

First Nations Health Authority

Board Policy



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Name	Access to Corporate Information Policy
Category	Information and Communication
Type	Corporate

For Board Secretariat (do not fill this in)		
Document #	Effective	
IAC-22-002-006		
Board Approved Date	Verified By	Authorization (BoD Motion #)
May 5, 2022	<i>Bevan</i>	Motion 0522-BOD-01

1.0 Purpose

- 1.1 The purpose of this policy is to establish principles and guidance for providing and managing access to First Nations Health Authority's (FNHA) Corporate Information.
- 1.2 This policy is supported by the 7 Directives and Shared Values.

2.0 Scope

- 2.1 This policy applies to Workers, the Board of Directors (Board), and External Parties authorized to do business on behalf of FNHA.
- 2.2 This policy applies to Corporate Information in the Custody or under the Control of FNHA regardless of format or medium.
- 2.3 This policy applies when responding to requests for Corporate Information by the general public, News Media, partners, and others who may request Corporate Information.
- 2.4 This policy does not apply to non-corporate Records or Personal Information.
- 2.5 This policy applies to all Workplaces.

3.0 Statements

Principles

- 3.1 FNHA will strive to be as open and transparent as possible with its Corporate Information. While not subject to the *Freedom of Information and Protection of Privacy Act* and other federal privacy legislation applicable to public bodies, FNHA will respond to requests for Corporate Information by the general public in the spirit of organizational openness and transparency.



- 3.2 FNHA values and benefits from reciprocal information sharing with its partners and is committed to fostering effective relationships underpinned by trust and honesty. FNHA may share Corporate Information requested by its partners when it complements or strengthens the relationship; is consistent with laws and FNHA Policy Documents; and/or is part of usual business disclosure.
- 3.3 Access to Corporate Information will be supported by efficient decision-making and responsible information sharing.
- 3.4 When Corporate Information is requested, FNHA will consider the sensitivity of the information from a financial, economic, social, and operational perspective.
- 3.5 FNHA may refuse to disclose Corporate Information if it reasonably expects the disclosure to be harmful to the financial, economic, social, or operational interests of FNHA, its partners, or First Nations communities.
- 3.6 Any fees charged will be commensurate to the costs of processing the request and providing access to the Corporate Information.
 - (a) Fees will be charged to non-Indigenous applicants.
 - (b) Requests that are made by BC Indigenous applicants will be processed at no cost.
 - (c) Fees may be charged to non-BC Indigenous applicants.
- 3.7 In the spirit of accountable and transparent decision-making, FNHA will respond to requests in a timely manner and, if access is refused, the reason(s) for the refusal will be explained.
- 3.8 FNHA will ensure that the Corporate Information it is required to keep under the *Societies Act* is made available upon request to Members, the Board, and others who may be designated by the Board in accordance with the *Societies Act* and the *First Nations Health Authority Bylaws*.
- 3.9 Financial information will be disclosed in accordance with the *Financial Information Approval and Disclosure Policy Documents*.
- 3.10 Any information requested by auditors will be disclosed in accordance with the *External and Internal Audit Policy Documents*.
- 3.11 Requests for First Nations non-identifiable health and wellness Data and Information will be managed in accordance with the *Health Data and Information Governance Policy Documents*.
- 3.12 Personal Information requested by applicants or collected from applicants will be managed in accordance with the *Personal Information Privacy Policy Documents*.
- 3.13 Request for Records will be managed in accordance with the *Records and Information Management and Legal Hold Policy Documents*.
- 3.14 Any release of Corporate Information to News Media will be conducted in accordance with the *Corporate Communication Policy Documents*.

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Directives

Information Sharing with Partners and Routine Disclosures

- 3.15 Corporate Information requested by partners or disclosed as part of routine business will be managed by individual departments.
- 3.16 Workers will share Corporate Information with partners and as part of routine business disclosures in accordance with the *Records and Information Management Policy Documents*.
- 3.17 Workers will share publicly available Corporate Information with other Workers upon request.
- 3.18 Whenever there is uncertainty about sharing or disclosing Corporate Information, Workers will consult Information Management Services (IMS).
- 3.19 In consultation with Legal Counsel, Workers will ensure that Information-sharing agreements with partners, including agreements of any form which include provisions for accessing Corporate Information and Information sharing, are put in place as needed for mutually beneficial, on-going Information sharing.

