



Staff Advisory Board & Committee Member Guide to Access and Privacy

Working with the Municipal Freedom of Information and Protection of Privacy Act

- What is it all about?
- What is Personal Information?
- How Does it Affect the Township?

Township of Uxbridge documents are available in alternate formats upon request. Please fill out the Accessibility Request for Alternate Formats Form at www.town.uxbridge.on.ca or contact the Accessibility Coordinator at 905-852-9181 ext. 209 or at accessibility@town.uxbridge.on.ca.



What is it all About?

F.O.I. or Access and Privacy are commonly used terms that refers to the *Municipal Freedom of Information and Protection of Privacy Act* (M.F.I.P.P.A.). The *Act* came into force in 1991 and applies to all levels of government and its agencies.

The fundamental purpose of the *Act* is accountability to the public. The spirit of the *Act* is to create an open and accountable government by providing as much information as possible to the public, while ensuring that their personal privacy is protected.

Basic principles of the *Act* are:

- **to provide a right of access to information** under the custody and control of government agencies in accordance with the principles that information should be available to the public and that the necessary exemptions from the right of access should be limited and specific; decisions on the disclosure of information should be reviewed independently of the institution controlling the information; and
- **to protect the privacy of individuals** with respect to ***personal information*** about themselves held by institutions, and to provide individuals with a right of access to that information.

The Public can request information under the *Act* and requests are processed by the Clerk's Department. What is released is based on the *Act* itself.



What Information does the *Act* Cover?

The *Act* covers ALL recorded information (except human resources or labour relations information) in the custody and control of the Township.

Physical records include any paper in printed or hand-written form, books (including logbooks), microfilm, magnetic tape, videos, photographs, CDs, disks, and maps that have been created or received by the institution.

Electronic media includes captured records stored in any electronic medium, including mainframes, servers, PCs, databases, data warehouses, electronic record-keeping systems, financial systems, web sites, intranets, e-mails, voice mail, etc.

Did You Know

Your e-mail and your voice mail messages are electronic records that are governed by the *Act*!



What is *Personal Information*

Personal information is recorded information about an *identifiable individual*.

Personal information is any information relating to an individual's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, education, medical, psychiatric, psychological, criminal or employment history, fingerprints, blood type, name, address, phone number, personal opinions or views, or any other information that could lead to an accurate conclusion about the identity of another individual.

It is against the law to release any personal information to anyone other than the person that the information is about.

Did You Know

Information about an individual who has been deceased for more than 30 years is not considered *personal information*!



What is NOT Released to the Public?

The public have the right to ask for access to all municipal information. However, access may be denied if the Clerk determines that the request for access is frivolous or vexatious, or if the requested information falls within one of the following categories:

Mandatory Exemptions:

- Personal information;
- Inter-governmental relations; and
- Third party information.



Discretionary Exemptions:

- Draft By-laws, reports, and records of closed meetings;
- Legal or consultant advice or recommendations;
- Law enforcement;
- Danger to health & safety;
- Economic or other interest;
- Limitations on access to own personal information;
- Solicitor-client privilege; and
- Published information.





What Information is Routinely Made Available to the Public

Today's government is transparent; our goal is to be open, credible and accountable.

All Township Departments routinely release a variety of information that is of interest to the public. Information that is posted on the Township's website is "routinely disclosed and actively disseminated"; anyone can access it quickly and easily.

The Township has numerous policies that address the release of specific types of information; these policies are electronically available to staff in the Clerk's Department.

The following list sets out some examples of information that the Township routinely makes available to the public.

Clerk's Department

Council and Committee Agendas, Minutes, Committee reports, Staff reports, By-laws, tender opening and general community information.



Development Services Department

Building reports and statistics, construction activity statistics, property standards orders, and Committee of Adjustment variance decisions.

Ontario Municipal Board (OMB) hearings, status of public planning meeting information as provided by the applicant, re-zoning and site plan development information.

Community information, development activity charts, business information, marketing information, population and demographic information, information about events and attractions.

Public Works and Operations

Transportation studies, servicing and development agreements, servicing standard reports, and construction contracts.

Traffic counts, route maps and maintenance of public property information.

Parks and Recreation programs, Township events, seniors program information, and information on Township recreational facilities.



Fire and Emergency Services

Fire prevention and public safety information and building inspection reports (not complaint driven).

Township of Uxbridge Public Library

Library catalogue, community information and events information, historical and genealogical information and library programs.

Treasury Department

Annual budgets and financial statements.





How Do I Know if I Can Release Information?

Most requests for information from the public do NOT require processing through the *F.O.I. Act!*

Staff & Volunteers should try to clarify the request to determine exactly what information the requester needs (sometimes requesters don't really know what they want). Think of your role as a detective; search for clues and put together the big picture.

Use the following questions as guidelines to determine if you should release the information.

Is there personal information about an identifiable individual contained in the information?

Is it copyrighted material?

Is there a lawsuit underway regarding this information?

Would its release have a financial or economic impact on the Township or a third party?



Is it as a result of a complaint?

Is it Law Enforcement information?

Was it third party information received in confidence? (ex. financial information, client lists, etc.)

If you answer **YES** to any of the above questions, it is a good indication that the information **should NOT be released!**

If a person has requested information that fits any of the above criteria, they must submit a formal *F.O.I.* request.

What Should I Do If I Cannot Release the Requested Information?

The *F.O.I. Act* applies only when a requester has been denied access to information.

The requester should be advised that they must submit a **written request** for the information under the *F.O.I. Act*.

Please always refer the requester to the Clerk's Department. We will take it from there!



There is a **\$5.00 application fee** that must accompany all *F.O.I.* applications in order to be considered as a formal request. All fees are set by the provincial government and cannot be changed.

