

Duty to Assist

The *Freedom of Information and Protection of Privacy (FOIP) Act* (the Act) allows any person a right of access to records in the custody or under the control of a public body subject to limited and specific exceptions. It should be clear though that the Act provides an additional mechanism for access to information and does not replace other means of obtaining information. If the information is or can be routinely available, an applicant should not be encouraged to file a formal access request.

University personnel should therefore:

- Continue to release information, respond to requests for information or provide copies of records according to current practice unless there is something in the Act that prevents the disclosure. If you are not sure whether or not information should be disclosed, review relevant protocols or consult the unit FOIP Advisor or the FOIP Coordinator.
- Ensure that routine requests are handled quickly, efficiently and in a professional manner. Note that unless the applicant has requested the personal information of another person, the identity of the applicant and indeed the motive for the request are not relevant. If information can be disclosed, it must be disclosed regardless of who has asked the question or why they want the information.
- Avoid denying information, citing the Act as your reason. Highlight the importance of protecting people's privacy and suggest options to solve access problems within the parameters of the privacy provisions of the Act.
- Whether the applicant seeks information through a formal or an informal process, the Act requires that all employees make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely.

If information cannot be disclosed or if the requested information is included with other information that cannot be disclosed, the applicant may need to file a formal access request. In this case, refer the applicant to the FOIP Coordinator at foip@ucalgary.ca.