



Policy: Routine Disclosure & Active Dissemination Policy

Policy Number: CP-A-9.6

Effective Date:

Approval: *date approved by CAO*

Disclaimer: If required, interpretation is subject to the discretion and authorization of the Chief Administrative Officer. All policies are subject to change without notice.

PURPOSE:

The Municipality of Thames Centre is committed to ensuring that government records are available for the public to easily access, in accordance with our commitments to accountability, transparency, accessibility and efficient customer service.

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) 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.

While MFIPPA provides a formal process for requests, municipalities can also release records in response to requests made informally (Routine Disclosure) and periodically release general records in the absence of a request (Active Dissemination).

This policy identifies municipal records and information that may be requested by the public and disclosed routinely, in accordance with MFIPPA, without the need to submit a formal Freedom of Information (FOI) request.

This Policy also identifies records and information that may be shared actively by the Municipality with the public.

POLICY:

SCOPE

This Policy applies to all municipal employees and departments in the Municipality of Thames Centre and involves all records in the custody and control of the municipality. This Policy does not apply to records or information subject to the exemptions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

This Policy does not apply to personal and constituency records held by the Municipality's elected representatives.

OBJECTIVES:

This Policy is guided by a commitment to the following objectives:

- a) To improve accessibility to records and information.
- b) To facilitate access to records by establishing procedures that are less restrictive than FOI Requests.
- c) To provide greater transparency and accountability.
- d) To provide more efficient and consistent customer service.
- e) To reduce staff time and administrative costs.
- f) To ensure the protection of private, confidential and third-party information.
- g) To ensure that exemptions applied to the disclosure of records are limited and specific, in accordance with MFIPPA.
- h) To assist all municipal departments in following MFIPPA requirements.
- i) To identify records that are of interest to the public.

DEFINITIONS:

“Active Dissemination” means the periodic release of general records to the public in the absence of a request.

“Clerk” means the Clerk or designate of The Corporation of the Municipality of Thames Centre, who is the “Official Records Keeper” under the Municipal Act, and acts as Head for the purpose of MFIPPA. The Clerk or designate is the primary contact for FOI Requests and inquiries relating to this Policy.

“Confidential Information” means information that is subject to the exemptions and disclosure found within MFIPPA, as well as any other information that the Municipality deems to be confidential.

“Formal Request” means Freedom of Information (FOI) Requests made under MFIPPA.

“Informal Request” means requests for records that do not require the application of the process outlined in MFIPPA.

“Municipal Freedom of Information and Protection of Privacy Act” (MFIPPA) means legislation established to provide individuals with a right of access to records held by the Municipality while also protecting the privacy of personal or sensitive information.

“Official Record” means the version of a municipal record deemed as the master record that documents the municipality’s decisions and decision-making, policies, procedures, services, operations, etc.

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

- information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- 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;
- any identifying number, symbol or other particular assigned to the individual including the address, telephone number, fingerprints or blood type of the individual;
- the personal opinions or views of the individual except where they relate to another individual;
- 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;
- the views or opinions of another individual about the individual; and
- the individual’s name where 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.

Personal information does not include the name, title, business address or business telephone number of an employee.

“Planning and Development Services Document Search” means an informal request submitted to the Municipality for access to Planning and Development Services records. Only documents that are eligible for Routine Disclosure can be disclosed through this process.

“Record” means any recorded information, however recorded, whether in printed form, on film, by electronic means or otherwise, including correspondence, memoranda, plans, maps, architectural drawings, photographs, film, email, video tapes, reports, webpages, personnel records and any other documentary material regardless of physical form or characteristics, and including “Official Records” and “Transitory Records”.

“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 a Freedom of Information Request).

“Sever” – Sever (or “redact”) means to conceal or remove legally protected individual pieces of information within a record before disclosure or publication.

“Third Party Information” Personal information about 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 Municipality of Thames Centre.

PROCEDURES:

Routine Disclosure

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 a Freedom of Information Request).

Many types of records are available to the public through Routine Disclosure. The release of the record may be dependent upon severing information contained within the record, prior to its release.

Methods of Routine Disclosure may include, but are not limited to:

- Disclosing records through an FOI Request
- Sending records through email
- Providing information verbally
- Providing copies of records (*photocopying fees may apply, as per the current Fees & Charges By-law*)
- Through public inspection at the municipal office

Active Dissemination

Active Dissemination means the periodic release of general records in the absence of a request. Methods of Active Dissemination of records may include, but are not limited to:

- posting on the municipal website
- distribution of posters, pamphlets, flyers, handouts, publications
- media releases and advertising

Records and information to be published will be made available to the public in the appropriate formats as determined by the Director or designate.

Wherever possible, municipal records and information will be made accessible through the municipal website, orally, through media releases, social media, newspapers, or in person.

