

# Routine Disclosure and Active Dissemination Policy

Policy No. Corporate 2015-02, Council Approval: By-law 2015-53. Effective Date: November 18, 2015

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## **Routine Disclosure and Active Dissemination Policy**

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### **1.0 Policy Statement**

The County of Northumberland is committed to ensuring the public are provided with government records and information easily, informally, and in accordance with the County's commitment to accountability and transparency, as well as the principles of the Municipal Act, P.H.I.P.P.A. and M.F.I.P.P.A.

### **2.0 Scope**

This policy applies to all County employees and members of Council and all records in the custody and control of the County of Northumberland.

### **3.0 Objectives**

The County recognizes that not all requests for access to information need to be handled through the formal F.O.I. process. This policy will assist staff in determining what records the County already makes routinely available as well as providing tools and strategies for determining what other records may be covered by this policy. The focus of this policy is to:

- a) Ensure that exemptions applied pursuant to M.F.I.P.P.A. are limited

- and specific.
- b) Establish an accountability framework defining the roles and responsibilities of members of Council, Management and Non-management.
  - c) Ensure that processes are in place to protect the integrity and privacy of personal information within the custody and control of the County.
  - d) Demonstrate that best practices and effort are achieved through efficient processes.

## **4.0 Definitions**

**Active Dissemination:** means the regular or periodic release of government records in the absence of a request.

**Chief Administrative Officer:** means the Chief Administrative Officer (C.A.O.) of the County of Northumberland.

**Council:** means the Council of the County of Northumberland

**County:** means the Corporation of the County of Northumberland

**County's Website:** means the official website of the County of Northumberland, [www.northumberlandcounty.ca](http://www.northumberlandcounty.ca).

**County Clerk:** means the County Clerk or Deputy Clerk or their designate of the Corporation of the County of Northumberland, having all the powers and duties of the Clerk under the Municipal Act, 2001 and any other Act.

**Director:** means an employee that holds the position of Director responsible for a specified department/division. A Director may designate their authority, under this policy, to an applicable staff member, as required.

**Formal Requests:** means requests made under the Municipal Freedom of Information and Protection of Privacy Act.

**Informal Requests:** means requests that do not require the application of the process outlined in M.F.I.P.P.A..

**M.F.I.P.P.A.:** means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M. 56.

**Municipal Act :** means the Municipal Act, 2001, S.O. 2001, c.25.

**P.H.I.P.A.:** means the Personal Health Information Protection Act, S.O. 2004, Chapter 3.

Personal Information: means recorded information about an identifiable individual, including:

- a) information relating to the race, national or ethnic origin, colour, religion, age, gender, 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, the address, telephone number, fingerprints or blood type of the individual, the personal opinions or views of the individual except if they relate to another individual
- d) 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,
- e) the views or opinions of another individual about the individual, and
- f) 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.

Proprietary Information: means information that is not public knowledge (such as, but not limited to certain financial data, test results or trade secrets) and that is viewed as the property of the holder.

Record: means all recorded information in the custody of the County, regardless of the physical form, including but not limited to paper files, microfilm, audio-visual materials, maps, electronically stored data, emails, notes, address books, draft reports, handwritten notes or annotations made by staff, diaries etc.

Routine Disclosure: means the release of certain types of records in response to informal requests for information.

## **5.0 Accountability**

### **5.1 C.A.O./Directors**

C.A.O./Directors shall be responsible for:

- a) overseeing the routine disclosure and active dissemination of records associated with their division
- b) ensuring all departments within their division maintain compliance with respect to privacy as set out in legislation, and ensuring all

personal information is managed and protected.

## **5.2 County Clerk**

The County Clerk shall be responsible for:

- a) providing guidance to the C.A.O., Directors, and staff as to whether or not information is subject to routine disclosure or active dissemination,
- b) providing guidance as to the process for a formal request
- c) processing formal requests in accordance with the delegated authority of the Head under M.F.I.P.P.A..

## **5.3 Staff**

Staff shall be responsible for:

- a) assisting the public with informal requests for records
- b) protecting personal information to which they have access
- c) consulting with their supervisor or the County Clerk when uncertain about disclosure and/or dissemination.

