

Help with FOIP

Access and Privacy Branch

June 2018

Access Request Checklist

There are several key activities involved with processing an Access to Information request and you need to make sure all activities are completed within the legislated timeframes. The following checklist can be used to ensure that all key tasks are completed and timelines are met. This is intended as a guideline and can be modified to suit the needs of your institution. It is not always necessary to use the full 30 days allowed in the Act. A response should be provided sooner whenever possible.

Calendar Day Guidelines	Key Tasks	FOIP Tips	
Day 1 (day after receipt)	- Request received in government institution or local authority. - Log the request. - Set up a central FOIP office file. - Provide heads up - Start thinking about where responsive records might be.	- Make sure staff are aware of what an Access Request is, the urgency of the request, and where to immediately forward the request if received in their office. - Heads up should protect the identity of the applicant and should be on a need to know basis.	
30 calendar days to respond	Thirty-day clock starts	The thirty days start the day after the request is received in the government institution or local authority. For example, a request received November 1 is due December 1.	
Day 2	Identify the area(s) of your government institution or local authority that may have responsive records and discuss the request with the area(s).	Remind program/branch areas of the serious nature of access requests and that search efforts should include <u>all</u> responsive records.	
	Identify if clarification from the applicant will be required to process the request. Clock does not start until clarification is received	If clarification is required, try to contact the applicant by telephone immediately. If unable to reach the applicant, send a clarification letter outlining the details required to process the request.	

Audit and Information Management Branch
Ministry of Justice and Attorney General

Website: <https://publications.saskatchewan.ca/#/products/79809>
Email: accessprivacyjustice@gov.sk.ca

Disclaimer: The information in this document does not constitute legal advice. Please consult with your own legal counsel for legal advice related to either The Freedom of Information and Protection of Privacy Act or The Local Authority Freedom of Information and Protection of Privacy Act.

Calendar Day Guidelines	Key Tasks	FOIP Tips	
	Consider if request may need to be transferred to another government institution or local authority, in accordance with the Act.	Transfers must occur within 15 days of receipt in your government institution or local authority.	
Days 3 to 10	- Finalize which program area(s) have responsive records. - Program areas retrieve records and forward originals to FOIP Coordinator. - Consider need for time extension if extensive records to be searched. - Copy retrieved records and return originals to program area.	- Advise program areas to search for responsive records. - Keep accurate and complete documentation of search on the Access Request file.	
	Consider fees and send estimate if applicable with request for deposit. Clock stops until fee deposit is received	- A cost estimate must be provided if the fees will exceed \$100.00. - A government institution or local authority can require a deposit of up to 50% of the estimated fees prior to proceeding with work on the access request.	
	Consider if consultations will be necessary (either internal or external).		
	- Consider need for third party consultation - If applicable, send notices to third parties	See <u>Access Request – Third Party Notification Checklist</u>	
Days 10 – 11	Internal consultations	Consult with program areas for context and sensitivity.	
	External consultations	- Consult externally; for example, with government institutions or local authorities that have an interest in the records (if necessary). - Determine if time extension will be necessary to complete external consultations.	

Calendar Day Guidelines	Key Tasks	FOIP Tips	
Days 12 – 17	- Detailed line-by-line review of records. - Apply exemptions and quote necessary exemptions where there is severing. - Incorporate results of internal and external consultations into review (ongoing)	- Continue consultation with program areas. - Keep accurate and complete record of reasons for each exemption. - Keep accurate records of time spent severing if fee estimate was issued.	
Day 15	<u>Last day</u> for transferring the request to another government institution or local authority.	If you are transferring the application, remember to provide a copy of the transfer letter to the government institution or local authority receiving the request.	
Days 18 – 24	FOIP coordinator reviews internal / external consultations.	Advise senior management and communications on significant issues.	
	Consider whether time extension is needed to deal with outstanding external consultations.	Ask those involved in consultation process to respond immediately to avoid a time extension.	
	- Final analysis of internal and external consultations. - Seek comments/approvals from key individuals (senior management, communications)	Discuss any sensitive or major issue(s) with the Head or Access Officer (if one has been delegated) and/or senior management.	
	- Make any changes requested by senior management and the Head or Access Officer (if one has been delegated). - Prepare records for delivery to applicant. - FOIP Coordinator provides the Head or Access Officer with recommendations to finalize request.		
Days 25 - 27	- Finalize fee if necessary, to incorporate into final letter to applicant. - Records are not provided until all fees are paid.	The fees cannot exceed the original estimate but must be found in favor of the applicant if they are less than the original estimate.	

Calendar Day Guidelines	Key Tasks	FOIP Tips	
Day 30	• Send final response letter to applicant with records (unless access is fully denied). • Close file and maintain in central FOIP office.	• Ensure all correspondence and documentation has been included in the file.	