

 <p>BRITISH COLUMBIA Ministry of Environment</p>	<p align="center">Environmental Protection Division</p>	<p align="center">7</p>
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Name of procedure:

Processing Information Requests under Contaminated Sites Legislation and *Freedom of Information and Protection of Privacy Act*

Staff affected:

Ministry of Environment, Lands and Parks staff responsible for contaminated sites information

Authority:

Waste Management Act
Freedom of Information and Protection of Privacy Act

Purpose of procedure:

This procedure is to provide a consistent method for staff to respond to requests for information about sites under the *Waste Management Act* and *Freedom of Information and Protection of Privacy Act*.

Relationship to previous procedure:

None

Issued by: Deputy Director

Deputy Director's Approval: _____ **Date:** _____
Pollution Prevention and Remediation Branch

1.0 Definitions:

FOI request means a request for records pursuant to the *Freedom of Information and Protection of Privacy Act*.

Routine release means the release of records which are available to the public without a request for access pursuant to the *Freedom of Information and Protection of Privacy Act*.

SITE means the BC Environment electronic database recording information in the possession of the ministry relating to the environmental condition of property.

Site Registry means the registry established by BC Environment pursuant to subsection 26.3 (1) of the *Waste Management Act*. It has two components:

- The paper Site Registry into which paper records are deposited.
- The electronic Site Registry into which computer-based records are deposited and which is delivered by BC OnLine or other electronic service. In part, the electronic Site Registry serves as an index to the paper Site Registry.

Site-specific Information Request (SSIR) means a request for information pursuant to item 3 in Table 1 of Schedule 3 of the Contaminated Sites Regulation under the *Waste Management Act*.

2.0 General:

The contaminated sites provisions of *Waste Management Act* and Contaminated Sites Regulation provide for the routine release, for a fee, of information on the environmental condition of sites in British Columbia. In some instances, the public may request information under the *Freedom of Information and Protection of Privacy Act* (FOI request) rather than using the Site-specific Information Request (SSIR) process under the Contaminated Sites Regulation.

The *Freedom of Information and Protection of Privacy Act* does not replace any routine procedure for accessing information, nor does it limit access to information, that is normally available to the public under the contaminated sites provisions of the *Waste Management Act*.

This procedure outlines the administrative processes for dealing with requests for information relating to the environmental condition of sites under both statutes. It does not deal with the release of information in response to requests for specific non-contaminated sites information under the *Waste Management Act*, such as requests for permits.

3.0 Procedure:

3.1 Determining the Appropriate Response Process

3.1.1 Requests Focussing on Property or Land

3.1.1.1 Requests for records that concern property or land with the following *characteristics* should generally be referred to the SSIR process and not processed as FOI requests. Such requests generally will:

- Indicate a property's civic address and/or legal land description.
- Ask for any and all information relating to a property.
- Ask for any and all environmental assessment, remediation information or technical reports or documents.
- Originate from banks, legal firms, environmental consultants or title search agents.

3.1.1.2 Requests for the following *types of records* shall be responded to using the SSIR process:

- Technical reports concerning environmental investigations and remediation.
- *Waste Management Act* permits and approvals associated with a site's remedial activity.
- Pollution Abatement, Pollution Prevention, Investigation and Remediation orders and Emergency Declarations.
- Approvals In Principle.
- Certificates of Compliance.
- Correspondence and memoranda relating to a site.
- Meeting and inspection notes.
- Site photographs.
- Completed Bulk Data Entry Forms used for uploading data into SITE.
- SITE-generated reports.

3.1.1.3 If a request for a record in the ministry's possession relates to any of the items listed in subsections 3.1.1.1 and 3.1.1.2 of this procedure, then the request first must be processed through the SSIR process.

3.1.1.4 FOI requests on the environmental condition of sites sometimes relate to information other than that handled by the SSIR process. If a request requires information from a different subject area that can be clearly identified, such as

information concerning water licenses or permit fee calculations, then the information which does not relate to the SSIR process should either be handled as a normal FOI request or forwarded to the appropriate ministry office, if routinely releasable.

