



## MUNICIPALITY OF THAMES CENTRE

**REPORT NO.** LS-003-25

**TO:** Mayor and Members of Council  
**FROM:** Deputy Clerk  
**MEETING DATE:** January 13, 2025  
**SUBJECT:** **New Policies - Access to Records and Protection of Personal Privacy, Privacy Breach and Routine Disclosure/Active Dissemination**

### RECOMMENDATION:

**THAT** Report No. LS-003-25 **BE RECEIVED** for information.

### PURPOSE:

The purpose of this report is to make Council aware of the following new administrative policies that will be coming into effect and will be included in the Corporate Policy Manual:

- “Access to Records and Protection of Personal Privacy” Policy
- “Privacy Breach” Policy
- “Routine Disclosure & Active Dissemination Policy” (RD/AD) Policy

### BACKGROUND:

As per By-law 10-2011, the Clerk is designated Head, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), as laid out in Section 3 of the Act and this is also laid out in the current Delegation By-law No. 51-2024, passed by Council on June 24, 2024.

Also under the current Delegation By-law, the Chief Administrative Officer is delegated the authority to develop, approve, modify and implement administrative policies, procedures and practices (as per Section 229 of the *Municipal Act, 2001*).

#### **“Access to Records and Protection of Personal Privacy” Policy:**

The *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA” or “Act”) provides the public with a formal right of access to records that are in a municipality’s custody or under its control, subject to limited and specific mandatory and discretionary exemptions to disclosure.

This Policy is a general guide on MFIPPA. It outlines how the Municipality responds to access requests and how it protects personal information, while meeting all legislative requirements prescribed under MFIPPA.

This Policy provides clear direction to municipal staff on how Freedom of Information (FOI) requests are expected to be handled and what their responsibilities are in this process. This Policy also provides information on what supporting materials should be documented when processing FOI requests, should there ever be an IPC appeal.

This Policy will clearly communicate to residents what is involved when submitting an FOI request and what to expect throughout the process. Further, it provides information on how the Municipality is committed to protecting residents' personal information.

### **“Privacy Breach” Policy:**

This Policy ensures that all Municipality of Thames Centre employees and Members of Council comply with the privacy protection requirements as mandated under MFIPPA.

A Privacy Breach occurs when personal information is collected, retained, used, accessed or disclosed in ways that are not in accordance with the provisions of the Act (such as the theft of a laptop, or a letter being mailed to the wrong recipient).

This policy confirms the Municipality's obligation to protect personal information in its custody and control. It outlines the steps that shall be followed when an alleged Privacy Breach is reported, to ensure that quick containment is accomplished, and an investigation initiated to mitigate the potential for further dissemination of personal information.

The Municipality's highest priority is to quickly respond to a privacy breach with preventative measures to avoid future privacy breaches. When a privacy breach is alleged to have occurred, municipal staff shall undertake immediate action.

Some privacy breaches may be time sensitive. This Policy ensures that the Municipality's actions after a privacy breach are appropriate, efficient, and consistent in order to have the best resolution possible.

### **“Routine Disclosure & Active Dissemination” (RD/AD) Policy:**

While MFIPPA provides a formal process for requests under the Act, municipalities may choose to release records in response to requests made informally or under MFIPPA, or periodically release general records in the absence of a request. This can be achieved through Routine Disclosure or Active Dissemination.

**Routine Disclosure** means the routine or automatic release of certain types of administrative and operational records, in response to requests made informally (either through an inquiry or a “Planning and Development Services Document Search”) or under MFIPPA (through an

FOI Request). Examples of this would be the public requesting building permits or older Council minutes.

**Active Dissemination** means the periodic release of general records in the absence of a formal request (MFIPPA) or an informal request. Examples of this would be municipal staff posting Council agendas or the Official Plan on the municipal website, without the public asking for it.

## COMMENTS:

The Municipality currently does not have any formal policies or procedures in place with respect to the access of records, protection of personal information, privacy breaches, or the routine disclosure or active dissemination of records.

Staff's next steps are to provide training to staff on all 3 policies to ensure seamless adherence and implementation.

Staff will also expand the Municipality's current webpage for Freedom of Information requests, to include more information for the public regarding records, access requests, how personal information is protected, etc.

Staff is also working towards including "Notice of Collection" statements on all municipal forms available to the public, where personal information is collected. Once the new municipal website is implemented, no form will be authorized to be added to the website without having this statement.

Having an established RD/AD Policy will provide the following benefits:

- Improves accessibility to records and information
- Reduces need to go through the formal FOI process
- Provides greater transparency and accountability
- Creates more efficient and consistent customer service
- Reduces staff time and administrative costs
- Ensures protection of private, confidential and third-party information
- Ensures exemptions applied under MFIPPA are limited and specific
- Increases staff understanding of records disclosure
- Ensures departments are following MFIPPA guidelines
- Identifies records that are of interest to the public

Planning and Development Services Document Searches:

The Municipality is currently already processing Planning and Development Services Document Searches, which are informal requests for Planning and Development Services records that are eligible for Routine Disclosure. In 2024, the Building department conducted 96 of these requests.

Similar to FOI Requests, Planning and Development Services Document Search requests have a required fee, as well as the possibility to incur additional fees, as per the current Fees and Charges By-law. The fees are the same as what is charged under MFIPPA for FOI Requests. In comparison to a straightforward informal records request, this process provides staff with the ability to charge for additional staff time when necessary, depending on the scope and complexity of each request.

### **FINANCIAL IMPLICATIONS:**

The required fees for Planning and Development Services Document Searches (as per the current Fees and Charges by-law) can help recover the costs of staff time required to search for records and prepare them for disclosure.

Further, the RD/AD Policy has a clear, defined list of records that are eligible for disclosure, which helps create a more efficient process for staff to respond to inquiries and will reduce the staff time required for each request.

### **STRATEGIC PLAN LINK**

**Pillar:** *Community Communications & Engagement*

**Goal:** *Increase communication between the municipality (Council and Staff) and the public*

### **CONSULTATION:**

Senior Management Team  
A. Peter, Human Resources Manager  
J. Nethercott, Director of Legislative Services/Clerk  
D. Barrick, Chief Administrative Officer

### **REFERENCES:**

- Delegation By-law No. 51-2024
- **Information and Privacy Commissioner of Ontario (IPC)** – Privacy Breaches – Guidelines for Public Sector Organizations
  - <https://www.ipc.on.ca/sites/default/files/legacy/2019/09/privacy-breach-protocol-e.pdf>
- **Information and Privacy Commissioner of Ontario (IPC)** – Fact Sheet: What is Personal Information?
  - <https://www.ipc.on.ca/en/resources-and-decisions/fact-sheet-what-personal-information>
- **Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO)** – Considerations for Establishing Routine Disclosure and Active Dissemination
  - <https://www.amcto.com/Considerations-for-Establishing-RD-AD>

## ATTACHMENTS:

New policies coming into effect:

- “Access to Records and Protection of Personal Privacy” Policy
- “Privacy Breach” Policy
- “Routine Disclosure & Active Dissemination Policy” (RD/AD) Policy

Prepared by: S. Henshaw, Deputy Clerk

Reviewed by: J. Nethercott, Director of Legislative Services/Clerk

Reviewed by: D. Barrick, Chief Administrative Officer