



ACCESS TO INFORMATION REGULATION

Enacted under the *Freedom of Information and Protection of Privacy Law*

TNR 09/2016

Enacted on April 5, 2016.

Hegus [SIGNATURE]

Clint Williams

Hegus [NAME]

DEPOSITED IN THE TLA'AMIN
REGISTRY

ON 14/04/16
(day/month/year)

Signature of Law Clerk

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1 Authority

1.1 This regulation is made pursuant to the *Freedom of Information and Protection of Privacy Law*.

2 Definitions

2.1 Unless specifically provided otherwise in these regulations, the terms used have the same meaning as defined in the *Freedom of Information and Protection of Privacy Law*.

3 Making an access to information request

3.1 An individual who is seeking to obtain access to a record must apply, in writing, by

a) filling in the form prescribed in Schedule A (*Access to Information Request Form*); or

b) writing a request that

- i. contains sufficient detail to enable the Chief Administrative Officer of the Tla'amin Nation to, with reasonable effort, identify the record sought,
- ii. indicates whether the request is for a copy of a record or to examine an official government record; and
- iii. is signed by the individual or individuals seeking access to information

submitting the form outlined in paragraph a) or the request outlined in paragraph b), as the case may be, to the Chief Administrative Officer.

3.2 A written request for access to a record may be sent by post, hand delivered, or emailed to the Chief Administrative Officer.

3.3 An individual may make an oral request to access a record provided that the request is made directly to the Chief Administrative Officer and the applicant provides the Chief Administrative Officer with the requisite information set out in section 3.1 paragraph b).

3.4 Upon receipt of an oral request, the Chief Administrative Officer must record the information provided by the applicant in section 3.3 in writing.

4 Availability of application forms

4.1 Individuals may obtain the form prescribed in Schedule A [*Access to Information Request*] from the Chief Administrative Officer, the administration office, a department director or manager, or from the Tla'amin Nation website.

5 Making an application to access information on behalf of another person

5.1 The right to access a record under the *Freedom of Information and Protection of Privacy Law* may be exercised by an individual on behalf of a Tla'amin Citizen or a Qualifying Person provided that the individual has written proof that he or she is acting:

- a) on behalf of an individual under 19 years of age, by the individual's parent or legal guardian if the individual is incapable of exercising those rights; or

- b) on behalf of an individual, by the individual's power of attorney, enduring power of attorney, or a committee as the case may be, if the individual is incapable of exercising those rights.

6 Power to disregard requests

6.1 The Chief Administrative Officer may disregard requests for information under the *Freedom of Information and Protection of Privacy Law* that would unreasonably interfere with the operation of the Tla'amin Government or a specific Tla'amin Institution because those requests are

- a) repetitious or systematic in nature, or
- b) frivolous or vexatious.

7 Fees

7.1 Each applicant is subject to the following fees related to the processing and handling of an access request made under section 3:

- a) \$5.00 administrative fee per application; and
- b) \$5.00 for every 15 minutes of work related to the application after the first hour.

8 Records available without formal request

8.1 The Chief Administrative Officer or designate may prescribe categories of records that are in the custody or under the control of the Tla'amin Government or of a Tla'amin Institution and are available to the public, on demand, without the need for a formal request for access under the *Freedom of Information and Protection of Privacy Law*.

8.2 The Chief Administrative Officer may require a person who asks for a copy of an available record without a formal request to pay the \$5.00 administrative fee set out in section 7 a).

8.3 Section 8.1 does not limit the discretion of the Tla'amin Government or a Tla'amin Institution to release records that do not contain personal information.

9 Commencement

9.1 This regulation comes into force on April 5, 2016.

SCHEDULE A



SCHEDULE A

Access to Information Request Form

Step 1

To apply for information under the *Freedom of Information and Protection of Privacy Law* complete this form or a written request (email or on paper). If the request is mailed, send to:
ATTN: CAO
Tla'amin Nation

Step 2

Submit the form or request to the Chief Administrative Officer and enclose \$5.00 in cash or a \$5.00 money-order or cheque payable to Tla'amin Nation.
Note: Your request will not be considered unless you submit the application fee.

Step 3

Once you submit a request you can expect to hear from the CAO within 5 days with an estimate of the cost of the request. If you choose to proceed with a request, you can expect to hear a final response within 45 days.

Step 4

When you receive a response to your information request, review the information to determine whether you wish to request the Review and Appeal Panel review any decision, act or failure to act relating to your information request.

Note: After the first hour of work involved in the response (which are provided by Tla'amin Nation at no cost), applicants will be charged \$5.00/quarter hour. Also note that under certain circumstances, the CAO may extend the time required to respond beyond 45 days.

Provide details regarding the information being sought:

Schedule A – Tla'amin Nation Access to Information Regulation

The personal information on this form is collected under the *Freedom of Information and Protection of Privacy Law*. The information will be used to process access requests. If you have any questions about the collection or use of this information, please contact the Tla'amin Nation Chief Administrative Officer

Method of access preferred (check one): Copies of record Examine record

Name of applicant and Citizenship information (if applicable):

Street, address, apartment:

Province

Postal Code

Telephone Number

Signature

If you are not a Tla'amin Citizen please indicate how you feel that you are directly and significantly affected by information contained in the record you are seeking to access:

Schedule A – Tla'amin Nation Access to Information Regulation

The personal information on this form is collected under the *Freedom of Information and Protection of Privacy Law*. The information will be used to process access requests. If you have any questions about the collection or use of this information, please contact the Tla'amin Nation Chief Administrative Officer



ORDER OF THE EXECUTIVE COUNCIL OF THE TLA'AMIN NATION

Executive Council Order No.: TNO-EC 17 /2016

Approved and Ordered: April 5, 2016

Order

The Executive Council hereby enacts the following regulation and policy under the authority of the *Freedom of Information and Protection of Privacy Law* to take effect on the Effective Date:

- Access to Information Regulation

Authority

This Executive Council Order is made under the authority of the *Freedom of Information and Protection of Privacy Law*, and in accordance with the *Order of the Legislative Assembly of the Tla'amin Nation* TNO-LA 01/2016 (respecting the Tla'amin Nation Effective Date Period Procedures).

*Signed by the Hegus on behalf of the
Executive Council of the Tla'amin Nation*

(Note: This portion is for administrative purposes only and is not part of the Order)

Authority under which the Order is made:

Law: *Freedom of Information and Protection of Privacy Law*

Other (please specify): Final Agreement and the *Order of the Legislative Assembly of the Tla'amin Nation* TNO-LA 01/2016 (respecting the Tla'amin Nation Effective Date Period Procedures).

DEPOSITED IN THE TLA'AMIN
REGISTRY

ON 14/04/16
(day/month/year)

Judith King
Signature of Law Clerk