



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT GENERAL REGULATIONS**

## PLEASE NOTE

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

### Chapter F-15.01

## GENERAL REGULATIONS

Pursuant to section 77 of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, Council made the following regulations:

### INTERPRETATION

#### 1. Act

- (1) In these regulations “Act” means the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01.

#### Department, branch or office of Government

- (1.1) For greater certainty, a department, branch or office of the Government of Prince Edward Island referred to in subclause 1(k)(i) of the Act includes those listed in Part 1 of Schedule 1.

#### Local public body

- (1.2) For greater certainty, a local public body referred to in clause 1(e.1) of the Act includes those listed in Part 2 of Schedule 1.

#### Designated public body

- (2) For the purpose of subclause 1(k)(ii) of the Act, an agency, board, commission, corporation, office or other body listed in Part 3 of Schedule 1 is designated as a public body.

#### Designated subsidiaries

- (3) Any subsidiary of a public body listed in Part 3 of Schedule 1 is designated as a public body. (EC564/02; 786/13; 530/20)

### REQUESTS FOR ACCESS TO RECORDS

#### 2. Making requests - offices, addresses and methods

- (1) Public bodies shall make public in a reasonable manner
- (a) the addresses of all offices authorized to receive requests made to the public body; and



- (b) the various methods by which those offices can receive requests.

**Delivery during normal business hours**

- (2) A request may be delivered to any office of the public body during normal business hours of that office, but the time limit for responding to the request does not commence until the request is received in an office authorized to receive requests.

**Transfer of request**

- (3) When a request is received in an office not authorized to accept it, that office shall, as soon as possible, forward it to an authorized office. *(EC564/02)*

**3. Responding to a request for examination**

Where a person has asked to examine a record and is given access to the record, the head of the public body may require that the person be given a copy of the record, rather than the opportunity to examine it, if the head is of the opinion that

- (a) providing for examination of the record would unreasonably interfere with the operations of the public body; or
- (b) providing examination of the record could reasonably be expected to result in the disclosure of information that is restricted or prohibited from disclosure under section 5 of the Act or Part 1, Division 2 of the Act. *(EC564/02)*

**4. Oral requests**

An applicant may make an oral request for access to a record if

- (a) the applicant's ability to read or write English or French is limited; or
- (b) the applicant has a physical disability or condition that impairs the applicant's ability to make a written request. *(EC564/02)*

## DISCLOSURE OF PERSONAL INFORMATION

**5. Disclosure of health care information**

- (1) The head of a public body may disclose information relating to the mental or physical health of an individual to a medical or other expert for an opinion on whether disclosure of this information could reasonably be expected to result in grave and immediate harm to the individual's safety or mental or physical health.

**Use**

- (2) A medical or other expert to whom information is disclosed under subsection (1) shall not use the information except for the purposes described in that subsection.

**Confidentiality agreement**

- (3) The head of the public body shall require a medical or other expert to whom information will be disclosed under this section to enter into an agreement relating to the confidentiality of the information.

**Return of a copy of a record**

- (4) If a copy of a record containing information relating to the mental or physical health of an individual is given to a medical or other expert for examination, the medical or other expert



shall, after giving the opinion referred to in subsection (1), return the copy of the record to the head of the public body or dispose of it in accordance with an agreement under subsection (3).

**Examination in person and with assistance**

- (5) The head of the public body that has custody or control of the record may require that an applicant who makes a request for access to a record containing information relating to the applicant's mental or physical health must examine the information in person, and may not examine the record until a medical or other expert or a member of the applicant's family or some other person approved by the head of the public body is present to clarify the nature of the record and to assist the applicant in understanding the information in the record. (EC564/02)

**6. Consent to the disclosure of personal information**

The consent of an individual to a public body's using or disclosing any of the individual's personal information under clauses 36(1)(b) or 37(1)(c) of the Act shall

- (a) be in writing; and  
(b) specify to whom the personal information may be disclosed and how the personal information may be used. (EC564/02)

**7. Disclosure for audit purposes**

Personal information may be disclosed to persons who are employees of a public body, including a person retained under a contract to perform services for the public body, in order to carry out a financial or other formal and systematic examination or review of a program or activity or a portion of a program or activity that includes personal information about individuals, provided such examination or review is sanctioned by an enactment or public policy relating to the public body. (EC564/02)

**FEES**

**8. Fees**

Where an applicant is required to pay a fee for services, the fee is payable in accordance with sections 9, 10, 11, and 12. (EC564/02)

**9. Fees for non-personal information**

- (1) This section applies to a request for access to a record that is not a record of the personal information of the applicant.

**Initial fee**

- (2) An applicant is required to pay an initial fee of \$5.

