

Routine Disclosure Policy

Definitions:

Active Dissemination shall mean the regular or periodic release of information by the Municipality to the public without receiving an inquiry or request for access. OR the periodic release or publication of government records and information.

Confidential information shall mean any information that is of a personal nature to municipal employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the Municipality or could give the persons to whom it is disclosed an advantage;

Control shall mean contents of the Official Record as it relates to municipal business and the municipalities power or authority to make a decision about the Use or Disclosure of its Official Records.

Custody shall mean the storage, preservation, or security of an Official Record for a legitimate business purpose, wherein the Municipality could obtain a copy of the Official Record upon request. While physical possession of an Official Record may not always constitute Custody, it is the best evidence of Custody.

Employee shall mean a full-time, part-time, temporary, seasonal and staff hired on a contract basis for a defined period of time, of the Municipality of Middlesex Centre, as well as students.

Freedom of Information (FOI) shall mean a formal written request made under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA);

Information and Privacy Commissioner shall mean Commissioner appointed under subsection 4 (1) of the *Freedom of Information and Protection of Privacy Act*,

Institution shall mean

- a) the Assembly,
- b) a ministry of the Government of Ontario,

- c) a service provider organization within the meaning of section 17.1 of the *Ministry of Government Services Act*,
- d) a hospital, and
- e) any agency, board, commission, corporation or other body designated as an institution in the regulations; (“institution”)

Information shall mean knowledge communicated or received concerning a particular fact or circumstance; knowledge gained through study, communication, research, instruction, etc.; or the act or fact of informing.

Law Enforcement Agency shall mean a representative from an agency responsible for enforcing provisions of a law or regulation, including, but not limited to, Ontario Provincial Police, Royal Canadian Mounted Police, Canada Revenue Service, Canada Border Services Agency.

Manager shall mean a person responsible for controlling or administering a business unit within an organization

MFIPPA. shall mean the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended.

Municipality shall mean the Municipality of Middlesex Centre

Official Record shall mean any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

(a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and

(b) subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution; (“document”)

Personal Information shall mean (as defined in MFIPPA) recorded information about an identifiable individual, including,

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

- c) any identifying number, symbol or other particular assigned to the individual,
- d) the address, telephone number, fingerprints or blood type of the individual,
- e) the personal opinions or views of the individual except if they relate to another individual,
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- g) the views or opinions of another individual about the individual, and
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

Record shall mean any record of Information however recorded, whether in printed form, on film, by electronic means or otherwise as defined in section 2(1) of M.F.I.P.P.A. and includes:

- (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof; and,
- (b) subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other Information storage equipment and technical expertise normally used by the institution.

Responsible Department shall mean the department, division, or service area which holds custody and control of the original official records for the length of time required under the retention schedule;

Retention By-law shall mean the By-law passed by Municipal Council to standardize the classification of Records of the Corporation of the Municipality of Middlesex Centre, and to authorize their disposition following specified retention periods

Routine Disclosure shall mean disclosure of municipal information or official records in response to a routine inquiry or request for access that can be granted without filing a request under the *Municipal Freedom of Information and Protection of Privacy Act*;

Third Party Information shall mean personal information of a person other than the requester or scientific, technical, commercial, financial or labour relations information supplied in confidence by someone other than the requester or the Municipality of Middlesex Centre;

Purpose

The purpose of this policy is to establish procedures regarding public access to and disclosure of municipal records under the *Municipal Freedom of Information and Protection of Privacy Act, 1990* (MFIPPA). The *Municipal Act, 2001* requires Municipalities to develop and implement accountability and transparency policies to ensure that ‘information should be available to the public’. In an effort to engage the public and demonstrate accountability and transparency, the municipality endeavours to routinely and proactively provide access to Official Records and Information. The practice of Routine Disclosure and Active Dissemination is an effective and efficient method to provide Information to the public, through processes that do not require the submission of formal Freedom of Information (“F.O.I.”) requests under MFIPPA. . While the municipality may legitimately require that formal access requests be submitted in respect to certain types of official records for a variety of reasons, a practice of providing routine disclosure for “everyday”, non-confidential records is beneficial as it allows the municipality to:

- Make more municipal records available to the public and ensure that information is easily accessible to the residents of Middlesex Centre;
- Proactively streamline the access to information process;
- Reduce staff time in responding to formal requests for information, resulting in greater cost efficiencies;
- Reduce administrative costs;
- Ensure a balance between providing greater access to municipal information while at the same time protecting personal and confidential information.

Scope

This policy applies to all Municipality of Middlesex Centre employees and all official records in the custody and control of the Municipality of Middlesex Centre. This policy does not apply to official records of information which are exempt under the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.

The municipality will not disclose Personal or Confidential Information through the Routine Disclosure or Active Dissemination process.

Roles & Responsibilities

Employees

- Shall be aware of and comply with this policy and any procedures with regard to releasing of any official records.
- Shall assist the public with informal requests for official records.
- Shall consult with their supervisor/manager/director or the Clerk when there are uncertainties about disclosure and/ or dissemination.
- Shall ensure that all personal information is protected as per the Act.
- Shall notify their managers/supervisors immediately of any breach of privacy.

Management

- Shall ensure that all employees are aware of this policy and that it is accessible in a location easily accessed by employees.
- Shall assist the public with informal requests and active dissemination of official records.
- Shall consult with their director or the Clerk when there are uncertainties about disclosure and/or dissemination.
- Shall ensure that personal information is protected and is not released outside of the Act.
- Shall inform their director and the Clerk immediately of any breach of privacy.