Formal Access Requests (e.g., General Public, News Media)

- 3.20 Workers who receive an access request for Corporate Information or medical Records and First Nations Health Benefits claim Records will direct the applicant to submit their request to IMS.
 - (a) Workers who receive an access request for Personal Information and other Information will direct the applicant to submit their request to the Privacy Office.
- 3.21 IMS will ensure access requests are made in writing.
- 3.22 IMS will document the full access process for each request, from receiving the request to the final disclosure decision for the request.
- 3.23 Upon receiving an access request, IMS will confirm with the applicant that their request has been received.
- 3.24 IMS will coordinate access requests by communicating with the applicant and by informing the relevant department(s) of the request.
- 3.25 The Manager, Records and Information Management will inform the
 - (a) Communications and Public Affairs department of access requests from the News Media, and
 - (b) Finance department of access requests for annual reports and other financial statements.
- 3.26 Departments will assign two representatives responsible for
 - (a) retrieving and providing the requested Information to IMS (or confirming that no such Information was found or exists), and
 - (b) advising IMS of any potential risks of releasing the requested Information.



- 3.27 IMS will review, assess, and determine the extent of information to release in consultation with subject matter experts, Legal Counsel, the Privacy Office, and the Communications and Public Affairs Department.
- 3.28 The Manager, Records and Information Management will make the final disclosure decision for access requests that pose little to no business or reputational risk.
- 3.29 The Manager, Records and Information Management will escalate access requests that may pose significant business or reputational risks to the Senior Executive responsible for Information Management and Information Technology (IMIT). The Senior Executive responsible for IMIT will make a final disclosure decision and report the decision to the Chief Executive Officer (CEO), or escalate the decision to the CEO.
- 3.30 IMS will strive to provide the applicant with a final disclosure decision no later than 30 business days after confirming receipt of the applicant's request.
- 3.31 IMS may extend the 30-day timeline in the following circumstances:
 - (a) a large amount of Corporate Information is requested or must be searched and meeting the timeline would unreasonably interfere with the operations of FNHA; and/or
 - (b) more time is needed to consult with another organization or public body before FNHA is able to decide whether or not to give the applicant access to the requested Information.
- 3.32 If the timeline is extended, IMS will inform the applicant of
 - (a) the reason for the extension, and
 - (b) the estimated time when a final disclosure decision can be expected.
- 3.33 If access is denied, IMS will inform the applicant of the reasons for the refusal.

Fees

- 3.34 For the purpose of this policy, the term Indigenous is inclusive of all Indigenous identities that includes First Nations, Métis, Inuit, or individuals who self-identify as Indigenous.
- 3.35 IMS will require non- Indigenous applicants to pay fees for the following services:
 - (a) intake process;
 - (b) locating, retrieving, and producing the Information;
 - (c) preparing the Information for disclosure;
 - (d) shipping and handling the Information; and
 - (e) providing a copy of the Information.
- 3.36 If an applicant is required to pay a fee for processing an access request, before providing the service IMS may
 - (a) give the applicant a written estimate of the fee if the fee is expected to exceed \$200.00, and

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(b) require the applicant to pay a deposit for half of the fee.

3.37 The following fee schedule will be applied to non-Indigenous applicants:

Description of Services	Management Fees
Application fee	\$50.00
Locating, retrieving, producing, and preparing the Information for disclosure	\$100.00 per hour, for the first two hours
Costs FNHA incurs providing access to Information (e.g., legal costs, specialized media copying services)	Actual costs
Shipping and handling	Actual costs (dependent on method chosen by applicant)

3.38 Application fees will be refunded as determined by the Senior Executive responsible for IMIT.

Requests for Records under the Societies Act

- 3.39 Any Worker who receives a request for a Record FNHA is required to keep under the *Societies Act* will submit the request to the Board Secretariat.
- 3.40 The Board Secretariat will ensure the Records referred to in the *Societies Act* (e.g., minutes of each meeting of Directors, resolutions consented to in writing and each consent to those resolutions) are available for inspection by Directors and Members (provided that a majority of the Members want to inspect such Records) and such other persons designated by the Directors.
- 3.41 The Board Secretariat will provide a copy or an opportunity to inspect a Record FNHA is required to keep under the *Societies Act* (e.g., FNHA's certificate of incorporation, *FNHA's Constitution and Bylaws*) to a Board Director, a Member, or a person designated by the Board Directors.
- 3.42 The Board Secretariat may impose a reasonable period of notice before which, and reasonable restrictions on the times during which, a person other than a Board Director may inspect a Record.
- 3.43 The Board Secretariat will consult with Legal Counsel whenever there is a request for a Record referred to under the *Societies Act*.
- 3.44 When allowing inspection or providing a copy of a Record referred to under the *Societies Act* is left to FNHA's discretion and not a legal requirement such as providing Records to Workers or External Parties, the Board Secretariat will follow the instructions of the Board Chair.

Reporting

- 3.45 The Senior Executive responsible for IMIT will provide an aggregate quarterly report to the CEO on the number and general categories of the requests for Records, and the number of files released.

Compliance

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3.46 Any violations of this policy may result in Disciplinary Action, up to and including termination, in accordance with the *Progressive Corrective and Disciplinary Action Policy Documents*.

