

# RELEASING INFORMATION FROM CLOSED PROCESS FILES

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## INTRODUCTION

The Board often receives requests for access to (or copies of) information contained within closed process files (often contained in the Board's microfiche collection). As outlined elsewhere, the Board must comply with the provisions of the [Freedom of Information and Protection of Privacy Act](#). See: [FOIPP: [Access to Information, Chapter 5\(b\)](#); FOIPP: [Protection of Privacy, Chapter 5\(c\)](#)].

The FOIPP Act contains two principles that often conflict. Public bodies must provide *access* to information they have upon request. When providing such access, the public body must also *protect the privacy* of third parties. This conflict makes it difficult to determine what documents (or portions thereof) can be released and to whom.

This chapter addresses what information can be released from closed process files to various parties. A separate chapter addresses requests for access to active process files. See: [[Releasing Information from Active Process Files, Chapter 5\(d\)](#)].

This chapter addresses requests by parties *other* than an official FOIPP request. If a request comes in the form of a FOIPP application, immediately refer the matter to the Manager of Administrative Services or the Board's Legal Counsel.

## WHAT AND TO WHOM?

When the Board receives a request for documents from a closed process file, first determine who is making the request: an affected party or an unaffected party.

- **Affected party:** An affected party includes the applicant and any respondents. It *may* also have included an affected employee (or group of employees).
- **Unaffected party:** An unaffected party may include employees, unions, employers and counsel not directly affected by the file as well the public, government departments, MLAs, and the media.
- **Researcher:** The FOIPP Act provides special provisions for academic researchers.

The information available to researchers, affected parties, and unaffected parties differs.

### ***Affected Parties***

Affected parties normally receive a complete copy of the microfiched file. The process of stripping and microfiching the file removes all sensitive information. Files that have not yet been stripped and microfiched require more careful culling before providing a copy. Affected parties may receive the following documents from a closed but not yet microfiched file:

- a copy of the application and its supporting documents (except evidence of support, see below);
- copies of notices;
- letters to and from the affected parties;
- officer's reports or memos;
- external employee and voters lists; and
- hearing summaries.

Affected parties do **not** receive:

- evidence of support (normally the last two pages of the certification and revocation applications as well as petition or membership evidence);
- those documents (or portions thereof) that indicate either an individuals' support for an application or the precise level of that support;
- documents from the left-hand side of the file; and
- copies of information recorded in the database (e.g., LRO comments, resolution strategies, synopses, employee lists).

### ***Unaffected Parties***

Unaffected parties normally receive a complete copy of the microfiched files. Before these documents are provided to unaffected parties, the Manager of Administrative Services must sever the personal information of third parties. This means the Board **does not grant access to its microfiche**; rather, the board provides a severed paper copy to unaffected parties. Closed files that have not yet been stripped require more careful culling. The documents from an closed but not yet microfiched file that unaffected parties may have include **severed** versions of:

- a copy of the application and its supporting documents (except evidence of support, see below);
- copies of notices;
- letters to and from the affected parties;
- officer's reports or memos; and
- hearing summaries.

Affected parties do **not** receive:

- evidence of support (normally the last two pages of the certification and revocation applications as well as petition or membership evidence);
- those documents (or portions thereof) that indicate either an individuals' support for an application or the precise level of that support;
- employee and voters lists;
- documents from the left-hand side of the file; and
- copies of information recorded in the database (e.g., LRO comments, resolution strategies, synopses, employee lists).

## **RESEARCHERS**

Under some conditions, the FOIPP Act allows academic researchers to access unsevered records where individually identifiable information is necessary to accomplish the purpose of the research. Section 42 of the FOIPPA outlines several conditions that go along with such access and researchers are required to sign an agreement with the Board *prior* to access being granted.

Direct researcher requests to the Manager of Administrative Services. Before access will be granted, researchers must to provide the Board with a research proposal outlining the nature of the research, the records required and the process by which they will ensure the information remains confidential.

## **OTHER OPTIONS**

Affected and unaffected parties dissatisfied with these documents may make application under FOIPP. Such an application should be immediately directed to the Manager of Administrative Services.