Directors and CAO

- Shall oversee the routine disclosure and active dissemination of official records associated with their departments.
- Shall ensure all divisions within their departments maintain compliance with respect to privacy as set out in the Act, and ensure all personal information is managed and protected.
- Shall consult with the Clerk when there are uncertainties about disclosure and/or dissemination.
- Shall communicate to the Clerk if there has been a breach of privacy.
- Shall apply appropriate progressive disciplinary action for breach of policy and the Act where deemed necessary

Clerks

- Shall administer all aspects of this policy and procedures to ensure the Act is adhered to.
- Shall update appendixes and procedures as required.
- Shall monitor compliance with the policy and procedure.

- Shall decide whether to approve a waiver of fees associated with access to any official records.
- Shall provide guidance as to the process to submit a formal FOI request.
- Shall ensure FOI's are processed as the delegated authority of the Head under the Act.
- Shall provide notice to any affected person if their privacy was breached and will ensure that a copy of the notice is attached to the file from where the original official records are housed according to the Retention By-law.
- Shall notify the Information and Privacy Commissioner's (IPC) office of any breach of personal information as per the Act.
- Shall also be responsible for developing and updating the process and routine disclosure guidelines.
- Shall be responsible for receiving complaints or concerns related to this policy.

Guidelines

In response to informal requests for information, departments may release certain official records routinely and automatically, provided those official records do not fall under one of the mandatory or discretionary exemptions under MFIPPA. Staff are encouraged to respond to informal requests but should exercise caution. Any questions about the disclosure of official records should be directed to the Clerk's Office.

1. Official records or information identified in Appendix A will be provided or made available to the public or any requestor according to the Routine Disclosure Policy. Official records can be provided upon request or actively disseminated as appropriate.
2. Access to Municipal information and official records will, wherever possible, be made through active dissemination on the Municipalities' website, orally, through media releases, social media, newspapers, or in person.
3. Routine Disclosure requests will be accepted in writing using the Routine Disclosure Request Form.
4. If an individual requests official records or information pertaining to themselves, staff shall confirm their identity through photo ID prior to releasing the official records. Staff may release information to an authorized agent of the individual, provided authorization is received in writing.
5. A staff member must always be present when a requestor is viewing the original official record. Requestors may not retain the original but may request copies of all or a portion of an official record.

6. Fees shall be charged in accordance with those contained within this policy and the current fees and charges by-law. Where the request is deemed voluminous in nature, a deposit may be requested.
7. If staff decide not to release information under this Policy, they must inform the individual that a formal request can be made under MFIPPA. Staff may wish to direct the requestor to make a formal access request if:
 - a) Search time or preparation time for the requested official records would be excessive
 - b) Official records relate to a matter that may result in litigation
 - c) Official records were supplied by a third-party
 - d) Official records contain solicitor-client information
 - e) Official records contain personal information for individuals other than the requestor
8. If an individual requests official records or information about another individual, these requests must be made through a formal MFIPPA request.
9. All formal freedom of information requests shall be directed to the Clerk.
10. Requests made by a law enforcement agency or by court order must be forwarded directly to the Clerk.
11. If staff receive a request for official records and are unsure of whether the official record can be released, they shall consult the Clerk's Office for clarification, prior to releasing any information.
12. Official records related to regular routine disclosure requests will be made available within 15 business days.
13. Requests for information that is not routinely and easily available (for example, information that is aged, sizeable amounts of information or detailed information requiring research) will be assessed and a determination made as to the amount of staff time required and applicable fees and charges to provide the information. The requestor will be provided with a response outlining time frames and fees no later than 15 business days after submitting the request.
14. Formal requests for information made under MFIPPA will be processed by the Clerk in accordance with the applicable legislation.

Procedure

1. Requests for official municipal records by the public will be accepted in writing.
2. The municipality will review the request with the requestor and Appendix "A" will be used to determine whether the requested official records can be released through routine disclosure.

- If the information or official record being requested does not exist, no further action will be taken
 - If the request cannot be processed through routine disclosure or active dissemination, the request must go through the formal FOI process via the Clerk's office.
3. The municipality will charge the requestor the appropriate fees as outlined in the fees and charges By-law and release the official records to the requestor upon payment.

Fees

The following fees and charges shall be applicable to requests for information.

The Municipality of Middlesex Centre will endeavor to process requests within 15 days after the application routine disclosure request is received. The request will be deemed to be abandoned and the file closed if no steps are taken by the requestor to view or obtain copies of the official records within 30 days of being notified that the search for the official records has been completed.

List of Current Fee Amounts Based on MFIPPA and Regulations: R.R.O. 1990. Regulation 823, s6.

Item	Fee
Initial Request Fee <small>(Only for an FOI request)</small>	\$5.00
Official record preparation and search time	\$7.50 per 15 minutes
Photocopies	\$0.20 for each page
Preparing an Official record for disclosure <small>(including serving a part of the record)</small>	\$7.50 per 15 minutes
USB containing requested official records	\$10.00 per stick
Other fees charged <small>(e.g. Courier Costs)</small>	As Invoiced
Fees estimated over \$50.00	50% deposit

** Fees are not applicable for requests and searching for information that is routinely and easily available and current for the year up to a limit of 12 requests per calendar year (photocopy rates apply for copies). After 12 requests the fees as above will apply per request. However, the aforementioned fees do apply if the information is readily available

on the municipal website but the requester requests that staff search and provide the information.

For information estimated to cost in excess of \$50.00 a 50% deposit will be required.

Policy Acknowledgement

This policy will be provided to employees within 30 calendar days of:

- the policy being prepared; or
- the policy being changed (if an existing policy is changed).

This policy will also be provided to any new employees within 30 calendar days of the new employee being hired.

Every employee will review and acknowledge this policy and have an opportunity to ask any questions regarding the content herein.

Policy Review

This Policy will be reviewed once per term of council to ensure relevance and conformity with the provincial legislation. It is subject to updates, changes and cancellation at any time without advanced notice to employees.