

**NOTICE TO THE CITIZENS OF THE KWANLIN DÜN FIRST NATION
CONCERNING THE PROPOSED**

ACCESS TO INFORMATION REGULATION

PLEASE TAKE NOTICE THAT

- A.** On the 15th day of May 2018, in a duly convened meeting, the Council, pursuant to paragraph 49(1)(a) of the *Constitution of the Kwanlin Dün First Nation*, by Preliminary Vote introduced for first reading and later consideration the proposed Access to Information Regulation (the "Regulation").
- B.** Copies of the proposed Regulation are available to the citizens of the Kwanlin Dün First Nation at the Kwanlin Dün First Nation main administration offices and citizens who wish to submit their opinions concerning the proposed Regulation may do so in writing by delivering their opinions to the main administration offices located at 35 McIntyre Drive, City of Whitehorse, Yukon Territory, to the attention of the Chief by the 14th day of August 2018.
- C.** Subsection 49(2) of the *Constitution of the Kwanlin Dün First Nation* provides that if at least 25 citizens submit a Citizens Order to the Council to hold a public hearing regarding the proposed Regulation, the Council must hold such a hearing before considering the proposed Regulation and must consider a report from the public hearing during the course of its debate on the general purpose and the details of the proposed Regulation.



Chronological No: OIC-2018-15

File Reference:

Date: 15 05 2018
Day Month Year

KWANLIN DÜN FIRST NATION ORDER IN COUNCIL

ORDER IN COUNCIL TITLE: MOTION FOR PRELIMINARY VOTE INTRODUCTION AND FIRST READING OF THE PROPOSED ACCESS TO INFORMATION REGULATION

WHEREAS pursuant to subsection 48(1) of the *Constitution of the Kwanlin Dün First Nation* (the "Constitution"), any member of the Council may introduce a motion to enact, amend or repeal any Kwanlin Dün First Nation law; and

WHEREAS the Council, by OIC-2017-70 dated the 28th day of November 2017, introduced and gave first reading to the proposed Freedom of Information and Protection of Privacy Act (the "Act"); and

WHEREAS the proposed Access to Information Regulation (the "Regulation") is a regulation made under section 38 of the proposed Act.

BE IT HEREBY RESOLVED THAT pursuant to paragraph 49(1)(a) of the Constitution, the Council by Preliminary Vote moves that the proposed Regulation attached to this Order in Council as Schedule A and dated the 15th day of May 2018, be introduced for later consideration; and

BE IT FURTHER RESOLVED THAT pursuant to paragraph 49(1)(b) of the Constitution, a notice, attached to this Order in Council as Schedule B, shall be published and that copies of the proposed Regulation shall be made available to the citizens of the Kwanlin Dün First Nation and that the citizens shall be informed how they can submit their opinions concerning the proposed Regulation; and

BE IT FURTHER RESOLVED THAT pursuant to subsection 29(2) of the *Governance Act* (Kwanlin Dün First Nation), citizens can obtain a copy of the Regulation within 90 days prior to the scheduled second reading of the Regulation.



Chief Doris Bill

SCHEDULE A

(Order in Council OIC-2018-15)

SCHEDULE B

(Order in Council OIC-2018-15)

KWANLIN DÜN FIRST NATION

Freedom of Information and Protection of Privacy Act

Access to Information Regulation

For the First Reading by the Council
On this 15th day of May 2018

Kwanlin Dün First Nation
Freedom of Information and Protection of Privacy Act
ACCESS TO INFORMATION REGULATION

Enacted on this _____ day of _____ 201_

The Seal of the
Kwanlin Dün First Nation

Chief Doris Bill

Councillor Jessie Dawson

Councillor Howard MacIntosh

Councillor Dennis Calbery

Councillor Sean Smith

Councillor Ray Sydney

Councillor Charles Chief

The Council of the Kwanlin Dün First Nation hereby enacts this Regulation pursuant to section 38 of the Act as follows:

Short title

1. This Regulation may be cited as the *Access to Information Regulation*.

Definitions

2. (1) In this Regulation

"Act" means the *Freedom of Information and Protection of Privacy Act* (Kwanlin Dün First Nation), 201_.

(2) With the exception of the definition in subsection (1), all definitions in the Act apply to this Regulation.

Making an access to information request

3. (1) An application by an individual for access to his or her own personal information must be made to the privacy officer in writing, by completing the Request for Access to Personal Information in Schedule A to this regulation.

(2) An application for access to a record must be made to the privacy officer in writing, by completing the Request for Access to Information in Schedule B to this regulation

(3) An applicant who is unable to comply with subsections 3(1) or (2) may instead apply by submitting to the privacy officer a written request that

(a) contains sufficient detail to enable the privacy officer to identify, with reasonable effort, the personal information or the record sought; and

(b) indicates whether the request is for a copy of a record or to examine the original record.

(4) An application may be submitted to the privacy officer by mail, email, or hand-delivery.

(5) Despite the rest of this section, an applicant instead may make an oral request for access, but it must be made directly to the privacy officer and the request shall not be acted on until the applicant provides the privacy officer with the information required under paragraphs (3)(a) and (b).

Availability of access to information request forms

4. Individuals, citizens and qualifying persons may obtain Schedule A, referred to in subsection 3(1) and Schedule B, referred to in subsection 3(2), from the privacy officer, at the Kwanlin Dün First Nation administration building, or from the Kwanlin Dün First Nation website.