Requests for Routine Disclosure

This Policy does not apply to records or information subject to MFIPPA. All Freedom of Information Requests should be directed to the designated Head.

- 1) Requests for records made under this Policy should be directed to the relevant department. The Municipality reserves the right to require that requests be submitted through a single point of contact, as determined by the Municipality.
- 2) Records or information identified in Schedule "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 responsible for those records.
- 3) Informal requests will be accepted in writing or electronically. The Municipality can require that a request be submitted through its internal Planning and Development Services Document Search process, which requires a fee to be submitted, as per the current Fees & Charges by-law
- 4) Additional administration fees may be charged for the reproduction of records, search time and/or preparing the record where authorized by policy, by-law or legislation. If the Municipality deems the request to be voluminous, a deposit of fees may be required in advance.
- 5) If an individual requests records or information pertaining to themselves or their own property, staff shall confirm their identity prior to releasing any requested records or information. Staff may release information to an authorized agent of the individual, provided the authorization is received in writing.
- 6) A staff member must be present at all times when a requestor is viewing an original paper record. Requestors may not retain the original. Depending on the record, they may request copies of all or a portion of the record, subject to additional fees.
- 7) Records under copyright may be released under this Policy, provided the records are stamped as a copy and the requestor is informed in writing that the full provisions of the *Copyright Act* apply to the use and reproduction of the records.
- 8) If an individual requests records on behalf of another individual as named in the record and Section 54 of MFIPPA (Exercise of rights of deceased, etc.,

- persons) applies, then an FOI Request is required to be submitted to the Clerk.
- 9) Whenever possible, if the record has been deemed eligible for release, it will be disclosed in the format requested. However, if the Municipality deems it imprudent or impractical to provide records in the requested format, the records will be disclosed in the format deemed to be the most appropriate and efficient.
 - 10) Repetitive requests by an individual or organization for significant volumes of records, the separation of a request into several small requests totaling a large volume, requests made to more than one department related to a specific subject or issue will be centrally coordinated and referred to the Clerk.
 - 11) Requests determined to be frivolous or vexatious may be refused by the Director or designate, in consultation with the CAO and Clerk.
 - 12) If staff decide not to release information under this Policy, they must inform the individual that a formal Freedom of Information request can be made under MFIPPA. Staff may wish to direct the requestor to make a formal access request if:
 - a. Search time or preparation time for the requested records would be excessive
 - b. Records relate to a matter that may result in litigation
 - c. Records were supplied by a third-party
 - d. Records do not exist
 - e. Records contain solicitor-client information
 - f. Records contain personal information for individuals other than the requestor
 - 13) No records containing personal information will be disclosed to anyone other than the individual to whom the information pertains, unless authorized by policy, by-law or legislation. If an individual requests records or information about another individual, these records requests must be submitted through a formal Freedom of Information request, submitted to the Legislative Services department.

Planning and Development Services Document Searches

The Municipality of Thames Centre may handle requests for the Routine Disclosure of records through its internal “Planning and Development Services Document Search” process. This is an informal request for access to records, not under MFIPPA.

A “Planning and Development Services Document Search” is similar to a Freedom of Information (FOI) Request in that it is an access to records, however, only documents

that are eligible for Routine Disclosure can be disclosed through the “Planning and Development Services Document Search” process.

An access fee is required to be submitted with the Planning and Development Services Document Search Form, as per the current Fees & Charges by-law. Staff may charge additional fees to cover the costs of photocopying fees, similar to an FOI Request.

When a Planning and Development Services Document Search request is received, it is up to the Planning and Development Services department to log the request and gather the requested records in a timely manner.

Once records are retrieved, the Planning and Development Services department shall submit them to the Clerk or designate for review, prior to disclosure, to ensure all applicable information has been severed.

Wherever possible, staff should strive to disclose municipal records outside of the FOI or Planning and Development Services Document Search process, as it is the easiest and most efficient option for both staff and members of the public.

Records for Routine Disclosure or Active Dissemination

The documents identified, but not limited to, in Schedule “A” of this Policy can be released through the process of Routine Disclosure and/or Active Dissemination, in accordance with the noted conditions of release specific to each type of record.

Where a record is not listed in Schedule “A” of this Policy, staff shall consult with the Legislative Services department.

Requests for building, planning or engineered drawings should be reviewed by the Director, in consultation with the Clerk, prior to disclosure, due to copyright protection laws.

Requests made by a law enforcement agency or legal counsel for records containing personal information must be forwarded directly to the Clerk.

Records Ineligible for Routine Disclosure

The following types of records shall not be disclosed:

- 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) Personal information about an identifiable individual who is not a business or company
- e) Any information subject to solicitor-client privilege or otherwise protected by MFIPPA, the Municipal Act, or any other Act.