Exceptions

3.47 Exceptions to this policy require approval by the Chief Executive Officer (CEO).

Delegation

3.48 This policy will be further defined and elaborated upon through procedures. The Senior Executive responsible for Corporate Information has been delegated responsibility for ensuring compliance with this policy, and the development, approval, implementation and monitoring of procedures that relate to Corporate Information. Any new, amended or removed procedure will be reported to the CEO.

4.0 Responsibilities

4.1 Board of Directors (Board): approve the *Access to Corporate Information Policy*.

4.2 Chief Executive Officer (CEO): provide overall leadership and support to Senior Executives in the oversight and management of requests for Corporate Information; act as final disclosure decision-maker as needed; review and approve exceptions as appropriate.

(a) Board Secretariat: manage requests for Records FNHA must keep under the *Societies Act*.

4.3 Senior Executive responsible for Information Management and Information Technology (IMIT): provide leadership and resources to support enterprise-wide implementation, oversight, and compliance; establish and oversee IMS; act as final disclosure decision-maker and report decision to CEO; escalate disclosure decisions to CEO as needed; provide aggregate quarterly report to CEO on requests for Corporate Information.

(a) Manager, Records and Information Management: manage access requests for Corporate Information; report access requests that may pose significant business or reputational risks to the Senior Executive responsible for IMIT.

4.4 Senior Executive responsible for Corporate Services: provide resources to support compliance.

(a) Legal Counsel: provide consultation to Workers, the Board Secretariat, and IMS; ensure that Information-sharing agreements, memorandum of understanding and letters of intent with partners are put in place.

4.5 Senior Executives: provide resources to support compliance within their departments.

(a) Managers/Supervisors: communicate expectations and ensure Workers are trained and comply with this executive directive.

(1) Workers: direct access requests for Corporate Information to IMS; ensure that Information-sharing agreements, memorandum of understanding and letters of intent with partners are put in place in consultation with Legal Counsel; direct requests for Records FNHA must keep under the *Societies Act* to the Board Secretariat

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5.0 Definitions

Business Purpose(s): the principal purpose is to perform activities or duties on behalf of, and for the benefit of, FNHA.

Control: having the authority and responsibility to decide what other parties do with Information or Data under their Custody, even though that Information or Data is not necessarily owned or possessed by FNHA.

Corporate Information: information about the operation of FNHA, including fulfilment of its obligations and the delivery of its services, mandates, and programs (e.g., annual report, corporate financial statements).

Custody: having physical possession and Control of Information or Data, but not necessarily ownership.

Data: individual or multiple facts or statistics that, when analyzed, become Information. Data can be expressed in qualitative and quantitative terms.

Disciplinary Action(s): a process for dealing with job-related behaviour that does not meet expected and communicated performance standards, including non-compliance with Policy Documents.

External Party(ies): any FNHA business partner entity or other non-FNHA entity.

Information: Data organized and analyzed in a structured manner that provides context.

Information Management Services (IMS): a team within Information Management and Information Technology (IMIT) that is responsible for managing organizational Records and Information, regardless of medium or form, and providing related services.

News Media: print, broadcast, and internet outlets and their representatives that deliver Information to the public.

Personal Information: information that can identify an individual (whether alone or in combination with other information) or that is about an identifiable individual. Personal information includes Worker personal information but does not include their business contact or work product information.

Policy Document(s): all existing documents within a policy set, including the Board-approved policy that provides principles and guidance and delegates authority to the CEO, and any procedures approved by Senior Executives that outline specific steps to be followed.

Record(s): Information, regardless of medium or form, created, received, and maintained by an organization or person as evidence of its operations for Business Purposes, legal obligations, or both, that has value requiring its retention for a specific period of time.

Senior Executive(s): includes the Chief Executive Officer, Chief Officers, and Vice Presidents.

Worker(s): includes individuals employed or contracted with FNHA while engaged in an FNHA work activity; specifically, employees (union, non-union; permanent, term, casual; full-time, part-time); people working at FNHA through an Interchange Agreement; people paid via third party agencies (temporary workers); contractors; consultants; trainees; students; volunteers.

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Workplace(s): in or on the property of FNHA, or away from FNHA property if the Employee is engaged in work-related activities.

6.0 Mandatory Compliance Documents

First Nations Health Authority Bylaws

Societies Act (British Columbia)

Personal Information Protection Act (British Columbia)

7.0 Rescind and Interpretation Statements

- 7.1 With the approval of this policy, older versions are considered to be replaced and/or rescinded and are no longer in effect.
- 7.2 Where interpretation is required regarding the relationship between Policy Documents, the CEO has sole discretion to provide the interpretation.

8.0 Summary of Changes

Replaces	Dated	Key Changes to Previous Version
IAC-18-002-005 Access to Corporate Information Policy	May 3, 2019	<ul style="list-style-type: none">• Updated to current conventions• Clarified that other policies address access to Records or Personal Information• Clarified that request for access to Personal Information goes to the Privacy Office• Added aggregate quarterly reporting to the CEO

9.0 Attachments

None