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For more information concerning the history of these regulations, please see the Table of Regulations.

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CHAPTER F-15.01

FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT

GENERAL REGULATIONS

Pursuant to section 77 of the *Freedom of Information and Protection of Privacy Act* Stats. P.E.I. 2001, c.37, Council made the following regulations:

INTERPRETATION


   (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 I of Schedule 1.

   (2) For the purposes of subclause 1(k)(ii) of the Act, an agency, board, commission, corporation, office or other body listed in Part II of Schedule 1 is designated as a public body. (EC564/02; 786/13)

REQUESTS FOR ACCESS TO RECORDS

2. (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.

   (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.

   (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. 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. 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. (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.

(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.

(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.

(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).

(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. 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. 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. 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. (1) This section applies to a request for access to a record that is not a record of the personal information of the applicant.
   
   (2) An applicant is required to pay an initial fee of $5.
   
   (3) Processing of a request will not commence until the initial fee has been paid.
   
   (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 two hours.
   
   (5) A fee may not be charged for the time spent in reviewing a record. (EC564/02)

10. 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. (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.

(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.

(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.

(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. (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.

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

(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. 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. 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) Public Health Act R.S.P.E.I. 1988, Cap. P-30, subsection 22(1);
(k) Securities Act R.S.P.E.I. 1988, Cap. S-3, section 10 and subsection 17(4);
(l) Financial Administration Act R.S.P.E.I. 1988, Cap. F-9, section 80. (EC598/04; 727/05; 786/13; 53/14)

15. 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 I - Departments, Branches and Offices of the Government

1. Department of Agriculture and Forestry
2. Department of Community Services and Seniors
3. Department of Education and Early Childhood Development
4. Department of Environment, Labour and Justice
5. Department of Finance, Energy and Municipal Affairs
6. Department of Fisheries, Aquaculture and Rural Development
7. Department of Health and Wellness
8. Department of Innovation and Advanced Learning
9. Department of Tourism and Culture
10. Department of Transportation and Infrastructure Renewal
11. Intergovernmental and Public Affairs
12. Office of the Premier