- 3.1.1.5 If the scope of an FOI request is unclear, the applicant should be contacted by Pollution Prevention staff to clarify if at least part of the request should be referred to the SSIR process.

3.1.2 Requests Focussing on Documents

Occasionally, a request cites only specific documents or reports. This does not automatically trigger the SSIR process. To process such requests:

- 3.1.2.1 FOI staff should first check with Pollution Prevention staff to determine if the requested documents are routinely releasable.
- 3.1.2.2 If a document is not routinely releasable, the request will be treated as an FOI request.
- 3.1.2.3 If a document is routinely releasable and the request is not a followup request from a previous SSIR, FOI staff should refer the request to Pollution Prevention staff who shall process it as a normal SSIR.
- 3.1.2.4 If a request is a followup from an earlier SSIR from the applicant, and the document is routinely releasable, the document should be referred to Pollution Prevention staff and should be released without further charge, other than charges for photocopying.

3.1.3 Requests for Other Information

- 3.1.3.1 Any remaining information requirements not handled through the SSIR process should be handled as a normal FOI request or referred to the appropriate ministry office if routinely releasable.

3.2 Forms for a Site-specific Information Request

- 3.2.1 Once a request is determined to be an SSIR by regional or Victoria FOI and Pollution Prevention staff, the applicant should be sent a completed General Response Letter and a Site-Specific Information Request Application Form. A template for the General Response Letter is contained in Appendix 1. The Site-Specific Information Request Application Form is shown in Appendix 2.

3.3 Logging a Request

- 3.3.1 A receipt shall be completed for every SSIR application for which payment is received.

- 3.3.2 Unique receipt numbers are to be assigned to every SSIR application received.
- 3.3.3 The receipt and the application form or request are to be kept together on file.
- 3.3.4 The following information shall be maintained for every SSIR. This may be conveniently kept on a spreadsheet:
- Client name or name of company requesting the information
 - Main client contact
 - Receipt date (the date the request was received)
 - Receipt number
 - Receiver (who received the request)
 - Activity (usually SSIR)
 - Payment received (the actual amount received, only completed when the cheque has been received)
 - Assigned to (who is assigned to process the request)
 - Site location (usually the address of the site; if not available, fill in the PID or legal description)
 - Response date (fill in when the response letter is sent to the applicant)
 - Additional comments
 - Site ID, if a site was found on the Site Registry
- 3.3.5 The cheque or cash, a copy of the application form, and a copy of the receipt are to be given to the appropriate finance and administration staff on the same day the application is received.

3.4 Conducting Searches of Records

- 3.4.1 Pollution Prevention staff shall first search the electronic Site Registry, then if necessary SITE, and if requested SWIS, COORS, and WASTE for the information sought by the applicant.
- 3.4.2 The electronic Site Registry will be searched first by generating an index results list, and if the specified site is found on the index results list, a site detail report produced and printed.
- 3.4.3 Reports generated from the electronic Site Registry may be provided directly to the applicant. Reports produced from SITE shall not be provided to an applicant.

- 3.4.4 If requested, SWIS shall be searched to determine if the companies or individuals specified have any special waste registrations.
 - 3.4.4.1 If information is found, the report shall be printed and included in the SSIR response package. Mark the box labelled "Special waste registrations" on the SSIR Application Form and beside it write "Information Found, see attached".
 - 3.4.4.2 If no information is found write "No information found."
- 3.4.5 If requested, WASTE shall be searched to determine if the companies or individuals specified have any orders, applications, permits, or approvals under the *Waste Management Act*.
 - 3.4.5.1 If information is found, the report shall be printed and included in the SSIR response package. Mark the appropriate box on the SSIR Application Form and beside it write "Information Found, see attached".
 - 3.4.5.2 If no information is found write "No information found."
- 3.4.6 If requested, COORS shall be searched to determine if the companies or individuals specified have any enforcement issues or actions recorded relating to the *Waste Management Act*.
 - 3.4.6.1 If information is found, print the report, fill in the information beside the appropriate fields in the form shown in Appendix 3 and include the letter with the response. Mark the box labelled "*Waste Management Act* convictions" on the SSIR Application Form and beside it write "Information Found".
 - 3.4.6.2 If no information is found write "No information found."
- 3.5 Responding to a Site-specific Information Request**
 - 3.5.1 If a particular type of search is not offered by a regional office (e.g. *Waste Management Act* convictions), this shall be clearly indicated in the response letter to the applicant.
 - 3.5.2 Response Options
 - 3.5.2.1 *Option 1. No file information available.*
Respond to the applicant with Cover Letter A (Appendix 4). In situations where there is information known to exist in another ministry office, this letter should be modified to indicate this.
 - 3.5.2.2 *Option 2. A relatively small amount of information exists locally and none will be withheld.*

