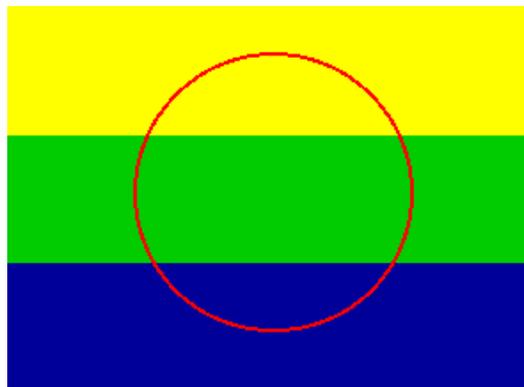


ACCESS TO INFORMATION POLICY

PEGUIS FIRST NATION



Adopted: Oct. 26, 2009

Peguis First Nation

Access to Information Policy

INTRODUCTION

This policy sets out rules and procedures governing access to information by Peguis First Nation members and the general public.

PRINCIPLES

- 1 The following principles are important in this policy:
 - (a) First Nation members are an integral part of the governance of our community. Their knowledgeable and informed input to governance decisions is a valued and necessary aspect of our tradition of consensus decision making. To promote an informed membership, information about Peguis First Nation government and its activities and plans needs to be known.
 - (b) Peguis First Nation members on and off reserve require access to information to keep themselves abreast of developments that may impact their rights and entitlements under treaty and legislation.
 - (c) Peguis First Nation recognizes that the basis for good governance is transparency and accountability to its members and other stakeholders who rely on our Council to provide current information on all matters. This must be balanced by certain operational requirements of privacy, confidentiality and legal privilege.

DEFINITIONS

- 2 The following definitions apply:
 - (a) “**band**” means Peguis First Nation Band;
 - (b) “**Chief and Council**” and “**council**” means the Peguis First Nation leadership consisting of one Chief and Councillors;
 - (c) “**Chief Information Officer**” shall be an employee appointed by Council who shall be responsible for the execution of this policy;
 - (d) “**employee**” means any individual employed by the Peguis First Nation or any of its committees, boards, agencies, corporations or other entities;
 - (e) “**institution**” means any body, organization or business that is established by and is within the legislative authority of the Peguis First Nation;
 - (f) “**member(s) of council**” means the Chief or one or more of the Band Councillors of Peguis First Nation;

- (g) “**member**” means an individual whose name appears on the Peguis First Nation membership list;
- (h) “**membership**” means all members;
- (i) “**personal information**” means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization;
- (j) “**record**” includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, file, microfilm, sound recording, videotape, machine-readable record and any other documentary material, regardless of physical form or characteristic, and any copy of any of those things;
- (k) “**secretary**” means the person appointed by the Council to record the minutes of the Council or committee meetings;
- (l) “**service area**” means an administrative division of the Peguis First Nation Government as established from time to time by the Council and includes branches, departments, administrative units and other internal organizational units of the Peguis First Nation.

RIGHT OF ACCESS TO RECORDS

- 3 Subject to the limitations set out in this policy and as prescribed by law, every member has a right to and shall, on request, be given access to any record under the control of an institution of the Peguis First Nation (PFN).

TYPES OF INFORMATION REQUESTS AND PROCEDURES

- 4 Upon receipt of an information request, the CIO will determine whether the request is for information listed in Schedule I or Schedule II and the applicable process.
- 5 A member who requests information of Peguis First Nation administration listed in Schedule I “Information That Does Not Require A Formal Request” shall be provided the information immediately or no later than within two working days of the request.
- (a) The name of the members that the information was released to shall be noted by the CIO.
- 6 A member who requests information listed in Schedule II “Information Request That Needs To Be Formally Requested” shall fill out the form in Schedule III and submit it to the CIO.
- 7 Any person or organization, other than a member, who requests information, shall be referred to the CIO.

