



## **FORT NELSON FIRST NATION**

# **Access to Information Policy**

<b>Approved by:</b>	Fort Nelson First Nation Council
<b>Approved on:</b>	March 15, 2022
<b>Policy Number:</b>	ADM-RCD-002-003
<b>Responsible Director:</b>	Executive Director
<b>References:</b>	Access to Information Act, and Privacy Act

## ACCESS TO INFORMATION POLICY

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## **1.0 Authority**

- 1.1 This policy is to extend the present laws of Canada that provide access to information under the control of the Fort Nelson First Nation and to provide for the proactive publication of certain information. The policy is made under the *Access to Information Act* and may at times reference the *Privacy Act*.

## **2.0 Definitions**

- 2.1 In this policy,
- a. **“Act”** means the *Access to Information Act*
  - b. Unless specifically provided otherwise in this policy, the terms used have the same meaning as defined in the *Access to Information Act* and the *Privacy Act*.
  - c. Committee means an individual designated as the guardian of a person that has been found mentally incapable of handling his or her affairs.

## **3.0 Access**

- 3.1 An individual who is a Member of the Fort Nelson First Nation may make an application to gain access to a record or document and must apply in writing by
- a. filling in the form prescribed in Schedule A [*Access to Information Request*]; or
  - b. writing a request that
    - i. contains sufficient detail to enable the Information Clerk to, with reasonable effort, identify the record sought, and
    - ii. indicates whether the request is for a copy of a Member's individual personal information or record, or to examine an official government record; and
    - iii. submitting the form outlined in paragraph (a) or the request outlined in paragraph (b), as the case may be, to the Information Clerk.
- 3.2 A written request for access to a record may be
- a. sent by post,
  - b. hand delivered, or
  - c. emailed
    - i. to the Information Clerk at [informationclerk@fnnation.ca](mailto:informationclerk@fnnation.ca)

## **4.0 Availability of application forms**

- 4.1 Individuals may obtain the form prescribed in Schedule A [*Access to Information Request*] from the Information Clerk, the administration office, a department director or manager, or from the Fort Nelson First Nation website.

## **5.0 Making an application to access information on behalf of another person**

- 5.1 The right to access a record under section 6 of the policy may be exercised by an individual on behalf of a Fort Nelson First Nation Member 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 custodial parent or legal guardian if the individual is incapable of exercising those rights; or
  - b. on behalf of an individual who has a committee by the individual's committee.

## **6.0 Power to disregard requests**

- 6.1 The Executive Director may disregard requests for information under the policy that would unreasonably interfere with the operation of Fort Nelson First Nation because those requests are:

- a. repetitious or systematic in nature, or
- b. frivolous or vexatious, or
- c. broad or confusing whereas a reasonable person is not able to decipher a specific deliverable, or
- d. incomplete requests, or
- e. at risk of posing interference with pending litigation, or
- f. are for materials that are privileged and confidential, or
- g. from individuals who have misused/misrepresented previous materials released to them.

## **7.0 Fees**

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

- a. No application fee for up to three (3) requests in a calendar year; and,
- b. An application fee of \$5.00 per application thereafter; and,
- c. \$5.00 administration fee for every 15 minutes of work related to any application after the first five (5) hours.

## **8.0 Records available without request**

8.1 Fort Nelson First Nation information that is available in the public domain, and documents found on the FNFN online media platforms are available without the need for a formal request for access to information request under the policy. For example, audited financial statements are available at:

[https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/FederalFundingMain.aspx?BAND\\_NUMBER=543&lang=eng](https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/FederalFundingMain.aspx?BAND_NUMBER=543&lang=eng)

## **9.0 Supervised Viewing of Records**

9.1 When a request for information is granted under this policy and it is determined by the Executive Director that the information may be viewed but cannot be shared or distributed otherwise then the information shall be provided for viewing, to the person seeking access, in a viewing room on the premises of the FNFN and under the supervision of a member of staff.

***This policy will be updated from time to time as needed, or due to changes in legislation.***

# Schedule A

## ACCESS TO INFORMATION REQUEST FORM

Protected when Completed

### Step 1

To apply for information under this policy please complete this form or send a written and detailed request by email or by regular mail. If the request is mailed, send to:

**Attention:**

Information Clerk  
RR 1 Mile 295 Alaska Highway  
Fort Nelson, B.C.  
VOC 1R0

### Step 2

Please Note: your request will not be considered unless all sections of the form are completed, or if submitting a written request by mail or email it must be detailed enough to satisfy the request.

### Step 3

Once you submit a request you can expect that the Executive Director will acknowledge your request within 5 business days. 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, and after you have reviewed the response to your requested information, if you determine the information provided is not what was requested, then you have an option to make a written appeal to the Appeals Committee for their review of any decision, act or failure to act relating to your information request.

**Note:** After the first 5 hours of work involved in the response (which are provided by FNFN at no cost), applicants will be charged \$5 per quarter hour. Please note that under certain circumstances, the Executive Director may extend the time required to respond beyond 45 days.

**Section One:** Select the type(s) of information you are seeking:

<input type="checkbox"/> Council Record	<input type="checkbox"/> Member Record	<input type="checkbox"/> Land/Treaty Record	<input type="checkbox"/> Other Record(s); attach clear explanation about your request
<input type="checkbox"/> Payment Record	<input type="checkbox"/> Housing Record	<input type="checkbox"/> Education Record	

**Section Two:** provide details regarding the information being sought (add extra pages if necessary):

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**Section Two, continued:** provide details regarding the information being sought (add extra pages if necessary):

<b>Method of access preferred, check one:</b>			Copies of record	Examine record
Name of Applicant:				
Member Number (if applicable):				
Civic Address (street, unit#):				
Mailing address:				
Province:		Postal Code:		Phone:
Signature:				Date:

***If you are not a Fort Nelson First Nation Member, please attach information indicating how you believe that you are directly and significantly affected by information contained in the record you are seeking to access.***

*The personal information on this form is collected under sections 4, 5, and 6 of the Privacy Act. The information will be used to process access to information requests. If you have any questions about the collection or use of this information, please contact the Executive Director.*