



Municipal Freedom of Information & Protection of Privacy Act

September 21, 2010 Committee of the Whole

Presented by S.C. Dawe, Director of Corporate Services



Agenda

- What is the Freedom of Information Act?
 - What is its purpose?
- How do I file a request for access?

The purpose of this session is to explain what the FOI Act is and the implications it has on how the municipality collects, uses and releases information.



What is MFIPPA?

- Legislation setting out rules for access and protection of personal privacy.
- Provides members of the public with an open government without compromising the privacy of identifiable individuals.
- Makes the government more accessible and accountable to the public.
- All decisions regarding FOI requests made to the Municipality can be reviewed by the IPC (Information & Privacy Commissioner).
- **All** records are covered under the *Act*.



Private vs. Public Information

Private Information ***Information that is NOT accessible***

- Anything of a personal nature or any information regarding an identifiable individual
 - Phone number
 - Personal Email address

Public Information ***Information that IS accessible***

- Information generated that is routinely prepared, or has a greater public interest



Private or Public?

Private Information Examples

- Labour relations reports
- Confidential legal opinions
- Confidential In Camera minutes
- Complainants names regarding by-law enforcement

Public Information Information Examples

- Departmental Reports
- Minutes
- Financial statements
- Sewer records
- Rezoning application files
- Community Service grant applications
- Budgets



How does the *Act* affect what the Municipality does?

- Everyone encounters personal information, third party information and confidential government information when dealing with records in their daily work.
- It is **each Municipal employees'** responsibility to be aware of how the *Act* applies to this information.
- 30-day time limit – places restrictions on everyone involved.
- To be effective, all Employees must be involved.
- Routine Disclosure/Active Dissemination – become knowledgeable about what can be released without going through the *Act* (be aware and consult).
- Municipal Staff Identify records responsive to requests and make complete and useful recommendations respecting their release in the context of FOI legislation.



When we receive a request for information

- Has the customer asked for the records from the department that has them? The customer has to be denied the information before making a request under the *Act*.
- Which department has the records?
- What years do the records cover – ex. 1991 to 1994?
- What types of records are they looking for (ex. reports, inspection records, drawings, etc.?)
Be specific!
- Submit prescribed Form to request access to information to the Clerk's office with a \$5.00/filing fee to process their request.



Access (disclosure)

The Request must:

- Be made in writing.
- Provide sufficient detail to identify the request.
- Include the \$5 processing fee.
- Allow for a 30-day response time (clock commences once request is received).
- Inquire if they wish to view the original documents, receive copies, or both.



Request Form

under the *Freedom of Information and Protection of Privacy Act*/
Municipal Freedom of Information and Protection of Privacy Act

Please Note: A \$5.00 application fee is required for all requests.

Request for: <input type="checkbox"/> Access to General Records <input type="checkbox"/> Access to Own Personal Information <input type="checkbox"/> Correction to Own Personal Information	Name of Institution request made to:
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If request is for **access to**, or **correction of**, own personal information records:

Last name appearing on records: same as below, or: _____

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Miss	Last Name: _____
First Name: _____	Middle Name: _____
Address: (Street/Apt. No./P.O. Box/R.R. No.) _____	City/Town: _____
Province: _____	Postal Code: _____
Telephone Number (Day): () _____	Telephone Number (Evening): () _____

Detailed description of requested records, personal information or personal information to be corrected. (If you are requesting access to or correction of your personal information, please identify the personal information bank or record containing the person information, if known.)

Note: If you are requesting a correction of personal information, please indicate the desired correction, and if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require that a statement of disagreement be attached to your personal information.

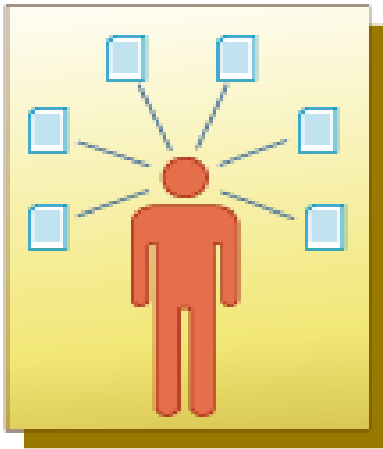
Preferred method of access to records:	<input type="checkbox"/> Examine Original <input type="checkbox"/> Receive Copy	Signature: _____	Date: _____
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For Institution Use Only		
Date Received:	Request Number:	Comments

Personal Information contained on this form is collected pursuant to the Freedom of Information and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Freedom of Information and Privacy Co-ordinator at the institution where the request is made.



Municipal Staff Role



- FoI Requests are circulated to relevant Departments that may hold records / information potentially responsive to the access request
- When the Department receives a request for information from the FOI Coordinator, information must be compiled and returned within the allotted time.
- Include search time on a Comment Sheet, emailed or memorandum response, including a page count



Municipal Staff Role cont'd...

- Include recommendations for the disclosure or recommended exemptions regarding the information found to be responsive to the request.
- Staff Complete Record Index summarizing documents provided by Departments that may be responsive to the request.