- 8 In order to safeguard the privacy of individuals as required by law, the CIO may require the applicant of information to execute a confidentiality document and/or cross out certain information such as names and other personal information in the record being accessed to prevent the information from being read.
- 9 A reasonable charge may be made by the CIO for duplication of records.
- 10 Examination of records is available during any hours the Band Office is open.

COUNCIL CONFIDENCES

- 11 In order that the Council may carry out its mandate to lead community governance, certain information relating to advocacy, negotiations, material subject to solicitor-client privilege and other matters essential to good governance shall be deemed to be Council confidences and shall be exempted from this policy.

ORGANIZATION

- 12 In order to coordinate information gathering and release of information in this policy, each program and service area shall designate a staff member to be responsible for responding to information requests.
 - (a) In each case, the final approval for release of information pertaining to items in Schedule II shall be given by the CIO.
 - (b) In the event that a request for information is denied, the CIO shall notify the requester of this decision in writing including the reason for denial within five working days of the decision.
- 13 The CIO shall make every effort to assist members who make a request for the disclosure of information.

RIGHT OF ACCESS

- 14 To make sure that an applicant has a right of access to information, the designated staff member must satisfy himself that the applicant is entitled to the information being requested. Among other things, a status card of the requester or other identification and the Band Membership List may be checked to determine whether the applicant is entitled to receive the information requested.

DISCLOSURE OF PERSONAL INFORMATION

- 15 In order to protect the privacy and personal information of individuals, any information about an identifiable person, any personal health information, or any information relating to social assistance, child and family matters, social assistance, housing applications or contracts with businesses shall not be disclosed under this policy.

APPEAL

- 16 A member who has been denied his/her request for information may appeal the decision, stating the grounds for appeal, to the Peguis First Nation Redress Committee, as set out in Schedule IV of this policy, within 7 days of notification by the CIO.
- 17 The Peguis First Nation Redress Committee shall determine the appeal of the member within 30 days and notify the member of their decision in writing.

POLICY INTERPRETATION

- 18 For policy interpretation staff should contact the CIO, or in his absence, the legal advisor for assistance.

SCHEDULE I

Information That Does Not Require a Formal Request

1. Program or service public information such as brochures, pamphlets, and other information that is descriptive or otherwise intended to encourage public awareness of programs and services;
2. Notices of meetings and schedules;
3. Peguis First Nation program and services budgets, annual reports and community plans;
4. Long term plans and budgets;
5. Minutes of Council, General Assemblies and Committee meetings.
6. Band membership list consisting of the first name and last name of the member;
7. Peguis First Nation lands, leases and plans;
8. Member Housing List;
9. Program and service policies and procedures;
10. Peguis First Nation Funding agreements;
11. Recipients of Peguis member grants and loans;
12. Peguis First Nation annual audited financial statements; and
13. Salaries, benefits, honoraria and travel expense reports of members of Council. Elected officials including Chief and Council;

SCHEDULE II

Information That Requires A Formal Request.

1. Internal staff and Council correspondence, memoranda, reports, and other records relating to negotiations, planning and internal reporting and administration; and
2. Council records other than minutes of regular meetings, including briefings, submissions and correspondence.

SCHEDULE III

Information Access Request Form

1. Name of Applicant: _____

2. Information or Document(s) Requested:
The more specific the request, the sooner and more likely you will be provided the information requested.

Print Name

Signature

Date

Appeal: The requester may appeal a decision denying his/her request for information by filing an appeal to the Peguis First Nation Redress Committee.

For Office Use Only.

Request approved:

Request denied:

Reason:

Chief Information Officer

Signature

Date

Reason(s) (If request is denied only.): _____

SCHEDULE IV
Appeal Form

Date: _____

Name of staff member this appeal is presented to: _____

1. Name of Applicant: _____

2. Date of Decision being Appealed: _____

3. Grounds for Appeal (ie. Why I am appealing the decision):

For Office Use Only:

Date appeal is transmitted to Appeal Committee: _____