Part II - Designated Public Bodies

1. Acadian and Francophone Community Advisory Committee
2. Acadian Purchase Trust
3. Advisory Council on the Status of Women
4. Agricultural Insurance Appeal Board
5. Alberton Housing Authority
6. Charlottetown Area Development Corporation
7. Charlottetown Area Housing Authority
8. Child Protection Act Advisory Committee
9. Child Care Facilities Appeal Panel
10. Child Care Facilities Board
11. Civil Service Superannuation Administrative Advisory Committee
12. Classification Appeal Committee
13. Community Care Facilities and Nursing Homes Board
14. Companion Animal Protection Act Appeals Officer
15. Court Transcribers Examining Board
16. Disability Action Council
17. Education Negotiating Agency
18. Electoral Boundaries Commission
19. Emergency Medical Services Board
20. Employment Standards Board
21. English Language School Board
22. Environmental Advisory Council
23. Environmental Industrial Services Inc.
24. Farm Practices Review Board
25. Fathers of Confederation Buildings Trust
26. Finance PEI
27. Financial Assistance Appeal Panel
28. *Fisheries Act* Advisory Committees established under the Act
29. Forest Improvement Advisory Council
30. French Language School Board (La Commission scolaire de langue française)
31. FTC Enterprises Limited/ P.E.I. Food Technology Centre
32. Georgetown Housing Authority
33. Health PEI
34. Health Services Payment Advisory Committee
35. Health and Community Services Negotiating Committee
36. Heritage Places Advisory Board
37. Industrial Relations Council
38. Innovation PEI
39. Innovation Solutions Agency (PEI) Inc.
40. Interchangeable Drug List Committee
41. Island Investment Development Inc.
42. Island Regulatory and Appeals Commission
43. Island Waste Management Corporation
44. *Judicature Act* Finance Committee
45. Judicial Remuneration Review Commission
46. *Labour Act* conciliation boards
47. Labour Relations Board
48. Lobster Industry Roundtable
49. Lucy Maud Montgomery Foundation
50. *Mental Health Act* Review Board
51. Ministerial Advisory Committee on Energy Efficiency
52. Ministerial Advisory Committee on Multiculturalism
53. Montague Area Housing Authority
54. Mount Stewart Housing Authority
55. *Natural Areas Protection Act* Advisory Committee
56. Natural Products Appeals Tribunal
57. O’Leary Housing Authority
58. Office of the Police Commissioner
59. Order of Prince Edward Island Advisory Council
60. PEI BioCommons Inc.
61. PEI Century Fund 2000 Inc.
62. PEI Sports Hall of Fame and Museum Inc.
63. Pharmaceutical Information Program Advisory Committee
64. Physician Resource Planning Committee
65. Plant Health Advisory Committee
66. Power Engineers Board of Examiners
67. Premier’s Action Committee on Family Violence Prevention
68. Prince Edward Island 2014 Inc.
69. Prince Edward Island Agricultural Insurance Corporation
70. Prince Edward Island Aquaculture and Fisheries Research Initiative Inc.
71. Prince Edward Island Building Standards Council
72. Prince Edward Island Crown Building Corporation
73. Prince Edward Island Employment Development Agency
74. Prince Edward Island Energy Corporation
75. Prince Edward Island Grain Elevators Corporation
76. Prince Edward Island Human Rights Commission
77. Prince Edward Island Liquor Control Commission
78. Prince Edward Island Lotteries Commission
79. Prince Edward Island Marketing Council
80. Prince Edward Island Master Trust Advisory Board
81. Prince Edward Island Museum and Heritage Foundation
82. Prince Edward Island Pharmacy Board
83. Prince Edward Island Public Service Commission Board
84. Prince Edward Island Self-Insurance and Risk Management Fund
85. Prince Edward Island Self-Insurance and Risk Management Fund Advisory Committee
86. Prince Edward Island Seniors Secretariat
87. Prince Edward Island Special Projects Fund
88. Private Training Schools Act Appeals Board
89. Private Training Schools Advisory Board
90. Provincial Apprenticeship Board
91. Public Forest Council
92. Public Records Committee
93. Public Trustee Act Advisory Committee
94. Real Estate Trading Act advisory boards
95. Review Board of Prince Edward Island (Criminal Code)
96. Rural Development Advisory Committee
97. School Act Certification and Standards Board
98. Social Assistance Appeals Board
99. Souris Food Park Development Corporation
100. Souris Family Housing Authority
101. Student Aid Appeal Board
102. Summerside Regional Development Corporation Ltd.
103. Summerside Housing Authority
104. Teachers’ Superannuation Commission
105. Therapeutic Drug Prescription Committee
106. Tignish Housing Authority
107. Tourism P.E.I.
108. Tourism Advisory Council
110. Victim Services Advisory Committee
111. Weed Control Advisory Committee
112. *Wildlife Conservation Act* Committee
113. Workers Compensation Appeal Tribunal
114. Workers Compensation Board

(EC564/02; 581/03; 610/05; 734/08; 171/10; 786/13)
SCHEDULE 2

FEES

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.......................... $10.00 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.......................... $10.00 per half hour
4. Supervising the examination of a record............................... $10.00 per half hour
5. Shipping a record or a copy................................................. Actual cost to public body
6. Copying a record:
   (a) photocopies, hard copy laser print and computer printouts................... 25 cents per page
   (b) floppy disks.......................................................... Actual cost to public body
   (c) compact disks......................................................... Actual cost to public body
   (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) duplication of audio cassette
      (i) if public body provides cassette..... $10.00 per cassette
      (ii) if applicant provides cassette..... $5.00 per cassette
   (j) duplication of video cassette............... $5.00 per cassette
   (k) any other media not listed above........ Actual cost to public body

(EC564/02)
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: ___________________________

[EC564/02]