



## Policy ADMIN-03-2021

### Routine Disclosure

**Implemented:** May 5, 2021

**Review Date:** May 2023

#### References and Related Documents:

- *Municipal Freedom of Information and Protection of Privacy Act, 1990*
- *Municipal Act, 2001*

#### Policy Statement

Routine Disclosure of information is a process that supports government transparency and accountability, principles held paramount to the Township of Georgian Bluffs and other governing legislation such the *Municipal Freedom of Information and Protection of Privacy Act, 1990* (MFIPPA) and the *Municipal Act, 2001*.

This policy achieves the first strategic goal of 'Improve Communication, Collaboration and Transparency' as included in the 2020-2024 Strategic Plan.

#### Purpose and Scope

To improve public accessibility to records and information and support improved transparency, this policy will establish principles and procedures, for releasing certain types of records and information without requiring the submission of a formal Freedom of Information (FOI) request. The policy will identify to public and staff, the records and information that may be requested and disclosed routinely. It will also identify records and information that could be regularly and actively shared with the public.

This policy, and the processes therein, will be applicable to any Township record, except confidential materials, personal information or records or information subject to the mandatory or discretionary exemptions in as defined in the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.

#### Definitions

**Active Dissemination:** periodic release or publication of government records and information.

**Confidential information:** any information that is of a personal nature to the Township, employees or clients, or information that is not available to the public and that, if disclosed, could result in loss or damage to the Corporation.

**Freedom of Information (FOI):** a formal written request made under the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.

**Personal Information:** As defined in the *Municipal Freedom of Information and Protection of Privacy Act, 1990*, shall mean 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.

**Responsible Department:** the department, division, or service area which holds custody and control of the original records for the length of time required under the retention schedule.

**Routine Disclosure:** the routine or automatic release of certain records and information in response to informal requests.

**Third Party Information:** 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 Township of Georgian Bluffs.

## Policy Requirements

### Section 1 – Procedures

- 1.1 Records or information identified in 'Appendix A' will be provided or made available to the public or any requestor according to the noted conditions for releasing the information by the department/division responsible for those records. Records can be provided upon request or actively disclosed as appropriate.
- 1.2 Access to Township information and records will, wherever possible, be made through the Township's website, orally, through media releases, social media, newspapers, or in person.
- 1.3 Requests for information shall be in writing, through completion of appended form ADMIN-03-2021.
- 1.4 If an individual requests records or information pertaining to themselves, staff shall confirm their identity through photo ID prior to releasing the records. Staff may release information to an authorized agent of the individual, provided authorization is received in writing.
- 1.5 A staff member must be present at all times when a requestor is viewing the original record. Requestors may not retain the original but may request copies of all or a portion of a record.
- 1.6 Fees shall be charged for reproduction of records released under routine disclosure in accordance with the existing Fees and Charges By-law. Where the request is deemed voluminous in nature, a deposit may be requested.
- 1.7 One copy of records under copyright may be released under this Policy, provided the records are stamped as a copy and the requestor is informed that the full provisions of the Copyright Act apply to the use and reproduction of the records.

## Section 2 – Building Records

- 2.1 Building and Planning documents may routinely be made available, subject to the conditions included in 'Appendix A'.
- 2.2 All wholly residential building plans and drawings submitted prior to 2021 shall be disclosed to the property owner or their agent, only. Where no objection has been received to disclosure of plans or drawings received in 2021 and following, the drawings shall be disclosed routinely, subject to copyright laws and redaction of personal information.
- 2.3 Should an applicant object to disclosure of Building plans and drawings, said applicant must submit a notice of non-disclosure to the Township, in writing, within 20 days of submission of documents. The written notice of objection must include reasons for non-disclosure and be forwarded to the attention of the

Building Department. Notice of non-disclosure does not guarantee withholding of plans.

- 2.4 Routine disclosure does not apply to requests where buildings of high security or significant importance are involved such as banks, police stations, public, private schools and municipal offices without the written consent of the building owner.
- 2.5 Where access is requested to building records and permit drawings for a non-residential building, only the following individuals will be considered:
  - an owner of the property that is the subject of the request,
  - a director of the management company responsible for the building on behalf of a property owner,
  - any person who has the written consent of a property owner or the management company,
  - Council Members – in these cases, written request the Clerk,
  - in the case of a Town-owned building, the Clerk, and
  - an officer of the Municipal Property Assessment Corporation (MPAC).
- 2.6 Routine disclosure of site and drainage plans of any building and all building plans related to signs shall be provided without the consent of the property owner or property manager.

### Section 3 – Refusal of Routine Disclosure

- 3.1 This policy does not apply to records or information subject to the mandatory or discretionary exemptions of the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.
- 3.2 Records or information identified in 'Appendix A' will be provided or made available to the public or to any requester according to the noted conditions for releasing records. Records can be provided on request or actively disseminated as appropriate.
- 3.3 No records containing personal information will be disclosed to anyone other than the individual to whom the information pertains. If an individual requests records or information about another individual, these requests must be made through a formal Freedom of Information (FOI) request.
- 3.4 If a request for routine disclosure is denied, staff must communicate so with the requesting party. Where routine access is denied, a formal Freedom of Information (FOI) request may be required.
- 3.5 All formal Freedom of Information (FOI) requests shall be directed to the Clerk or their designate.

