

NO: R144

COUNCIL DATE: September 14, 2020

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **September 10, 2020**

FROM: **General Manager, Policing Transition**

FILE: **7400-01**

SUBJECT: **Freedom of Information Management**

RECOMMENDATION

The Policing Transition Department recommends that Council receive this report for information.

INTENT

This report provides an update for Council on ownership of records for the purposes of the *Freedom of Information and Protection of Privacy Act* (“FOIPPA”).

BACKGROUND

Consistent with its obligations under FOIPPA, all associated City of Surrey (“the City”) records are currently under the custody and control of the City. When the Surrey Police Board (“the Board”) became operational on July 6, 2020 through Provincial Order-in-Council, it began operating as a separate and distinct entity from that of the City. Subsequently created records will thus be maintained separately. When a Chief Constable is hired, the Surrey Police Service (“the SPS”) will also be separate and distinct and have its own obligations under FOIPPA.

DISCUSSION

The City, the Board and the SPS, each have responsibilities and compliance requirements under FOIPPA for records management and disclosure, upon request. The City has a well-established process to manage requests for information under FOIPPA and will continue to do so for records that relate to the City’s role in the project and records existing prior to the creation of the Police Board.

Transparency and accountability are important principles for the Board, the City and the SPS. Demonstrating that these principles are carried out through policies and practices builds public trust and confidence in the SPS. Ensuring that there are robust systems in place to collect, manage, store and disclose records, both proactively and in response to freedom of information (“FOI”) requests, is a priority for the SPS.

Public bodies subject to FOIPPA designate a “Head”, which is the person authorized to lead the public body. The Head is responsible for compliance with FOIPPA obligations and may delegate

their authority to another individual to coordinate FOIPPA activities, subject to section 66(1), to enable effective day-to-day management of FOI requests and records disclosures.

For purposes of FOIPPA, the Board Chair is the “Head” for all information requests for records that directly concern or relate to the Board, Board matters or Board members. The Executive Director will coordinate FOIPPA activities as per the legislative requirements.

Further details on the specific roles, responsibilities and processes related to FOIPPA are outlined in the working draft Police Board Governance Manual. Until such time as a Freedom of Information Committee is formed, the Board as a whole will be consulted prior to release of records.

The Chief Constable, by virtue of their position, is the Head for information requests related to the SPS. At a later date, the Chief Constable will also designate a FOIPPA Coordinator.

A corresponding Surrey Police Board Report has also been prepared and forwarded to the Board for the September 15, 2020 Board meeting.

SUSTAINABILITY CONSIDERATIONS

The work of the Police Transition Department supports the objectives of the City’s Sustainability Charter 2.0. In particular, this project supports the Sustainability Charter 2.0 theme of Public Safety. Specifically, this project supports the following Desired Outcome (“DO”) and Strategic Direction (“SD”):

- Public Safety DO₄: Local residents and businesses are connected and engaged within their neighbourhoods and with the broader community – including police, public safety partners and social service agencies – to enhance safety.
- Public Safety SD₃: Ensure programs, policies and initiatives exist along the public safety continuum, and support the entire community.

CONCLUSION

This report provides an overview of how FOI requests will be managed by the Board and the SPS to ensure transparency and accountability for citizens. It notes that existing City processes for records under its custody and control will remain unchanged.



Terry Waterhouse
General Manager, Policing Transition

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