Copy the file information and send it to the applicant under Cover Letter B (Appendix 5).

3.5.2.3 *Option 3. A relatively small amount of file information exists locally, but some will be withheld.*

Copy the available information and send this accompanied by Cover Letter C (Appendix 6). Cover Letter C shall be modified to contain a list of the withheld information. The applicant then has the option to seek this withheld information under the *Freedom of Information and Protection of Privacy Act*.

3.5.2.4 *Option 4. A large, complex file exists locally.*

Respond to the applicant with a list of available information and that which is to be withheld using Cover Letter D (Appendix 7). The applicant may then specify the required information and proceed directly with an FOI request to obtain withheld information.

3.5.3 In general, the example cover letters may be modified to suit local needs. Different regional offices may routinely provide some or all of the information searches indicated on the Application Form (Appendix 2). The applicant shall be informed of any requested data source not searched. Also, the letters may require modification to indicate that an invoice is attached for any outstanding fees.

3.6 Fees

3.6.1 Requests for information on the same site at different ministry offices shall be processed separately, including charges of separate fees for each office's response.

3.6.2 Photocopying fees of \$0.25 per page for requests requiring more than 20 photocopies shall be collected from applicants.

3.6.3 If there is an outstanding balance owed to the ministry, an invoice shall be prepared and submitted to the applicant for reimbursement.

3.6.4 Followup requests for information on lists supplied to applicants do not constitute new requests. Except for photocopying charges, there is no additional fee for these requests.

3.6.5 Fees for electronic Site Registry searches done as the first step in responding to an SSIR are not included, and are in addition to the SSIR fee described in Schedule 3, Table 1, subsection 3 (a) of the Contaminated Sites Regulation.

3.6.6 The electronic Site Registry Search Request Application Form shown in Appendix 8 may be used to assist ministry staff in calculating the fees for the electronic Site Registry search component of a response to a SSIR.

Revision history

Approved Date	Effective Date	Document Version	Notes
August 18, 1999	August 18, 1999	1.0	

APPENDIX 1

GENERAL RESPONSE LETTER

<DATE>

File 292/CONT

<APPLICANT'S ADDRESS>

Dear <APPLICANT'S NAME>:

Re: Request for Information - <PROPERTY ADDRESS/LOCATION
DESCRIPTION>

The Ministry of Environment, Lands and Parks received your request for access to information on the property located at <PROPERTY ADDRESS/LOCATION
DESCRIPTION> on <RECEIVED DATE>.

Some or all of the requested information is routinely available to the public for a fee as described by the Contaminated Sites Regulation, without the need to request access under the *Freedom of Information and Protection of Privacy Act*. For your convenience I have attached a **Site-Specific Information Request Application Form** which should be forwarded to the appropriate BC Environment office(s) as indicated on the form.

If you need assistance completing your Site-Specific Information Request Application Form, please contact your local BC Environment office or the SITE Administrator at (250) 387-9754.

Yours truly,

Manager
Information and Privacy

Enclosure

APPENDIX 2

SITE-SPECIFIC INFORMATION REQUEST APPLICATION FORM

APPENDIX 3

FORM FOR CONVEYING RESULTS OF COORS SEARCH

Ministry of Environment, Lands and Parks

RESULTS OF SEARCH OF
CONSERVATION OFFICER SERVICE ELECTRONIC RECORDS

A search of the ministry's Conservation Officer Service electronic records indicates the following **charge and conviction** related information for **ABC Company** between **date and date**.

