

The Corporation of the Township of North Huron

By-law No. 063-2023

Being a By-law to Adopt a Routine Disclosure and Active Dissemination of Records Policy for the Corporation of the Township of North Huron.

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Printing Date: September 21, 2023

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**The Corporation of the Township of North Huron**

**By-law No. 63-2023**

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**Being a By-law to Adopt a Routine Disclosure and Active Dissemination of Records Policy for the Corporation of the Township of North Huron**

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WHEREAS Section 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that municipal power shall be exercised by by-law;

AND WHEREAS under Section 254(1) of the Municipal Act, 2001, S.O. 2001, c.25, a municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner;

AND WHEREAS under Section 253(1) of the Municipal Act, 2001, S.O. 2001, c.25, subject to the Municipal Freedom or Information and Protection of Privacy Act, any person may, at all reasonable times, inspect any of the records under the control of the Clerk;

AND WHEREAS under Section 391(1) of the Municipal Act, 2001, S.O. 2001, c.25, a municipality is authorized to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of the Corporation of the Township of North Huron deems it expedient to establish a policy for routine disclosure and active dissemination of municipal records;

NOW THEREFORE the Council of the Corporation of the Township of North Huron ENACTS as follows:

1. That the Routine Disclosure and Active Dissemination of Records Policy attached hereto as Schedule "A" is hereby adopted and shall form part of this by-law.
2. That this by-law shall come into force and takes effect on the day of the final passing thereof.

Read a first and second time this 18<sup>th</sup> day of September, 2023.

Read a third time and passed this 18<sup>th</sup> day of September, 2023.

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Paul Heffer, Reeve

CORPORATE SEAL

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Carson Lamb, Clerk

# Township of North Huron

## Routine Disclosure and Active Dissemination of Records Policy



## 1. POLICY STATEMENT

- 1.1 Routine disclosure of information is a process that supports government transparency, a principle important to the Township of North Huron and to applicable governing legislation including the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA) and the *Municipal Act*, 2001, S.O. 2001, c. 25.
- 1.2 It shall be the Policy of The Township of North Huron to actively provide information to the public, to encourage public access to information and to provide for the routine disclosure of information to the public or to individuals to whom the information directly relates in compliance with applicable legislation and in an efficient and cost-effective manner. The Township will provide information utilizing open and fair practices while safeguarding privacy through compliance with legislation, understanding, dignity, and ethical practices.

## 2. PURPOSE

- 2.1 The *Municipal Freedom of Information and Protection of Privacy Act* provides the public a formal right of access to records that are in the Township's custody, or under its control, subject to limited and specific exemptions to disclosure. While the Township may legitimately require that formal access requests be submitted in respect to certain types of records for a variety of reasons, a practice of providing routine disclosure and active dissemination for "everyday", non-confidential records is beneficial in providing ease of access to information for North Huron residents, and in creating cost efficiencies in staff time by streamlining processes.
- 2.2 The Routine Disclosure and Active Dissemination of Records Policy will provide the means to:
  - (a) Identify, provide, and improve access to municipal records;
  - (b) Protect privacy, personal, and confidential information;
  - (c) Improve accountability and transparency;
  - (d) Identify the records which may be routinely disclosed and made actively available;
  - (e) Provide guidelines to staff for the release of records;
  - (f) Establish a routine procedure under which records may be released without the submission of a formal Freedom of Information (FOI) request.

## 3. SCOPE

- 3.1 This policy applies to all departments of the Township and all records in the custody or under the control of the Township of North Huron.
- 3.2 Although all records are within the scope of the policy, not all records will be deemed appropriate for routine disclosure or active dissemination. Records not selected for active dissemination or routine disclosure may be requested through an access request under MFIPPA and subject to its provisions.

## 4. INTERPRETATION

- 4.1 Any reference in this Policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended,

restated, or re-enacted from time to time. Any references to a By-law or Township policy shall be deemed to be a reference to the most recent passed policy or By-law and any replacements thereto.