**Payment of initial fee**

- (3) Processing of a request will not commence until the initial fee has been paid.

**Schedule 2 fees**

- (4) In addition to the initial fee, fees in accordance with Schedule 2 may be charged if the amount of time spent, as estimated by the public body to which the request has been made, exceeds three hours.

**Review time**

- (5) A fee may not be charged for the time spent in reviewing a record. *(EC564/02; 465/18)*

**10. Fees for personal information**

Where an applicant requests access to a record of the personal information of the applicant, only fees for copying in accordance with item 6 of Schedule 2 may be charged. *(EC564/02)*

**11. Fee estimate**

- (1) A fee estimate provided under subsection 76(3) of the Act shall be in writing and set out
- (a) the time and cost required
    - (i) to search, locate and retrieve the record,
    - (ii) to prepare the record for disclosure;
  - (b) the cost of copying the record;
  - (c) the cost of computer time involved in locating and copying a record or, if necessary, *re*-programming to create a new record;
  - (d) the cost of supervising an applicant who wishes to examine the original record, when applicable; and
  - (e) the cost of shipping the record or a copy of the record.

**Proposed agreement**

- (2) In addition to the information set out in subsection (1), a fee estimate shall include a proposed agreement, consistent with section 12, for the payment of the fee by the applicant.

**Estimate of fee for personal information**

- (3) A fee estimate for access to a record of the personal information of the applicant need only include the cost of copying the record.

**Time period to accept**

- (4) After being given a fee estimate, an applicant has up to 20 days to indicate if the fee estimate is accepted or to modify the request to change the amount of fees assessed. *(EC564/02)*

**12. Payment of estimated fee**

- (1) Processing of a request ceases once a fee estimate has been given to an applicant and recommences immediately on the receipt of an agreement to pay the fee, and on the receipt of at least 50% of the estimated fee.

**Balance**

- (2) The balance of any fee owing is payable at the time the information is delivered to the applicant.

**Refund**

- (3) Fees, other than an initial fee, or any part of those fees, shall be refunded if the amount paid is higher than the actual fees required to be paid. *(EC564/02)*



## NOTICE OF DISCLOSURES

### 13. Notice of disclosure

For the purposes of subsection 30(4) of the Act, the notice of disclosure shall be made in the form set out in Schedule 3. (EC564/02)

## PROVISIONS OF ENACTMENTS THAT PREVAIL

### 14. Provision of Acts

The following provisions of Acts prevail despite the *Freedom of Information and Protection of Privacy Act*:

- (a) *Oil and Natural Gas Act* R.S.P.E.I. 1988, Cap. O-5, subsection 101(2);
- (b) *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1, sections 2, 7, 21, 39 and 47 to 54;
- (c) *Adult Protection Act* R.S.P.E.I. 1988, Cap. A-5, subsection 4(3) and section 30;
- (d) *Change of Name Act* R.S.P.E.I. 1988, Cap. C-3.1, sections 10 and 12;
- (e) *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1, sections 7, 8 and 10;
- (f) revoked by EC727/05;
- (g) *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2, section 17;
- (h) *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8, section 6;
- (i) revoked by EC465/18;
- (j) *Vital Statistics Act* R.S.P.E.I. 1988, Cap. V-4.1, all provisions;
- (k) revoked by EC465/18;
- (l) *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, section 80. (EC598/04; 727/05; 786/13; 53/14; 465/18)

### 15. Provisions of regulations

The following provisions of regulations made under other Acts prevail despite the *Freedom of Information and Protection of Privacy Act*:

- (a) *Oil and Natural Gas Act* Oil and Gas Conservation Regulations (EC170/74), subsection 58(1);
- (b) *Adoption Act* Regulations (EC526/93), sections 44, 47 and 68;
- (c) *Change of Name Act* Regulations (EC247/02), section 8;
- (d) *Child Protection Act* Regulations (EC215/03), sections 8 to 12. (EC598/04)





## **SCHEDULE 1**

### **PUBLIC BODIES**

#### **PART 1 – DEPARTMENTS, BRANCHES AND OFFICES OF GOVERNMENT**

1. Department of Agriculture and Land
2. Department of Economic Growth, Tourism and Culture
3. Department of Education and Lifelong Learning
4. Department of Environment, Water and Climate Change
5. Department of Finance
6. Department of Fisheries and Communities
7. Department of Health and Wellness
8. Department of Justice and Public Safety
9. Department of Social Development and Housing
10. Department of Transportation, Infrastructure and Energy
11. Intergovernmental and Public Affairs
12. Office of the Premier

