3) The purpose of the Independent Review Commissioner's report under subsection (2) is to

(a) assess whether this Act ensures that Huu-ay-aht bodies are open, accountable and transparent, and that individual personal privacy is protected,

(b) identify amendments to this Act or another Huu-ay-aht Act to better achieve the purposes of this Act,

(c) recommend designation or cancellation of a designation of Huu-ay-aht public records, and

(d) make other recommendations to achieve the purposes of this Act.

(4) For the purpose of making recommendations for the designation of Huu-ay-aht public records, the Independent Review Commissioner may

(a) consider whether the format or content of a particular category of records could reasonably be modified to record section 4 (b) information separately, or

(b) consider, if it is impractical to record section 4 (b) information separately, whether the information in the record could reasonably be summarized to avoid disclosure of it.

(5) Executive Council may establish additional terms of reference for the Independent Review Commissioner.

HFNA ◆/2015, s. 1

## PART 8 – GENERAL PROVISIONS

**Intergovernmental agreements**

**27** Executive Council may enter into agreements with other governments for one or more of the following:

(a) collecting information;

(b) protecting information;

(c) retaining information;

(d) using or disclosing information;

(e) keeping information confidential;

(f) applying specified information and privacy provisions contained in the laws of other governments to specified Huu-ay-aht records.

**Protection of Huu-ay-aht body from legal suit**

**28** No action lies against a Huu-ay-aht body, the head of a Huu-ay-aht body, a public officer or any person acting on behalf of or under the direction of the head of a Huu-ay-aht body for damages resulting from

(a) the disclosure, or failure to disclose, in good faith all or part of a record under this Act or any consequences of that disclosure or failure to disclose,

(b) the failure to give any notice required under this Act if reasonable care is taken to give the required notice, or

(c) anything else done or omitted to be done under this Act, if the action was in good faith in the exercise of powers, and performance of duties and functions under this Act.

**Head of Huu-ay-aht body**

**29** (1) Executive Council must designate a person or group of persons as head of a Huu-ay-aht body for the purposes of this Act.

(2) Subsection (1) does not apply to government.