Making an application to access information on behalf of another person

5. If an applicant is acting on behalf of another person because that other person is under 19 years of age, or is not competent because of mental illness or other infirmity to exercise his or her rights under the Act, the applicant must provide written proof satisfactory to the privacy officer of the applicant's legal authority to make the request on behalf of the other person.

Fees

6. Each access request is subject to payment of the following fees for processing the request:

(a) \$5 administration fee;

(b) \$10 for every 30 minutes of work related to the application after the first three hours;

- (c) \$0.15 per page for photocopies and computer printouts; and
- (d) \$8 per removable storage medium, e.g., DVD or USB drive.

7. (1) The privacy officer shall, before providing the services, give the applicant an estimate of any fee payable for the services he or she requests and the applicant shall pay the fee before his or her request is processed. If the fee is not paid and the applicant does not contact the privacy officer, then in accordance with section 27(1) of the Act, 30 business days after contacting the applicant, the privacy officer may declare the request abandoned.

(2) A fee estimate is not binding and the actual fee that is payable is the amount calculated in accordance with section 6.

(3) The privacy officer shall advise the applicant if it appears that the actual fee is likely to be more than 25 per cent greater than the estimate. If the actual fee is less, the applicant shall be refunded the difference upon completion of his or her request.

(4) The privacy officer shall give the applicant notice of the actual fee payable under this section.

Waiver of fees

8. (1) The privacy officer may, at the request of the applicant, waive all or part of the fees payable if the privacy officer is satisfied that

- (a) the payment would impose an unreasonable financial hardship on the applicant or the person on whose behalf the applicant is applying; or
- (b) the request for access relates to the applicant's own personal information and waiving the fees would be reasonable and fair in the circumstances.

(2) No fee is payable if the cost of the service calculated in accordance with section 6 is less than \$25.

Coming into force

4. This Regulation shall come into force on a date fixed by the Council.

Schedule A



**Freedom of Information and Protection of Privacy
REQUEST FOR ACCESS TO PERSONAL INFORMATION**

"Every individual has the right to and shall, upon written request to the privacy officer, be given access to view and obtain a copy of personal information about that individual in a record in the custody or under the control of the Kwanlin Dün First Nation, subject to the provisions of this Act."

Subsection 18(1) of the
Freedom of Information and Protection of Privacy Act (Kwanlin Dün First Nation), 201_

Confidential

APPLICANT

Name _____ First / Middle / Last
Mailing Address _____ City / Town / Community
Territory/Province _____
Postal Code _____
Telephone _____

REQUESTED INFORMATION

1. Describe the record(s) you would like to access.

2. List dates, events, Kwanlin Dün First Nation department involved, file numbers and any other details that will help the Privacy Officer locate and identify the record(s). If you are requesting another person's information, you must attach that other person's signed consent for disclosure. If you need more space, please attach a separate sheet of paper.

3. Preferred method of access: Examine original or receive copy: by mail or by e-mail
or on DVD, USB flash drive, etc. (there is a \$8 fee per device)

Your Signature

Date Signed (yyyy/mm/dd)

Send completed copy to:

Privacy Officer, Kwanlin Dün First Nation, 35 McIntyre Dr., Whitehorse, YT Y1A 5A5

Personal information collected on this form is collected under the *Freedom of Information and Protection of Privacy Act* (Kwanlin Dün First Nation) 201_, and will be used only for the purpose of responding to your request. For further information contact the Privacy Officer (633-7800).

Schedule B



**Freedom of Information and Protection of Privacy
REQUEST FOR ACCESS TO INFORMATION**

"Subject to the restrictions set out in section 4 and this section, a citizen or qualifying person who makes a request for information has a right of access to any record in the custody or under the control of the Kwanlin Dün First Nation."

Subsection 19(1) of the
Freedom of Information and Protection of Privacy Act (Kwanlin Dün First Nation), 201_

Confidential

APPLICANT

Citizen Qualifying Person

Name _____ First / Middle / Last

Mailing Address _____ City / Town / Community

Territory/Province _____

Postal Code _____

Telephone _____

REQUESTED INFORMATION

1. Describe the record(s) you would like to access.

2. List dates, events, Kwanlin Dün First Nation department involved, file numbers and any other details that will help the Privacy Officer locate and identify the record(s). If you are requesting another person's information, you must attach that other person's signed consent for disclosure. If you need more space, please attach a separate sheet of paper.

3. Preferred method of access: Examine original or receive copy: by mail or by e-mail
or on DVD, USB flash drive, etc. (there is a \$8 fee per device)

4. If you are not a Kwanlin Dün First Nation citizen (but are applying as a qualifying person), describe how you are directly and significantly affected by the information contained in the record(s) requested.

Your Signature

Date Signed (yyyy/mm/dd)

Send completed copy to:

Privacy Officer, Kwanlin Dün First Nation, 35 McIntyre Dr., Whitehorse, YT Y1A 5A5

Personal information collected on this form is collected under the *Freedom of Information and Protection of Privacy Act (Kwanlin Dün First Nation) 201_*, and will be used only for the purpose of responding to your request. For further information contact the Privacy Officer (633-7800).