#### **PART 2 – DESIGNATED LOCAL PUBLIC BODIES**

13. City of Charlottetown
14. City of Summerside
15. Holland College, established under the *Holland College Act*
16. La Société Éducative de L'Île-de-Prince Édouard Inc., a non-profit corporation established under the laws of the Province, operating under the trade name "Collège de l'Île"
17. Town of Cornwall
18. Town of Stratford
19. University of Prince Edward Island, established under the *University Act*

#### **PART 3 – DESIGNATED PUBLIC BODIES**

##### **Agriculture and Land**

20. Agricultural Insurance Appeal Board (*Agricultural Insurance Act*)
21. Board of Examiners (*Power Engineers Act*)
22. Farm Practices Review Board (*Farm Practices Act*)
23. Natural Products Appeals Tribunal (*Natural Products Marketing Act*)
24. Prince Edward Island Agricultural Insurance Corporation (*Agricultural Insurance Act*)
25. Prince Edward Island Building Standards Council (*Building Codes Act*)
26. Prince Edward Island Grain Elevators Corporation (*Grain Elevators Corporation Act*)
27. Prince Edward Island Marketing Council (*Natural Products Marketing Act*)
28. Weed Control Advisory Committee (*Weed Control Act*)

##### **Economic Growth, Tourism and Culture**

29. Charlottetown Area Development Corporation
30. Conciliation Boards (*Labour Act*)
31. Employment Standards Board (*Employment Standards Act*)
32. Fathers of Confederation Buildings Trust (*Fathers of Confederation Buildings Act*)
33. Finance PEI (*Finance PEI Act*)
34. Heritage Places Advisory Board (*Heritage Places Protection Act*)
35. Industrial Relations Council
36. Innovation PEI (*Innovation PEI Act*)

37. Island Investment Development Inc. (*Island Investment Development Act*)
38. Labour Relations Board (*Labour Relations Act*)
39. Lucy Maud Montgomery Foundation (*Lucy Maud Montgomery Foundation Act*)
40. PEI Century Fund 2000 Inc.
41. Prince Edward Island Museum and Heritage Foundation (*Museum Act*)
42. Summerside Regional Development Corporation
43. Tourism PEI (*Tourism PEI Act*)

### **Education and Lifelong Learning**

44. Early Learning and Child Care Board (*Early Learning and Child Care Act*)
45. Education Negotiating Agency (*Education Act*)
46. French Language School Board (La Commission scolaire de langue française) (*Education Act*)
47. Island Regulatory and Appeals Commission (*Island Regulatory and Appeals Commission Act*)
48. P.E.I. Student Financial Assistance Corporation (*Student Financial Assistance Act*)
49. Provincial Apprenticeship Board (*Apprenticeship and Trades Qualification Act*)
50. Public Records Committee (*Archives and Records Act*)
51. Public Schools Branch (*Education Act*)
52. Teacher Certification and Standards Board (*Education Act*)
53. Teachers' Superannuation Commission (*Teachers' Superannuation Act*)

### **Environment, Water and Climate Change**

54. Environmental Advisory Council (*Environmental Protection Act*)
55. Forest Improvement Advisory Council (*Forest Management Act*)
56. Island Waste Management Corporation (*Environmental Protection Act*)
57. Public Forest Council (*Public Forest Council Act*)

### **Finance**

58. Advisory Council on the Status of Women (*Advisory Council on the Status of Women Act*)
59. Civil Service Superannuation Commission (*Civil Service Superannuation Act*)
60. Classification Appeal Committee (*Civil Service Act*)
61. Prince Edward Island Cannabis Management Corporation (*Cannabis Management Corporation Act*)
62. Prince Edward Island Liquor Control Commission (*Liquor Control Act*)
63. Prince Edward Island Lotteries Commission (*Lotteries Commission Act*)
64. Prince Edward Island Master Trust Advisory Board
65. Prince Edward Island Public Service Commission (*Civil Service Act*)
66. Prince Edward Island Self-Insurance and Risk Management Fund (*Financial Administration Act*)

### **Fisheries and Communities**

67. Prince Edward Island Employment Development Agency (*Employment Development Agency Act*)
68. Prince Edward Island Marine Science Organization

### **Health and Wellness**

69. Community Care Facilities and Nursing Homes Board (*Community Care Facilities and Nursing Homes Act*)
70. Financial Assistance Appeal Panel (*Long-Term Care Subsidization Act*)
71. Health PEI (*Health Services Act*)
72. Health Services Payment Advisory Committee (*Health Services Payment Act*)
73. Physician Resource Planning Committee (*Health Services Payment Act*)
74. Prince Edward Island Sports Hall of Fame and Museum



