

## **POLICY ADVISORY - CORRESPONDENCE**

### **TOPIC**

Treatment of correspondence under the *Freedom of Information and Protection of Privacy Act* (the Act). See also Sections A.2, 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**

Correspondence created or received by a public body in the course of carrying out its programs and activities is a government record. Correspondence created or received by the office of a minister or a Member of the Legislative Assembly for constituency or political purposes is not covered by the Act. These records should be kept separately from government records. See the separate backgrounder on constituency business and Section A.2 of the Manual for details on the latter type of record.

Public bodies receive and produce several types of correspondence while carrying out their programs and activities. The following are examples of some types of government correspondence:

**Correspondence to and from private individuals writing in a personal capacity --** Such letters usually contain personal information, for example, the writer's name, address, personal opinions, details of the person's situation, or information on the writer's family, which is all subject to section 22 of the Act. Ministry replies to such letters also usually contain personal information.

**Correspondence to and from individuals writing in a business capacity --** These letters are often written on business letterhead and express the writer's opinions as representative of a group, business, lobby group or other organization. They may contain business information about the organization in addition to some personal information. Ministry replies to such letters may contain personal information (see section 22 of the Act), economic information belonging to government (see section 17 of the Act), and business information (see section 21 of the Act).



**BACKGROUND - continued**

**Correspondence internal to government** -- Includes memoranda, notes, E-mail messages, and all other forms of internal communications between ministry officials or from a ministry official to the minister. It may contain many types of information, including Cabinet confidences (see section 12 of the Act) and policy advice (see section 13 of the Act).

**FOIPP PROVISIONS**

Correspondence, like any other record, may be the subject of a formal request under the Act. Upon receiving a formal request for correspondence, public bodies conduct a line by line review.

Information in correspondence which may be excepted includes:

- personal information, where its disclosure would constitute an unreasonable invasion of the third party's personal privacy, for example, a person's home address or personal opinions (see section 22 of the Act and Section C.4.13 of the Manual);
- business information of a third party, where its disclosure would harm the third party, for example, confidential financial forecasts (see section 21 of the Act and Section C.4.12 of the Manual);
- financial or other information of the government, where its disclosure would harm the financial or economic interests of the government, for example, investment holdings (see section 17 of the Act and Section C.4.8 of the Manual);
- internal memoranda which contain advice or recommendations (see section 13 of the Act and Section C.4.4 of the Manual);
- internal memoranda which refer to Cabinet confidences (see section 12 of the Act and Section C.4.2 of the Manual).



**KEY POINTS TO REMEMBER**

1. Correspondence to and from private individuals contains primarily personal information and should be protected from unauthorized access or disclosure. The contents of such correspondence should be limited only to those staff who “need to know” in order to adequately process the response.
2. Protect personal information in your files by making reasonable security arrangements. Consult with your ministry security officer, if necessary.
3. Do not routinely provide MLAs with copies of correspondence between ministry officials and private individuals, unless the individuals concerned have consented.
4. Draft correspondence on the assumption that it is accessible under the Act.
5. The name, title, duties and other information related to a public servant's position are not considered to be personal information.
6. Consult your ministry's Director or Manager of Information and Privacy for more detailed assistance with regard to the Act.

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