Routine Disclosure

- General records should be made available to the public outside of the FOI formal process.
- Individuals should have access to their own personal information, but still must apply via an FOI application.
- If a request is made for information that is not routinely disclosed, this should be handled through the formal prescribed FOI process and applicable filing fee.



Mandatory Exemptions

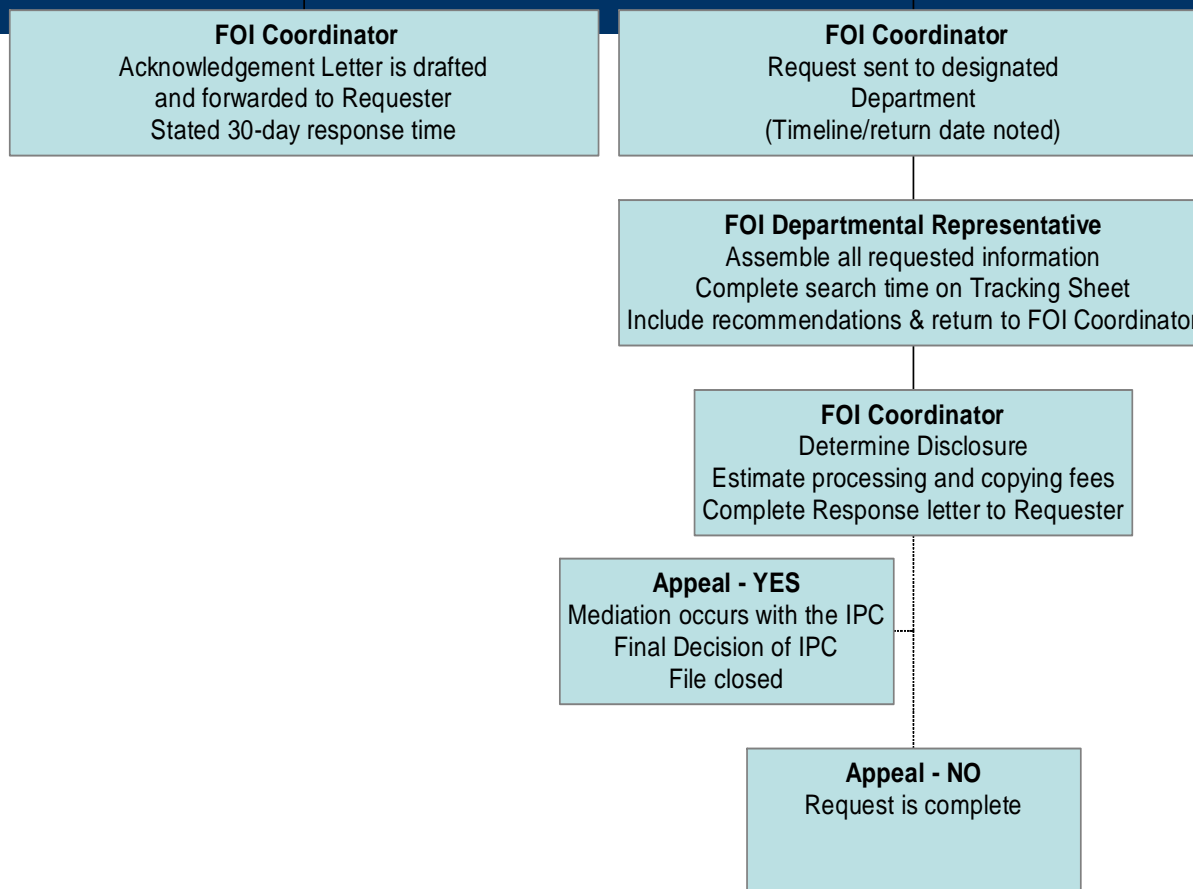
- Draft By-laws, etc. (closed to the public)
- Advice or Recommendations
- Law Enforcement
- Relations with governments
- Third Party Information
- Economic & Other Interests
- Solicitor-Client Privilege
- Personal Privacy/Information
- Information soon to be Published



FOI Processing Procedure

Internal FOI Process

FOI Request is received in writing with \$5 fee in the Clerk's Division.

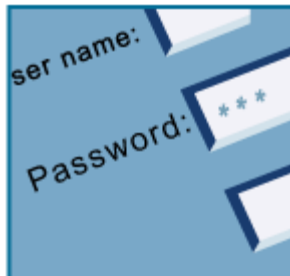




How to Safeguard Confidential Information

Technological Measures

- Computers password protected.
- Encryption technology to prevent access.
- Send only “safe” emails



Organizational Measures

- Security clearances
- Personal information only viewed by approved employees.
- Destroy files by Records Management By-law Destruction Dates.

Physical Measures

- Locks on filing cabinets.
- Restricted access to offices.
- Keep files labelled and organized.
- Severing personal/restricted information.
- Don't leave paperwork on public counters.



Questions?



When in doubt – consult!



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