Name:
Address:
City:
Issue Date:
Charge:
Description:
Disposition:
Penalty:
Government Body:

The information provided above is believed to be accurate. However, if you wish to confirm the information's accuracy, a request should be directed to **government body**, the primary recorder of the information indicated.

APPENDIX 4

COVER LETTER A

NO FILE INFORMATION AVAILABLE

Telephone:
Facsimile:

<APPLICANT'S ADDRESS>

File:
<DATE>

Dear <APPLICANT'S NAME>:

RE: <ENTER SUBJECT OF REQUEST: SITE NAME AND LOCATION>

This will confirm receipt of your \$107.00 payment and your request for a search of BC Environment <REGION> office's information to be conducted for the above property.

A search was conducted of our Victoria site files and associated records. *No information concerning this property was found.*

A search was conducted for other sites where BC Environment has site investigation or remediation information within an approximate 500 metre radius of the captioned property. Please note that sites found through this search are denoted by a circled "S" accompanied by their site identification number (Site ID). Such sites are not necessarily indicative of contamination, but do indicate locations where we have information. If you require information regarding the sites displayed on the attached map, please submit a Site Specific Information Request Form denoting the Site ID, along with the appropriate remittance.

Our site files and computer records contain information concerning sites which enter the site assessment and remediation process. Site records are generally available for such activity from approximately 1989 to present. As indicated on the Site-Specific Information Request Application Form, BC Environment's <REGION> and Victoria offices may have access to different information.

A search of our waste management system (WASTE) was also conducted for this property for other associated permits, approvals or orders. Please note that this database contains information from approximately 1990 to the present. *No records concerning this property were found on WASTE.*

A search of the Special Waste Information System (SWIS) was also conducted for the company listed. *No information concerning this property was found.*

A search of the ministry's Conservation Officer Service records was also conducted for the company(s)/individual(s) listed. Please note that this database contains information from approximately 1990 to the present. *No records concerning the company(s)/individual(s) was found.*

The foregoing file information is based on the most recent information available to BC Environment <REGIONAL> office with respect to this property. BC Environment

makes no representation or warranty as to the completeness or accuracy of the information provided. The existence or absence of a site file or computer record provides no assurance that a site is not contaminated.

Yours truly,

<REGIONAL CONTACT>

APPENDIX 5

COVER LETTER B

SMALL AMOUNT OF INFORMATION AVAILABLE AND NONE WITHHELD

Telephone:
Facsimile:

<APPLICANT'S ADDRESS>

File:
<DATE>

Dear <APPLICANT'S NAME>:

RE: <ENTER SUBJECT OF REQUEST: SITE NAME AND LOCATION>

This will confirm receipt of your \$107.00 payment and your request for a search of BC Environment <REGION> office's information to be conducted for the above property.

A copy of <REGION>'s routinely-releasable, site file information concerning this property is attached.

If such information is made available to BC Environment, site files and computer records contain information concerning sites which enter the site assessment and remediation process. Site records are generally available for such activity from approximately 1989 to present. As indicated on the Site-Specific Information Request Application Form, BC Environment's <REGION> and Victoria offices may have access to different information.

A search of our waste management system (WASTE) was also conducted for this property for other associated permits, approvals or orders. Please note that this database contains information from approximately 1990 to the present. *No records concerning this property were found on WASTE.*

A search of the Special Waste Information System (SWIS) was also conducted for the company listed. *No information concerning this property was found.*

A search of the ministry's Conservation Officer Service records was also conducted for the company(s)/individual(s) listed. Please note that this database contains information from approximately 1990 to the present. *No records concerning the company(s)/individual(s) was found.*

The foregoing file information is based on the most recent information available to BC Environment <REGIONAL> office with respect to this property. BC Environment makes no representation or warranty as to the completeness or accuracy of the information provided. The existence or absence of a site file or computer record provides no assurance that a site is not contaminated.

Yours truly,

<REGIONAL CONTACT>

APPENDIX 6

COVER LETTER C

SMALL AMOUNT OF INFORMATION AVAILABLE AND SOME WITHHELD

Telephone:
Facsimile:

<APPLICANT'S ADDRESS>

File:
<DATE>

Dear <APPLICANT'S NAME>:

RE: <ENTER SUBJECT OF REQUEST: SITE NAME AND LOCATION>

This will confirm receipt of your \$107.00 payment and your request for a search of BC Environment <REGION> office's information to be conducted for the above property.