The Municipality will not disclose personal information through Active Dissemination or Routine Disclosure practices. Any records requested under this Policy shall be reviewed by the Clerk or designate to ensure the records have been appropriately severed prior to disclosure. Requests for personal information, or any record that may contain personal information, must be submitted formally under the Freedom of Information request process.

Existence of Records

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

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

Accessibility

Records that are disclosed are subject to the requirements of the Municipality's Accessibility Policy and *the Accessibility for Ontarians with Disabilities Act* and will be provided in accessible formats upon request.

ROLES & RESPONSIBILITIES:

Responses to requests for records made under this Policy will be responded to in a timely manner by the applicable department.

Clerk or Designate

- "Official Records Keeper" under the *Municipal Act*
- Acts as the Head for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA)
- Authorized to undertake periodic reviews of this Policy and make amendments to the attached Schedules as required
- Primary contact for FOI Requests and inquiries relating to this Policy
- Provides guidance on the disclosure of records, in accordance with this Policy and MFIPPA
- Severs all applicable records requested under RD/AD
- Ensure all personal and third-party information is managed and protected

Directors and Chief Administrative Officer

- Oversee the Routine Disclosure and Active Dissemination of records for each department, in accordance with this Policy
- Ensure all personal and third-party information is managed and protected
- Prior to all disclosures, consult with Clerk or Designate to ensure records are appropriately severed

- If a requested record is not listed in “Schedule A” – refer to Clerk or designate to ensure records can be released, or if it should go through the FOI process
- Reach out to the Clerk or designate to ask questions if needed

Municipal Employees

- Assist the public with informal requests for records, in accordance with this Policy
- Ensure all personal and third-party information is managed and protected
- Prior to all disclosures, consult with Clerk or Designate to ensure records are appropriately severed
- If a requested record is not listed in “Schedule A” – refer to Clerk or designate to ensure records can be released, or if it should go through the FOI process
- Reach out to the Clerk or designate to ask questions if needed

Failure to comply with this Policy may result in disciplinary action up to and including termination.

This Policy will be reviewed on an annual basis or as needed by the Clerk or designate.

Schedule "A"

Records for Routine Disclosure or Active Dissemination

Fees may apply, as per the current Fees & Charges By-law.

Type of Record	Notes/Conditions on Release of Records	Active Dissemination (AD), Routine Disclosure (RD) or Freedom of Information (FOI)
Accessibility Plans and Policies	Available on website or by request to Legislative Services department.	AD
Agendas of Council, Committees & Boards	Available on website or by request to Legislative Services department. EXCLUDES closed session materials.	AD
Agreements & Contracts (Approved through By-law)	Available on website or by request to Legislative Services department. EXCLUDES draft and unsigned agreements.	AD
Agreements & Contracts (Approved through Delegated Authority) including, but not limited to: <ul style="list-style-type: none"> • Encroachment • Lease • Facility Rental • Sponsorship 	Facility Rental – only provided to the signing parties. Sponsorship – a general summary of the terms of the agreement may be provided. EXCLUDES draft and unsigned agreements.	RD/FOI

<p>Appointments to Committees & Boards</p>	<p>Available on website or by request to Legislative Services department.</p> <p>Names can be released once appointed.</p> <p>Contact information may be released with consent from appointee.</p> <p>EXCLUDES closed session materials.</p>	<p>AD</p>
<p>Archived Records</p>	<p>By request to Legislative Services department.</p>	<p>RD/FOI</p>
<p>Asset Management Plan</p>	<p>EXCLUDES drafts and working copies.</p> <p>Available on website or by request to Finance department.</p>	<p>AD</p>
<p>Assessment Rolls</p>	<p>Ownership information can only be viewed in person at the municipal office.</p> <p>Note-taking is permitted.</p> <p>CANNOT disclose over phone, provide copies or take photos.</p> <p>Information is provided to government or law enforcement officials with ID confirmed.</p>	<p>RD</p>
<p>Audit Reports</p>	<p>Available on website or by request to Finance department.</p>	<p>AD</p>
<p>Audited Financial Statements</p>	<p>Available on website or by request to Finance department.</p>	<p>AD</p>

<p>Bids & Tenders</p> <ul style="list-style-type: none"> • Request for Tenders • Request for Proposals • Request for Quotations 	<p>Available online or by request to applicable department.</p> <p>A summary of results can be released.</p> <p>EXCLUDES proprietary information and specific pricing details/subtotals – only the total amount to be disclosed.</p>	RD/AD/FOI
Budget – Operating & Capital	Available on website or by request to Finance department.	AD
By-laws	<p>Available on website or by request to Legislative Services department.</p> <p>Signatures do not have to be severed, unless posting online.</p> <p>EXCLUDES drafts and working copies.</p>	AD
Cemetery	<p>Available on website or by request to Cemetery Coordinator.</p> <p>EXCLUDES personal information and copies of contracts.</p>	AD/RD
Corporate Expenses	By request to Finance department.	RD/FOI
Corporate Policies & Procedures	<p>Available on website or by request to the office of the CAO.</p> <p>EXCLUDES drafts and working copies.</p>	AD/RD
Corporate Organizational Charts	By request to the office of the CAO.	RD