## 5. DEFINITIONS

- 5.1 **Active Disclosure** - the periodic and proactive release or publication of municipal records and information in the absence of a specific request. Whenever the public interest is likely to be engaged and no exemptions apply, information may be actively circulated and made available (i.e., Council Agendas, Public Notices, financial statements, Township website)
- 5.2 **Clerk** - the Clerk or designate of the Township of North Huron, duly appointed by By-law.
- 5.3 **Confidential Information** - information that is not available to the public. The Township of North Huron will protect confidential corporate and personal information by withholding or redacting information as permitted by the MFIPPA. The right to access personal, confidential and/or third-party information may be subject to exemptions under the MFIPPA resulting in portions of the record being severed when required.
- 5.4 **Freedom of Information (FOI) Request** - a formal request made under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- 5.5 **Personal Information** - as defined in the MFIPPA means 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;
  - (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.
- 5.6 **Records Series** - A group of identical or related documents or records that are arranged under a single filing system or kept together as a unit because they relate to the same subject, result from the same activity, or document the same transaction, and which, because of any of these common characteristics, may be treated as a unit for retention and disposition purposes.
- 5.7 **Routine Disclosure** - The routine or automatic release of certain records and information, where no exemptions under the MFIPPA apply, by the request of an individual.

5.8 **Township** - The Corporation of the Township of North Huron.

## 6. RESPONSIBILITIES

6.1 The **Clerk** has the authority and responsibility to:

- (a) Establish procedures for routine disclosure and active dissemination.
- (b) Provide guidance to the CAO, Department Heads, and staff as to whether information is subject to routine disclosure or active dissemination.
- (c) Process FOI requests in accordance with the delegated authority of the Head for the purposes of the MFIPPA.
- (d) Coordinate any response to a request which involves a large number of Township records or a research request for records containing personal information.

6.2 **Department Heads**, in collaboration with the Clerk, have the authority and responsibility to:

- (a) Review records series associated with their department for eligibility for routine disclosure or active dissemination.
- (b) Monitor routine disclosure and active dissemination processes.
- (c) Ensure the protection of privacy and personal information collected, received, or maintained by the department.
- (d) Oversee the routine disclosure and active dissemination of records associated with their departments.
- (e) Ensure all divisions within their departments maintain compliance with respect to privacy as set out in legislation, and ensuring all personal information is managed and protected.

6.3 **All Township employees** who create, receive, work with, or manage records have the responsibility to:

- (a) Assist the public with informal requests for records.
- (b) Protect personal information to which they have access.
- (c) Consult with their supervisor or the Clerk when uncertain about disclosure and/or dissemination.

## 7. ELIGIBILITY

7.1 A records series may be eligible for active dissemination if the Clerk, in consultation with the responsible Department Head, determines that any or all of the following factors apply to the records in the series:

- (a) They are of interest to the general public.
- (b) They have value to historical researchers or other research interests.
- (c) They provide information on the Township's service delivery, finances, governance, or infrastructure.

- (d) They consist of routine information on properties in the Township.
  - (e) They are records related to meetings of Council or other public meetings and events.
  - (f) They are required to be made publicly available under applicable provincial or federal statutes.
  - (g) They have historically been provided by the Township to the public and, on review, have been found to contain no confidential or personal information.
  - (h) There are minimal costs associated with preparing the records series for disclosure.
  - (i) They are at minimal risk of containing personal or confidential information, or this information has been removed.
- 7.2 The Clerk, in consultation with the responsible Department Head, will consider the following factors when determining whether a records series is eligible for routine disclosure (subject to any limitation prescribed by the MFIPPA and other applicable legislation):
- (a) They are identified by staff as being frequently requested.
  - (b) They are generally required on a shorter timeline than would be expected through an access request under the MFIPPA and there are no concerns related to privacy or confidentiality of information provided by third parties.
  - (c) They contain information only able to be disclosed to specific persons, such as property records available only to the owner of said property.
  - (d) They are records required to apply for any permit or license from the Township.
  - (e) They are records where it is appropriate for the requester to pay a fee for access, due to the costs associated with maintaining the records series and preparing the records for disclosure.
  - (f) They contain personal or confidential information, but this information is not central to the purpose of the record and can be routinely and completely removed before disclosure (e.g., individual's address and other contact information)

## **8. ACTIVE DISSEMINATION**

- 8.1 Any records series approved for active dissemination will be published in any format and by any means determined to be appropriate by the responsible Department Head.
- 8.2 The Township of North Huron is committed to making key records available to the public, where possible, on the Township website, through media releases, newsletters, notices, pamphlets, newspapers and advertising or for review at the Township Municipal Office.
- 8.3 Where possible, any information released shall be made available in an accessible format.
- 8.4 Examples of public records routinely made available on the Township website include, but are not limited to:
  - (a) Council Agendas and Minutes,