## Section 4 – Responsibilities of Staff

- 4.1 Routine access requests are to be handled by the responsible department.
- 4.2 Each department will utilize the attached schedule (Appendix A) to identify records for routine disclosure or active dissemination.
- 4.3 Where staff are providing access to records subject to Copyright laws, they shall ensure said record is stamped as a 'copy', and that 'Disclosure of Copyright Form', as appended to this policy is signed by the applicant.
- 4.4 Responses to requests for records made under this policy will be acknowledged in a reasonable timeframe in accordance with corporate standards. Requests will be completed in a reasonable timeframe as determined by staff workload.
- 4.5 If staff receive a request for records and are unsure of whether the record can be released, they shall consult the Clerk's Office for clarification, prior to releasing any information.
- 4.6 Routine disclosure of information and records is supported by the Township and the IPC. Except as provided in this Policy, staff shall not provide any personal information of any identifiable individual to anyone making such a request.

## Section 5 – Personal Information

- 5.1 As a guideline, any personal information of an identifiable individual cannot be released or disclosed. The following are examples of personal information:
  - Name, address, postal code, phone number, and email address of an identifiable individual, including that of the property owner, applicant, builder, and designers when they are not a business or company.
  - Copies of the signature of any person.
  - *Building Code Act* Orders may contain personal information and such information shall not be included on the posted copy.
- 5.2 Information that is not considered personal and that can be released or disclosed, include:
  - The name, address, postal code, phone numbers, email address of companies, including the property owner, applicant, builder, and designers, provided they are a business or company. Please be sure this information relates to a business and/or company and not to an identifiable individual.
  - Application and permit numbers.
  - Date of application and permit issuance.

- Project information such as: building number, street name, lot and concession number, postal code, plan number, area of work and estimated construction value.
- Roll number of a property.
- Dates of declarations on application forms.
- Residential Building plans disclosed in accordance with Section 3.

## Monitoring and Review

The Clerk's Department is responsible for the administration and maintenance of this policy, including a detailed review every 2 years.

Appendix A – Routine Disclosure of Records

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Information included in this list may be disclosed in the absence of a formal Freedom of Information (FOI) request, following the conditions noted. If a requestor is asking for records that are excluded in the conditions, the requestor shall submit a formal Freedom of Information (FOI) request.

Type of Record	Responsible Department(s)	Notes / Conditions to release
Agendas of Council, Committee of Council or any Local Board or Committee of either of them.	Clerk	Excludes closed session materials.
Assessment Rolls	Finance	Ownership information can be viewed at the Municipal Office but is not provided over the phone to the public. Information is provided to government or law enforcement organizations upon request.
<b>Agreements and Contracts</b> Note: any agreement / contract enacted by by-law is a public document and accessible via routine disclosure.		
Subdivision, Site Plan and Encroachment	Planning and Building	Excludes draft agreements. Signed and approved agreements are provided.
Human Resources Documents	Human Resources	Excludes draft agreements and individual employment contracts. Contracts and Agreements with Unions are provided.
Leases	Clerks	No condition.
Audit Reports	Finance	No condition.

Bids and Tenders (including RFP and unofficial and official results)	Advertising department	Excludes confidential information.
Budgets – Operating and Capital	Finance	No condition.
By-laws	Clerk	No condition.
Corporate Policies and Procedures	Applicable department	No condition.
Corporate structure / Organizational Charts	Human Resources	No condition.
Expenses (including Council and Departmental)	Finance	No condition.
Emergency Plan	Clerk	Excludes confidential appendices.
Freedom of Information Requests	Clerk	Excludes confidential or personal information.
Licences	Clerk	No condition.
Minutes of Council, Committee of Council or any Local Board or Committee of either of them.	Clerk	Excludes closed session materials.
Permits (including Building, Signs, Trailers, Entrance)	Building, Operations	Approved permits are released.  Permit application forms are released to property owner or their representative. Permit application forms with information of owner removed are released upon request.
Planning Applications	Planning	Applications are released, as all collected information informs the public planning process.  Formal comments from internal departments or external agencies can be provided on request
Plans and Drawings		



Building Plans	Building	Plans submitted prior to 2021: Released to property owner or their representative. Copyright Act applies  Plans submitted in 2021 and beyond: released where no objection has been received to disclosure of drawings.  Commercial development plans are released to property owner or their representative. Copyright Act applies
Construction specifications and drawings for Roads, Sewer, Watermain, Bridges, etc.	Building, Planning, Operations	Copies are provided on request. Copyright Act applies to some drawings and plans
Site Plans and related information	Planning	Copies are provided on request. Copyright Act applies to some drawings and plans.
Site servicing and grading.	Building, Operations	Copies are provided on request. Copyright Act applies to some drawings and plans.
Subdivision Plans	Planning	No conditions.
Receipts		
Receipts	Applicable department	Provided to account holder.
Salary Information	Human Resources	Includes salary grids. Excludes personal information.
Reports		
Staff	Applicable Department	Excludes closed session materials.
Building Inspection	Building	Released to property owner or representative only.

Property Standards Inspections		Released to property owner or representative only.  Upon calling of the Property Standards Committee, certain records may form a part of the public meeting agenda, at the discretion of the Clerk or their designate.
Right of Way Inspections (Including Roads, Sidewalk, Lights, Traffic Lights, Crosswalks)	Operations	Shared with municipal insurer as needed.  May be publicly shared, at the discretion of the Director of Operations.
Taxes		
Statement of Account	Finance	Provided to the property owner only.
Tax Certificate	Finance	Excluding personal information.  Copies may be provided to legal representatives of owners and buyers to facilitate sales and purchases of property throughout the Township.
Statement of taxes paid	Finance	Provided to the property owner only.
Voters' List		
Voters' List	Clerk	Available for viewing during and immediately prior to the election. Not available at any other time. Copies are provided to candidates during election period for election purposes.
Water – Annual Quality Reports	Operations	No conditions.

