

Access Regimes

Social Studies of Recordkeeping, Bureaucracy, and Secrecy under Freedom of Information Law

Screen-captures of Data collected from the Ministry of Citizens' Services.

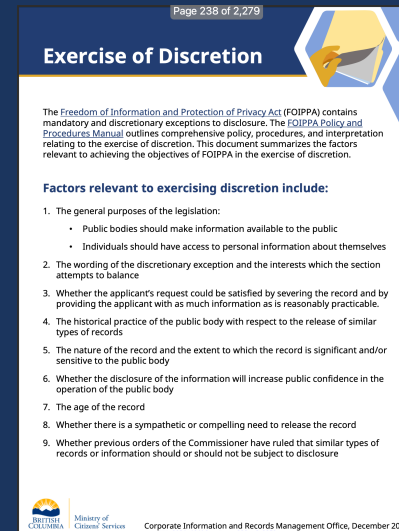
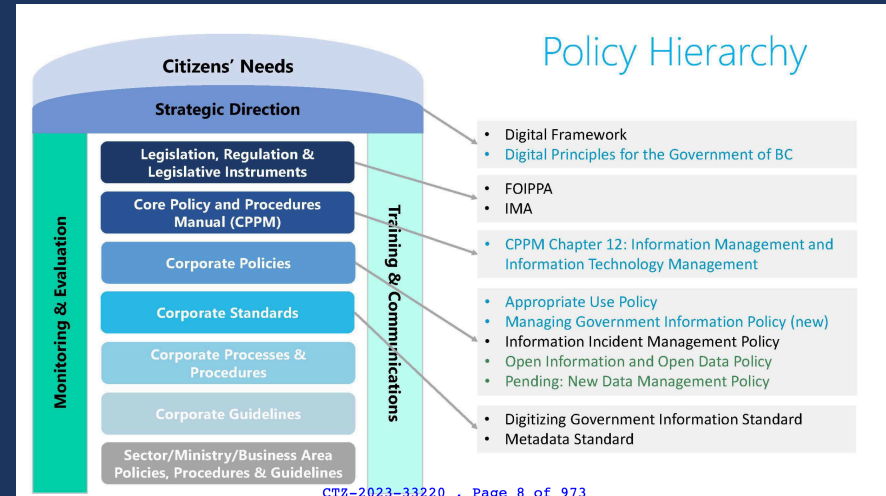
Freedom of information laws notoriously underperform. This study seeks to unravel how freedom of information works as a **socio-technical** and **socio-legal system**, as a step towards figuring out why.

We're collecting documents as data from 66 public bodies subject to FOI legislation and the *Information Management Act* in British Columbia. We ask:

SQ1: How do texts coordinate the implementation of the Freedom of Information and Protection of Privacy Act and Information Management Act in the access regimes under study?

SQ2: How do texts coordinate the practices of personnel performing their duties under the Freedom of Information and Protection of Privacy Act and Information Management Act in the access regimes under study?

Adopting methodological and analytical pluralism, this study uses **Actor-Network Theory, Street-Level Bureaucracy Theory, Institutional Ethnography, and Implementation Theory** from Public Administration to work across disciplines and understand how recordkeeping technologies, records management policies, guides and checklists, strategic plans, approval processes, technical manuals, and legislation **coordinate and mediate access to government records.**



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FOI Exceptions to Disclosure

Quick Reference Guide

Section	Exception	Description
Mandatory Exceptions		
12	Cabinet and local public body confidence	Disclosure would reveal the substance of deliberations of Cabinet including advice, recommendations, policy considerations or draft legislation
18.1	Harmful to the interests of an Indigenous people	Disclosure could reasonably be expected to harm the rights of an Indigenous people to maintain, control, protect or develop cultural heritage, traditional knowledge or cultural expressions, or representations of science
21	Harm to the business interests of a third party	All three requirements must be met: 1. Disclosure would reveal trade secrets, commercial, financial, labour relations, scientific information of third party 2. The information was subject to confidentiality 3. Disclosure could reasonably be expected to cause significant harm to the third party
22	Harm to personal privacy	Disclosure would be an unreasonable invasion of an individual's personal privacy • Section 22 does not apply to disclosure of information that is not an unreasonable invasion of a person's personal privacy
Discretionary Exceptions		
13	Policy advice, recommendations	Disclosure would reveal recommendations developed by or for a public body. Does not include factual material, public opinion polls, final reports, regulations or orders, etc.
14	Legal advice	Disclosure would reveal information subject to solicitor-client privilege: 1. Legal professional privilege, and if the following three must be met: (i) communication is between a solicitor and client (ii) the parties intended the communication to be confidential (iii) communication entails the seeking or giving of legal advice 2. Legal professional records created for the dominant purpose of preparing for, advising on, or conducting litigation
15	Harm to law enforcement	List of specific harms including law enforcement, effectiveness of investigative techniques, endanger the life or safety of law enforcement officer or any other person, reveal identity of confidential source of information
16	Harm to intergovernmental relations or negotiations	Disclosure could reasonably be expected to harm relations or negotiations between the government of British Columbia and the federal government, another province of Canada, a municipality or regional district, an Indigenous Governing Entity, or a foreign state
17	Harm to the financial or economic interests of a public body	Disclosure could reasonably be expected to harm the financial or economic interests of a public body
18	Harm to conservation of heritage sites, etc.	Disclosure could reasonably be expected to result in damage to the conservation of fossils, minerals, marine sites, or sites that have an anthropological or heritage value, an archaeological, historical or scientific interest or any other type of endangered thing, structure, or site
19	Harm to individual or public safety	Disclosure could reasonably be expected to threaten anyone's safety or mental or physical health or interfere with public safety
20	Information published or released in 60 days	The records are to be published or released to the public within 60 days after the request is received

BRITISH COLUMBIA Ministry of Citizens' Services Corporate Information and Records Management Office, December 2023

I respectfully and gratefully acknowledge I work on the traditional, ancestral, and unceded territory of the x̱m̱əθḵ'əy̱əw̱ (Musqueam), Skwxwú7mesh Úxwumixw (Squamish), and səliwəṭəɬ (Tsleil-Waututh) Coast Salish peoples, whose historic relationships with this land continue to this day. In my work, I am committed to a decolonial praxis of redressing the continuing harms perpetuated by inequitable and/or insufficient information and privacy rights afforded to Indigenous peoples.