- (b) Frequently requested By-laws,
- (c) Board/Committee Agendas and Minutes,
- (d) Planning Information in Cooperation with the Building/Planning Department,
- (e) Documents considered in a public meeting except a meeting closed to the public,
- (f) Municipal Policies,
- (g) Financial Statements,
- (h) Annual Budgets,
- (i) Council Statement of Remuneration and Expenses,
- (j) Blank Applications and Forms,
- (k) Media Releases and Announcements,
- (l) Public documents related to Special Studies and Projects, and;
- (m) Master Plans.

## **9. ROUTINE DISCLOSURE**

- 9.1 Requests for routine disclosure must be made in writing to the attention of the Clerk.
- 9.2 Routine disclosure requests may be denied, or the records redacted, as per the exemptions outlined in the MFIPPA or at the discretion of the Clerk.
- 9.3 If a routine disclosure request is denied, the requestor may submit a formal Freedom of Information Request (FOI) to the Clerk, subject to applicable fees.
- 9.4 Routine disclosure requests may be required to be formally submitted as an FOI request if the search time and preparation of records may be deemed by the Clerk as being excessive, or if the information being requested is of a personal, detailed, or sizeable nature.
- 9.5 The Clerk may establish procedures for requests for routine disclosure with respect to:
  - (a) the process of submitting applications,
  - (b) timeframes for processing requests,
  - (c) limiting access to specific categories of persons or organizations based on their connection with the records being requested (e.g., property owners requesting records related to their property),
  - (d) establishing fees under the Fees and Charges By-law,
  - (e) determining the individual(s) authorized to disclose records,
  - (f) safeguarding against the improper disclosure of personal and confidential information,
  - (g) determining the format in which the records are provided, and;



- (h) any other matters that are required for the processing of requests for routine disclosure.
- 9.6 Any procedures established for the disclosure of records containing personal information must incorporate appropriate controls as defined by applicable legislation and any other related policies or procedures of the Township to prevent improper disclosure.
- 9.7 The Township may disclose personal information to the individual to whom the information pertains. The Township may also disclose personal information to a third party, with the advance written consent of the person to whom the information pertains, or where otherwise permitted or required by law.
- 9.8 The Township is not required to create new records, collect new information, or reorganize information in a record in response to a request.
- 9.9 The Township will endeavor to provide records in alternate formats on request, where reasonable. The Township may charge fees to convert records to an alternate format, except where the request is to provide accommodation under the AODA.
- 9.10 Requests for routine disclosure will be processed expeditiously within a reasonable timeframe.
- 9.11 Fees for photocopying or printing copies of records will be charged in accordance with the Fees and Charges By-law.
- 9.12 The Township may refuse to provide any record requested through routine disclosure. The Township may remove personal and confidential information from records requested through routine disclosure.
- 9.13 Where a request for routine disclosure is refused, or where personal and confidential information has been removed from a record requested through routine disclosure, the requester may submit a formal Freedom of Information Request (FOI) to the Clerk and any such request will be subject to the provisions of the MFIPPA.

## **10. AVAILABILITY AND EXISTENCE OF RECORDS**

- 10.1 In response to a request, the Township is not required to create records which do not otherwise exist.
- 10.2 The Township is not required to restore or recreate records which have been destroyed in accordance with the Township's Records Management and Retention Policy, as amended from time to time.
- 10.3 Reproductions (digital or paper) of records may be provided at the discretion of the responsible Department Head or the Clerk.
- 10.4 Records stored off-site or archived may not be immediately available and may require extra time in order to fulfill the request.
- 10.5 Records actively disseminated and routinely disclosed are subject to the requirements of the Accessibility for Ontarians with Disabilities Act and its regulations, and will be provided in accessible formats in accordance with the requirements set out by the Act and the

## **11. RESEARCH REQUESTS**

- 11.1 Any request or series of requests which are for a large number of records, or where the requester seeks records containing personal information for research purposes, shall be directed to the Clerk who will coordinate the response with the Responsible Department Head(s).
- 11.2 Prior to disclosure of records in response to a research request, the Township may require the execution of a research agreement in a form satisfactory to the Clerk and, if applicable, subject to the terms and conditions for disclosure of personal information for research purposes as established by the MFIPPA and its regulations.