FOI Requests that Create Conflict of Interest

**Purpose**

To define the circumstances when Archives Department staff may be in a real or perceived conflict of interest when coordinating the University's response to a FOI request received under B.C.'s Freedom of Information and Protection of Privacy Act.

To designate an independent third party who, in these circumstances, shall review, recommend an access decision, and sever the record(s) responsive to an FOI request.

**Responsibility**

Archives Department staff are responsible for bringing any potential conflict of interest to the attention of the Information and Privacy Coordinator.

The Information and Privacy Coordinator is responsible for bringing any potential conflict of interest to the attention of his/her supervisor.

The supervisor is responsible for deciding if a real or perceived conflict of interest exists, and referring to the designated third party for review the record(s) responsive to the FOI request that create the conflict.

The designated third party is responsible for completing an independent FOI review of the record(s) referred to her/him.

**Scope**

This policy applies to the University Archives Department.

**Policy**

Archives Department staff shall be deemed to be in a real or perceived conflict of interest in the following circumstances:

- when the record(s) responsive to a FOI request was/were written by a member of the Archives Department staff;
- when the record(s) responsive to a FOI request refers to a member of the Archives Department staff; or
- when the record(s) responsive to a FOI request contains information from which a member of the Archives Department staff could derive benefit or gain due to her/his status as a member of the faculty association.

Any other circumstances that give rise to a potential conflict of interest when coordinating the University's response to FOI requests shall be decided on a case by case basis.

The designated independent third party to whom the record(s) responsive to a FOI request shall be referred pursuant to this policy is the Director, Secretariat Services.

Should both Archives and the Director, Secretariat Services be named in a document under review, the matter will be referred to the next highest supervisory level at which there is no conflict of interest.
When a FOI applicant requests that the Information and Privacy Commissioner’s Office review the university’s access decision, and it involves records covered by this policy, the Director, Secretariat Services shall be the university’s mediation contact for those records that create the conflict. For all other records, the university’s Information and Privacy Coordinator shall be the mediation contact.

Procedure

Upon deciding that a real or perceived conflict of interest exists, only the record(s) responsive to a FOI request that create the conflict shall be referred to the Director, Secretariat Services. All other records shall be reviewed by the Archives Department according to its usual procedures.

The Director, Secretariat Services shall, according to those standard procedures used by the Archives Department:

- review the record(s) for possible FOI exceptions to the right of public access,
- document the review,
- prepare an access review recommendation for approval and signature by the appropriate SFU administrator with designated FOI decision-making authority, and
- indicate the information that is to be severed, if any, from the record(s).

The Archives Department shall provide all necessary administrative support to enable the Director, Secretariat Services to complete the review of records.

The Archives Department shall remain responsible for coordinating the University's final response to a FOI request, including the record(s) reviewed by the Director, Secretariat Services, according to the Department's standard procedures.