## **6.0 Personal Information**

### **6.1 Not Subject to Routine Disclosure**

The County will not disclose personal information through routine disclosure or active dissemination practices. Requests for personal information, or any record that may contain personal information, must be submitted formally under the M.F.I.P.P.A. process. In addition to formal requests by the public, it should be noted that staff and/or members of Council do not have the right to access personal information by virtue of their employment/office. Use and disclosure of personal information must be directly related to their job duties/office, and in accordance with the reason the information was collected. Members of staff and members of Council must make requests for records in accordance with this policy and all applicable legislation.

### **6.2 Right to Access Own Personal Information**

Individuals have the right to access and correct their own personal information if they believe there is an error or omission. Certain exemptions affecting access may be applied pursuant to Section 38 of M.F.I.P.P.A..

## **7.0 Fees and Service Charge – Administration**

- a) Requests for records that, in the opinion of the specific Department

Manager/Supervisor that requires substantial research and staff time and/or photocopying, shall require an estimate of costs to be provided to the requestor prior to any work commencing on the collection of records. No records shall be provided until the required fee has been paid.

- b) Where the total fee is estimated to exceed \$100.00, an estimate must be provided to the requestor before staff begins to process a request. The requestor must agree to pay the estimated cost before staff continues to process the request by signing the fee estimate request form.
- c) The payment of a deposit equal to 50% of the estimated cost may be required before proceeding. If the actual fee is less than the deposit, the balance must be refunded.
- d) If it becomes clear during the processing that the actual cost is likely to exceed the original estimate substantially, a revised estimate must be provided to the requestor.
- e) The full payment of all fees will be required before providing the requested information.

## **8.0 Fee and Service Charge – Waivers**

Some or all fees may be waived by a Department, in the following circumstances:

- a) the total fee is less than \$5.00;
- b) it is in the general public or the County of Northumberland's interest to provide the information;
- c) a waiver is requested because payment could result in a demonstrable financial hardship; or
- d) if the record for disclosure contains the Requestors' personal information a fee cannot be charged.

## **9.0 Active Dissemination**

The County of Northumberland utilizes the County website, publications, media releases and local media to regularly and periodically provide information to the public. Public documents are to be made available on the County website in a timely manner. The types of documents but not limited to, are as follows:

- a) Council Agendas and Minutes
- b) By-laws and Corporate Policies that apply to the Public
- c) Public Service Announcements and Information that impacts the Health and Safety of the Public
- d) Services and Contact Information

## **10.0 Other**

### **10.1 Denied Request**

The County of Northumberland has the authority to deny a request for routine disclosure, as well as redact certain portions of any documents that are being disclosed in accordance with M.F.I.P.P.A. and P.H.I.P.A. legislation.

### **10.2 Destroyed Records**

The County is not required to restore records that have been properly destroyed under the authority of the Retention By-law.

### **10.3 County Not Required to Create Records**

The County is not required to provide information discussed but not recorded. In response to an informal request, the County is not required to create records that do not otherwise exist.

## **11.0 Enforcement**

The C.A.O. and Directors are responsible for enforcing this policy within their Divisions.

## **12.0 Review of Policy**

The County Clerk is responsible for initiating a review of this policy every two years.

## **Procedures – Schedule “A”**

### **1.0 Method of Routine Disclosure and Active Dissemination**

#### **1.1 Method of Routine Disclosure**

Informal requests will be accepted verbally, in writing, or electronically. Whenever possible, the record will be disclosed in the format requested where disclosure complies with this policy and applicable legislation. For example, upon receiving a request for electronic records, the records will be provided in electronic form. However, should it be deemed imprudent or impractical to provide documents in the requested format, the record will be disclosed in the format found by staff to be the most appropriate and efficient. Records described in Section 2.1 below shall be disclosed as routine disclosure. Records not listed in Section 2.1 may only be disclosed after review by the Director to ensure that no personal information is contained in the records. Direction may be provided to the requester to file a formal request under

M.F.I.P.P.A. upon consultation with the County Clerk where a record may contain personal information.

## **1.2 Method of Active Dissemination**

Those documents identified in, but not limited to, section 2.1 below, can be released through the process of active dissemination. Methods of active dissemination of records include, but are not limited to, posting on the County' website, posters, pamphlets, flyers, handouts, publications, media releases and advertising. Where a record is not listed in Section 2.1 the Director shall ensure that a record does not contain personal information before it is actively disseminated.

## **1.3 Timeline**

A request for information upon receipt will be responded to within five business days. Records permitted to be released and available onsite will be provided within 10 business days. Records that are offsite and/or requiring research and reproduction will be provided within 20 business days. Every effort will be made to provide information as soon as it is available.

