



Date: 2021-05-05

From: Brittany Drury, Clerk

Subject Routine Disclosure Policy ADMIN-03-2021

Report LEG2021-13

Recommendation

That report LEG2021-13, Routine Disclosure Policy, be received, and

That Committee hereby endorse the practice of routine and active disclosure in provision of non-confidential Township records, and

That Routine Disclosure Policy ADMIN-03-2021, is hereby approved.

Background

The *Municipal Freedom of Information and Protection of Privacy Act, 1990* (MFIPPA), establishes regulations for the protection of personal information and provision of information and records to the general public. MFIPPA establishes fundamental principles of said protections and provision, being:

1. Individuals have a right of access to municipal records, and
2. Protection of personal privacy - by establishing rules on how municipal institutions must manage personal information and provides individuals with a right of access to their personal information.

Privacy and MFIPPA violations are governed by the Information and Privacy Commissioner of Ontario (IPC). The IPC, in coordination with MFIPPA, has defined routine and active dissemination as general best practices, encouraging access as the default standard.

The Township is dedicated to identifying efficient and cost-effective ways to provide the public with greater access to information. In improving transparency and access to information at the Township, staff have created and appended Routine Disclosure Policy ADMIN-03-2021, for Committee's consideration.

Per the regulations of MFIPPA, access to records is subject to the Freedom of Information process, in which members of the public may apply and remit a fee to access Township records. Routine disclosure, removes the formality of access to certain records, thereby increasing transparency and availability of information to the public. Routine disclosure of records will only apply to those identified in Appendix A to the attached policy and will not apply to disclosure of any type of personal information. Access to records which are not covered in the routine disclosure guidelines, will remain subject to a formal Freedom of Information (FOI) request.

The purpose of this policy is to enhance access to records and information, make the public aware of their rights to access information, simplify access where possible and reallocate Freedom of Information resources to complex requests. The Township is dedicated to implementing a culture of openness through this program and is encouraging a more open and responsive relationship between the Township and the public it serves.

Access to information throughout the Province, Georgian Bluffs inclusive, is provided via three avenues, as follows:

1. Active Dissemination

Active Dissemination is the practice of the release of government records in the absence of a request. These types of records are released proactively and usually include general records or statistics. An example of active dissemination is information provided on the Township website, including Council and Committee agendas and minutes. The Township is actively working to expand the information provided via active dissemination on the Township website. Said expansion will be driven by the records management capital project proposed in the 2021 Budget.

2. Routine Disclosure

Routine Disclosure is the routine or automatic release of certain types of administrative and operational records in response to informal, rather than formal requests under MFIPPA, where mandatory or discretionary exemptions would not apply. Having a Routine Disclosure Policy in place ensures that there is a balance between the ease of access to information and the protection of privacy and confidential information. The Township is committed to and is required to continue adherence to the requirements of MFIPPA in respect of exemptions to disclosure of personal information, third-party information, and other confidential information.

3. Freedom of Information Requests

Records that do not qualify for Active Dissemination or Routine Disclosure are required to be formally requested through the FOI process and are governed by MFIPPA. Freedom of Information requests are evaluated on a case-by-case basis and are administered by the Clerks Department.

Where records do not require a formal FOI request, the Township has been providing access via a routine disclosure process. The Township is required to report FOI statistics to the IPC on an annual basis. On average, the Township administers between 2 and 5 requests per year:

Year	2017	2018	2019	2020
# of requests	2	1	5	2

Approval of the policy, as attached to this report, will simplify disclosure processes, and provided guidance to staff regarding which records may be disclosed, and those which may not.

Building Drawings and Plans

As defined in Section 3 of the attached policy, residential building plans and drawings are subject to routine disclosure. Disclosure of these records will only apply to drawings received post 2020 and where no written objection to disclosure has been received from the applicant. Effective immediately, applicants will be clearly advised of public disclosure of building permit information, including plans, to ensure disclosure intentions are appropriately communicated. As reflective in the policy, should an applicant object to said disclosure, they will be provided an opportunity to do so, with provided justification. Said objection will be reviewed by staff upon receipt. As also included in the policy, written objection does not guarantee non-disclosure.

Routine disclosure of residential plans will apply to records received post 2020, as applications received prior to 2021 pre-date existence of the policy, and were not provided the opportunity to object.

While routine disclosure of building drawings and plans is often debated amongst records managers, and is inconsistently practiced throughout the Province, MFIPPA provides right of access to Township records, including those related to building. The IPC has consistently ruled that residential building drawings do not qualify as an exemption to public disclosure in MFIPPA, therefore are public documents. As a point of clarity, all drawings are subject to the *Copyright Act*, therefore are required to be stamped prior to provision to the public.

Commercial building plans are not subject to routine disclosure, as commercial plans are exempt per Section 8 (i) of MFIPPA, being that disclosure of said record may:

- i) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required.

Disclosure of any plans, other than those applicable to wholly residential units, will be subject to a Freedom of Information request.

As also included in the Routine Disclosure Policy, staff retain the right to refuse routine disclosure of any document, therefore triggering the FOI process. Said refusal will be coordinated with the Clerks Department, therefore ensuring privacy is maintained throughout the disclosure process. The policy clearly outlines what constitutes personal information, therefore providing clear guidance to staff when making records routinely available. Section 5 of the policy reads as follows:

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.

Staff are dedicated to maintaining openness in the disclosure process, while ensuring protection of personal information.

Financial Impact

There is no anticipated financial impact to approval of this report, appended policy and recommendations contained therein.

Strategic Priorities

The recommendation as included in this report achieves the first strategic goal, Improve Communication, Collaboration and Transparency, as included in the 2020-2024 Township of Georgian Bluffs Strategic Plan.

Conclusion

The Township is dedicated to identifying efficient and cost-effective ways to provide the public with greater access to information. In improving transparency and access to information at the Township, staff have created and appended Routine Disclosure Policy ADMIN-03-2021, for Committee's consideration.

Supporting Documents:

Appendix A: Routine Disclosure Policy ADMIN-03-2021

Appendix B: Forms: Routine Disclosure Request, Copyright Acknowledgement

Respectfully Submitted: Brittany Drury, Clerk

Report Approval Details

Document Title:	LEG2021-13 - Routine Disclosure Policy .docx
Attachments:	<ul style="list-style-type: none">- ADMIN-03-2021 - Routine Disclosure.docx- Form ADMIN-03-2021 - Routine Disclosure Request.pdf- Form ADMIN-03-2021 - Copyright Acknowledgement.docx
Final Approval Date:	Apr 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Jenn Burnett, Senior Planner

Tim Lewis, Chief Building Official / By-law Enforcement Officer

Janet Hilts, HR Manager

Steven Dollmaier, Director of Operations

Kassandra Rocca, Director of Finance / Treasurer

Al Meneses, Chief Administrative Officer