A copy of <REGION>'s routinely releasable, site file information concerning this property is attached.

If such information is made available to BC Environment, site files and computer records contain information concerning sites which enter the site assessment and remediation process. Site records are generally available for such activity from approximately 1989 to present. As indicated on the Site-Specific Information Request Application Form, BC Environment's <REGION> and Victoria offices may have access to different information.

A search of our waste management system (WASTE) was also conducted for this property for other associated permits, approvals or orders. Please note that this database contains information from approximately 1990 to the present. *No records concerning this property were found on WASTE.*

A search of the Special Waste Information System (SWIS) was also conducted for the company listed. *No information concerning this property was found.*

A search of the ministry's Conservation Officer Service records was also conducted for the company(s)/individual(s) listed. Please note that this database contains information from approximately 1990 to the present. *No records concerning the company(s)/individual(s) was found.*

The following information was withheld from the attached package.

<INCLUDE WITHHELD INFORMATION LIST>

The above withheld information may be requested through the provisions of the *Freedom of Information and Protection of Privacy Act*. If you wish to request these records, please write to the Information and Privacy Section, P.O. Box 9336 Stn Prov Govt, Victoria BC V8W 9M1. For expedience, please attach a copy of this letter.

The foregoing file information is based on the most recent information available to BC Environment <REGIONAL> office with respect to the captioned site. BC Environment

makes no representation or warranty as to the completeness or accuracy of the information provided. The existence or absence of a site file or computer record provides no assurance that a site is not contaminated.

Yours truly,

<REGIONAL CONTACT>

APPENDIX 7

COVER LETTER D

LARGE COMPLEX FILE

Telephone:
Facsimile:

<APPLICANT'S ADDRESS>

File:
<DATE>

Dear <APPLICANT'S NAME>:

RE: <ENTER SUBJECT OF REQUEST: SITE NAME AND LOCATION>

This will confirm receipt of your \$107.00 payment and your request for a search of BC Environment <REGION> office's information to be conducted for the captioned property.

Given the large amount of information available, a list of records contained in <REGION>'s site file concerning this property is attached. Please review this list to determine if you require all, or some of the information.

If you require further information on the above items, please contact <REGIONAL CONTACT> at (XXX) XXX-XXXX. With the exception of photocopying fees, a subsequent request from you for further information on this site is covered by your initial payment.

The following information has been withheld.

<INCLUDE SEVERED INFORMATION LIST>

The above withheld information may be requested through the provisions of the *Freedom of Information and Protection of Privacy Act*. If you wish to request these records, please write to the Information and Privacy Section, P.O. Box 9336 Stn Prov Govt, Victoria BC V8W 9M1. For expedience, please attach a copy of this letter.

Where such information is made available to BC Environment, site files and computer records contain information concerning sites which enter the site assessment and remediation process. Site records are generally available for such activity from approximately 1989 to present. As indicated on the Site-Specific Application Form, BC Environment's <REGION> and Victoria offices may have access to different information.

A search of our waste management system (WASTE) was also conducted for this property for other associated permits, approvals or orders. Please note that this database contains information from approximately 1990 to the present. *No records concerning this property were found on WASTE.*

A search of the Special Waste Information System (SWIS) was also conducted for the company listed. *No information concerning this property was found.*

A search of the ministry's Conservation Officer Service records was also conducted for the company(s)/individual(s) listed. Please note that this database contains information from approximately 1990 to the present. *No records concerning the company(s)/individual(s) was found.*

The foregoing file information is based on the most recent information available to BC Environment <REGIONAL> office with respect to the captioned site. BC Environment makes no representation or warranty as to the completeness or accuracy of the information provided. The existence or absence of a site file or computer record provides no assurance that a site is not contaminated.

Yours truly,

<REGIONAL CONTACT>

APPENDIX 8

ELECTRONIC SITE REGISTRY SEARCH REQUEST APPLICATION FORM