The Clerk's Department will emphasize the importance of providing complete information to the requester (ex. type of records, subject, timeframes, departments that should have the information, if they want to view the original records or receive copies, etc.)

The Clerk's Department will then check the letter/form to make sure it is complete and has all the information as listed above, date stamp and initial the request.

Did You Know.....

Over 35,000 freedom of information requests were filed in Canada in 2010!



What are the Fees Under the *Act*?

All fees are set by the provincial government. They are as follows:

Application Fee	\$5.00
Search Time	\$7.50/15 min.
Preparation Time	\$7.50/15 min.
Computer Programming time	\$15.00/15 min.
CDs/DVDs	\$10.00
Photocopying	.20¢/page
Other	As Billed

Fees can be waived if it is in the public's best interests to do so, or if the fees would cause financial hardship to the requester.

Did You Know....

Photocopying charges do NOT include the time it takes you to actually photocopy the records!



What About Legal Issues?

Copyright: Many requesters seek access to building plans, structural drawings, blueprints, and surveys that are copyrighted materials which have been submitted to the Township of Uxbridge.

All requests for these types of records should be made to the Development Services. For security purposes the requester must be the owner of the property or have a permission letter from the owner before the information will be released. There is a standard charge for this service as per the Township of Uxbridge Fees By-law.

Litigation: With respect to legal proceedings, particularly OMB hearings, some individuals have tried to use the *F.O.I. Act* for a number of reasons. There is a Discovery process available to solicitors; however, if the solicitor chooses not to exercise this option, requesters may ask for information under the *Act* (but the exemptions under the *Act* will still apply). During civil litigation, the Discovery process overrides the *F.O.I. Act*.



How Can I Provide Information Outside of the *Act*?

Will a Summary Do the Job?

Sometimes the public requests reports that contain personal information (such as Fire Incident Reports or Traffic Accident Reports). In most cases, the requester would be satisfied with a **summary of the data** without the personal information, rather than copies of the specific reports. Examples where a summary might be sufficient are:

the total number of fires at a particular address, or the total number of traffic accidents at a particular intersection. If the requester is happy with data minus the personal/confidential information, you may provide it outside the formal *F.O.I.* process.





Is the Information Available Elsewhere?

Sometimes the requested information is available through other sources. For example, many property surveys are on file at the Land Registry Office and are available to the public immediately, for a minimal cost.

In order to access a property survey on file at the Township of Uxbridge, a requester would have to submit a formal *F.O.I.* request because of the copyright issue. Accessing this type of record through *F.O.I.* would be more costly, take longer, and be more labour intensive.

Compliance Letter or *F.O.I.* Request?

In many cases, the Township's standard compliance letter would be sufficient information to address the concerns of the requester. Compliance letters are commonly prepared in response to requests from homeowners and lawyers for real estate transaction purposes. These compliance letters address the following questions: if the site is located on an old landfill; municipal servicing; local improvements; urbanization; zoning; Official Plan designation; site plan control; levies owing; outstanding work orders; etc. Compliance letters are processed by the Development Services Department.



I Have Received a Search Memo from Records & Information! What Should I Do Now?

Once a formal *F.O.I.* request is received, the Clerk's Department will send out a Search Memo to the appropriate departments, usually via e-mail.

All requests under the *Act* are **confidential**. The requester's name is never released and is not included in the Search Memo.

The details of the request, and the day that the information is due will be included in the Search Memo. There is a time limit of 5 working days for the collection of the requested records, unless more time is required due to the nature of the request. Please start working on it as soon as possible! 5 days is not as long as you think!

Please ensure that your search includes all media and locations (both active and inactive records). **Please DO NOT black or strike out any information - we need to know what is there!**

Don't forget to keep track of the **time you spend searching**. We can charge it back to the requester.



If you have any concerns about the information being released, please let us know. You know your records the best! Although we must release records in accordance with the *F.O.I.* legislation, if possible, we will try to follow your lead about the release of records.

Once you have all the information together, with time noted, please forward the information to the Clerk's Department as soon as possible, and you are done!

What Does the Clerk's Department Do With the Information?

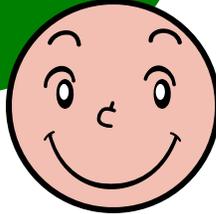
Once we receive the information, we examine it with the exemptions of the *Act*, and staff & volunteer comments in mind. It is standard procedure for us to contact our Solicitors in case of pending lawsuits. Under the *Act*, we are obliged to respond to the requester within 30 days. If there is a large volume of information, we may ask for an extension to the time limit.

We then **sever the information that cannot be released**, and notify the requester of our decision. At the same time, we request the processing fee (if applicable) and close the file.





What are the Benefits of F.O.I.?



The benefits of F.O.I. are:

- ✓ Increased customer satisfaction;
- ✓ Improved communication between the public staff and Advisory Boards and Committees;
- ✓ Improved public image for the Township of Uxbridge; and
- ✓ Improved public relations between the Township of Uxbridge and our clients.



F.O.I. means open communication, excellent customer service, innovative thinking, increased efficiency, and attention to privacy concerns. The benefits for US, are happy customers, less formal F.O.I. requests and the satisfaction of a job well done done!



The Township of Uxbridge's Clerk's Department are ready and available to answer questions regarding the operation of the *Act*.

Please feel free to contact either:

Debbie Leroux ext. 228
Paul Shipway ext. 209
Laura Rupprecht ext. 220



Did You Know.....

As more attention is focused on the environment, Environmental Site Assessments are becoming more common. The ESA process involves formal *F.O.I.* requests at the Township of Uxbridge.



Did You Know That...

Canada was one of the first countries to pass a Freedom of Information law in 1983!

Prepared by the Clerk's Department