## **2.0 Records Subject to Routine Disclosure and Active Dissemination**

### **2.1 Records routinely disclosed**

Records subject to Routine Disclosure and Active Dissemination include, but are not limited to, the records listed below:

- a) Council and Committee agendas, minutes, reports, policies, resolutions, and by-laws
- b) Names of proponents for Request for Proposals, Expressions of Interest, and Request for Quotations which are read at the public openings
- c) Tender bid amounts which are read at public openings
- d) Financial or other details of a contract services between an individual and the County
- e) Financial statements, annual budgets, investment results, taxation rates and ratios, capping, assessment figures, and performance measures
- f) General information on the buying and selling of land once the purchase/sale is completed
- g) Expenditures incurred by members of Council
- h) Councillor and Committee members' salaries and remuneration



- i) Classifications of salary range and benefits of employees
- j) Employment responsibilities of an individual who is an officer or employee
- k) Staffing levels, human resources policies, annual human rights reports, grievance and arbitration statistics, and information regarding staff injury costs
- l) General information such as the number of units or buildings related to affordable housing, community housing initiatives, community partnership initiatives, and social housing
- m) Child Care Subsidy information including resources, facts and figures, and how to apply for subsidy
- n) Program, services, and admission requirements related to Golden Plough Lodge
- o) Emergency Medical Services monthly call reports
- p) General information pertaining to special events, safety and educational information
- q) Information pertaining to leisure events and activities sponsored by the County
- r) Emergency plans
- s) Accessibility plans and building audits
- t) Construction information, including road closures, traffic controls and regulations, results of traffic studies, winter and summer levels of service data, roads by-laws, snow and ice control records, permit information, road allowance data, conveyance information, infrastructure history, condition and planned work data, technical data arising from transportation and environmental assessments, road classifications
- u) Subdivision information, planning related documents and development records as per the Planning Act
- v) Court documents related to the Provincial Offences Act publically accessible unless otherwise ordered by the Court
- w) Economic development statistics and information on investing in Northumberland, resources for businesses, various publications and reports.

## **2.2 Records Not Routinely Disclosed**

Requests for records that, in the opinion of the Director, require an abundance of staff time and/or photocopying, shall require an estimate of costs, in accordance with

the County Fees and Charges By-law, be provided to the requester prior to any work commencing on the collection of records. No records shall be provided until the required fee has been paid.

### **3.0 Records Not Routinely Disclosed**

#### **3.1 Mandatory Exemptions**

The following types of records shall not be disclosed except pursuant to a M.F.I.P.P.A. request:

- a) Closed meeting agendas, minutes, and reports;
- b) Negotiations for the buying or selling of land addressed in closed session;
- c) Unit prices and other proprietary information contained in tenders and proposals without the permission of the bidders;
- d) Medical, financial, and other personal information related to residents at Golden Plough Lodge;
- e) Personal information about an identifiable individual who is not a business or company;
- f) Any information subject to solicitor client privilege or otherwise protected by M.F.I.P.P.A., the Municipal Act, or any other Act.

Should a request for routine disclosure be denied, a request under the M.F.I.P.P.A. may be made and subject to the rules and restrictions of the legislation.

#### **3.2 Discretionary Exemptions**

The following types of records require discretion and sound judgement when determining whether to disclose the record:

- a) Draft by-laws;
- b) Advice or recommendations within the organization;
- c) Law enforcement records;
- d) Information which could prejudice the financial or other specified interests of the County;
- e) Solicitor-client privileged information;
- f) Information which could endanger the health or safety of an individual;
- g) Information already available to the public or soon to be published

The Clerk may be consulted when determining if a record qualifies under the discretionary exemption.

## **4.0 Finance**

### **4.2 Fees for Chargeable Products and Services**

The following provisions shall apply to this policy for the recovery of all reasonable direct and indirect costs associated with responding to requests for information that require staff to take some specific action on the requestors behalf and/or prepare a response. The charging of fees is authorized by Section 45(1) of the Act. Any individual making a request for routine disclosure services, there will be no initial charge applied for the application from the Requestor. However, the Requestor may be required to pay for the fees for the following:

- a) Manually searching for a record;
- b) Preparing a record for disclosure;
- c) Computer and other costs incurred in locating, retrieving, processing and copying a record;
- d) Shipping costs; and
- e) Other costs incurred in responding to a request, as set by the regulation- Section 6 of R.R.O. 1990, Regulation 823.

### **5.0 Records in Accessible Format**

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.