75. Review Board (*Mental Health Act*)

### **Justice and Public Safety**

76. Court Transcribers Examining Board (*Court Reporters Act*)

77. Finance Committee (*Judicature Act*)

78. Judicial Remuneration Review Commission (*Provincial Court Act*)

79. Justice of the Peace Remuneration Review Commission (*Justice of the Peace Act*)

80. Office of the Police Commissioner (*Police Act*)

81. Prince Edward Island Human Rights Commission (*Human Rights Act*)

82. Review Board (section 672.38 of the *Criminal Code*)

83. Victim Services Advisory Committee (*Victims of Crime Act*)

### **Social Development and Housing**

84. Advisory Committee (*Child Protection Act*)

85. Public housing authorities established under section 10 of the *Housing Corporation Act*, including:

- (a) Alberton Housing Authority
- (b) Charlottetown Area Housing Authority
- (c) Georgetown Housing Authority
- (d) Montague Housing Authority
- (e) Mount Stewart Housing Authority
- (f) O'Leary Housing Authority
- (g) Souris Housing Authority
- (h) Summerside Housing Authority
- (i) Tignish Housing Authority

### **Transportation, Infrastructure and Energy**

86. Environmental Industrial Services Inc.

87. Prince Edward Island Crown Building Corporation (*Crown Building Corporation Act*)

88. Prince Edward Island Energy Corporation (*Energy Corporation Act*)

### **Other**

89. Acadian and Francophone Community Advisory Board (*French Language Services Act*)

90. Acadian Purchase Trust (*Acadian Purchase Trust Act*)

91. Disability Action Council

92. Electoral Boundaries Commission (*Electoral Boundaries Act*)

93. F.T.C. Enterprises Limited

94. Order of Prince Edward Island Advisory Council (*Provincial Emblems and Honours Act*)

95. PEI Infrastructure Inc.

96. Premier's Action Committee on Family Violence Prevention

97. Prince Edward Island Seniors' Secretariat

98. Workers Compensation Appeal Tribunal (*Workers Compensation Act*)

99. Workers Compensation Board of Prince Edward Island (*Workers Compensation Act*)

(EC564/02; 581/03; 610/05; 734/08; 171/10; 786/13; 530/20)

**SCHEDULE 2**

**FEEES**

The amounts of the fees set out in this Schedule are the maximum amounts that can be charged to applicants. All applicable taxes are payable in addition to the listed fees.

- 1. Locating and retrieving a record..... \$15.00 per half hour
- 2. Producing a record from an electronic record
  - (a) Computer processing and related charges..... Actual cost to public body
  - (b) Computer programming..... Actual cost to public body
- 3. Preparing and handling a record for disclosure..... \$15.00 per half hour
- 4. Supervising the examination of a record ..... \$15.00 per half hour
- 5. Shipping a record or a copy..... Actual cost to public body
- 6. Copying a record:
  - (a) paper copy (photocopy or computer printout)..... 8 cents per page
  - (b) revoked by EC 465/18 .....
  - (c) revoked by EC 465/18 .....
  - (d) duplication of 16mm microfilm..... \$29.95 per roll
  - (e) duplication of 35mm microfilm..... \$32.95 per roll
  - (f) duplication microfilm to paper..... 50 cents per exposure
  - (g) photographs (color or black and white from negative)
    - (i) 5" X 7"..... \$9.00 per photograph
    - (ii) 8" X 10"..... \$11.00 per photograph
    - (iii) 11" X 14"..... \$25.00 per photograph
    - (iv) 16" X 20"..... \$40.00 per photograph
    - (v) 20" X 24"..... \$100.00 per photograph
  - (h) duplication of 35mm color slide..... \$8.50 per slide
  - (i) revoked by EC 465/18 .....
  - (j) revoked by EC 465/18 .....
  - (k) any other media not listed above..... Actual cost to public body

(EC564/02; 465/18)



**SCHEDULE 3**

**Notice of Disclosure of Information**

[Freedom of Information and Protection of Privacy Act, ss.30(4)]

\_\_\_\_\_  
[name of public body]

has disclosed information that relates to you in compliance with the requirements of section 30 of the *Freedom of Information and Protection of Privacy Act*. This Act requires a public body to disclose to the public, to an affected group of people, to any person or to an applicant

- (a) information about a risk of significant harm to the environment or to the health or safety of the public, of the affected group of people, of the person or of the applicant; or
- (b) information the disclosure of which is, for any other reason, clearly in the public interest.

**The information disclosed is:**

[Explain the information and provide a copy of the record, if the record exists; explain why section 30 of the Act applies.]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This decision was made by: \_\_\_\_\_  
[name, job title]

Signed: \_\_\_\_\_

\_\_\_\_\_

[date]

(EC564/02)