

POLICY ADVISORY - BLACK BOOKS

TOPIC

Treatment of “black books” under the *Freedom of Information and Protection of Privacy Act* (the Act). See also Sections C.4.2, C.4.4, C.4.8, C.4.12 and C.4.13 of the cross-government Policy and Procedures Manual (the Manual).

BACKGROUND

Black books are note books, desk diaries, desk calendars, organizers or any other item used by public body employees to record their daily personal and ministry activities, notes of telephone conversations, notes of meetings, lists of things to do, notes on work done and other work-related or personal activities.

FOIPP PROVISIONS

Black books are subject to the Act. All work-related information in these records (e.g., notes of ministry meetings, records of ministry telephone calls) is potentially releasable, regardless of the form in which it is recorded (e.g., a bound notebook, a computer, an electronic organizer, a notepad or any other medium). If a black book is the subject of a formal request under the Act, a public body reviews it line by line and discloses all information that is not excepted from disclosure.

Exceptions that may apply to these records include:

- Cabinet confidences, for example, a reference to an issue to be discussed in Cabinet (see section 12 of the Act and Section C.4.2 of the Manual);
- personal information, where its disclosure would constitute an unreasonable invasion of a third party's privacy, for example, a dental appointment or a private meeting (see section 22 of the Act and Section C.4.13 of the Manual);
- government economic or financial information, for example, investment holdings (see section 17 of the Act and Section C.4.8 of the Manual);



- third party business information, where its disclosure would harm the third party (see section 21 of the Act and Section C.4.12 of the Manual);
- advice or recommendations (see section 13 of the Act and Section C.4.4 of the Manual);
- legal advice (see section 14 of the Act and Section C.4.5 of the Manual).

KEY POINTS TO REMEMBER

- Identify program, constituency and personal information separately in black books, to facilitate severing of excepted information.
- Record comments, notes, reminders and other items on the assumption that they are accessible under the Act.
- Contact your ministry's Director or Manager of Information and Privacy for more detailed assistance regarding the Act.

July 1, 1999