	EXCLUDES any confidential, personal or 3 rd party information.	
Declarations of Pecuniary Interest	Available on website or by request to Legislative Services department.	AD
Development Charges Background Report	Available on website or by request to Finance department. EXCLUDES drafts and working copies.	AD
Elections – <ul style="list-style-type: none">• Candidate Files• Nomination Papers	Can only be viewed in person at the municipal office, between filing and 120 days following the election period. Not available any other time.	RD
Elections – Candidate Financial Statements	Available on website.	AD
Elections – Voters' List	Voters can only check to see if they themselves are on the list, after being authenticated, but not for anyone else. Copies of Voters' List are provided to candidates to use only during election period for election purposes only. Available for viewing during and immediately prior to election. Not available any other time.	RD
Emergency – Service Calls & Reports	By request to Fire & Emergency Services department. EXCLUDES any confidential, personal or 3 rd party information.	RD/FOI

Emergency Response Plan	Available on website.	AD
<p>Employment including:</p> <ul style="list-style-type: none"> • Salary Information • Job Descriptions • Organizational Chart • Council Remuneration 	<p>By request to the office of the CAO.</p> <p>Salary range for position may be released, but not for specific employee.</p> <p>Employees earning over \$100,000 are required to be released.</p> <p>EXCLUDES drafts and working copies.</p> <p>EXCLUDES Employee Policies & Procedures.</p> <p>EXCLUDES any confidential, personal or 3rd party information.</p> <p>Personnel/Employee Records - FOI Request required to be submitted to Legislative Services department.</p> <p>Includes only final statements of remuneration prepared under Section 284 of the <i>Municipal Act, 2001</i>.</p>	RD/FOI
Energy Consumption Report	<p>Available on website.</p> <p>EXCLUDES drafts and working copies.</p>	AD
Energy Management Plan	<p>Available on website.</p> <p>EXCLUDES drafts and working copies.</p>	AD
Insurance	INCLUDES annual premium information.	RD/FOI

	EXCLUDES additional details - FOI Request required to be submitted to Legislative Services department.	
Legal or other information subject to Solicitor-Client Privilege or otherwise protected by MFIPPA	FOI Request required to be submitted to Legislative Services department.	FOI
Licenses, including but not limited to: <ul style="list-style-type: none"> • Lottery • Kennel • Dog 	By request to Legislative Services Department. EXCLUDES any confidential, personal or 3 rd party information. EXCLUDES marriage license information.	RD
Media Relations including: <ul style="list-style-type: none"> • Notices • Advertising • Press Releases 	Available on website or by request to the office of the CAO. EXCLUDES draft copies and correspondence.	AD
Minutes of Council	Available on website or by request to Legislative Services department. EXCLUDES closed session materials.	AD
Motions & Resolutions of Council	Available on website or by request to Legislative Services department. EXCLUDES closed session materials.	AD
Permits not under the <i>Building Code Act</i>	Released to verified property owner or representative (with written consent and ID verified).	RD

<p>Supporting Documentation for Building Permits (Application, Plans, Notes, etc.)</p>		
<p>Permits – Under the <i>Building Code Act</i></p>	<p>Building Permit itself is a public record and can be released (with personal information removed)</p> <p>EXCLUDES supporting documentation, notes, etc.</p>	<p>AD/RD</p>
<p>Planning - Including:</p> <ul style="list-style-type: none"> • Public Comments • Studies • Decisions • Notices of Passing 	<p>Available on website or by request to Planning and Development Services department.</p>	<p>AD/RD</p>
<p>Planning Policy Documents, including:</p> <ul style="list-style-type: none"> • Official Plan • Zoning By-law • Planning Applications Guidelines 	<p>Available on website or by request to Planning and Development Services Department.</p>	<p>AD</p>
<p>Plans & Drawings, including but not limited to:</p> <ul style="list-style-type: none"> • Building Plans • Septic Plans • Property surveys • Construction specifications and drawings for roads/bridges/etc. • Site Plans and related information • Site Servicing and Grading • Subdivision/Condominium Plans • Reference Plans 	<p>By request to Planning and Development Services department.</p> <p>Released to verified property owner or representative (with written consent and ID verified).</p>	<p>RD</p>

<p>Property Tax Information including:</p> <ul style="list-style-type: none"> • Tax Rates • Roll Numbers • Tax Account Information • Statement of Account • Statement of Taxes Paid 	<p>By request to Finance Department.</p> <p>Released to verified property owner or representative (with written consent and ID verified).</p> <p>ONLY tax rates are public information.</p> <p>Statement of Account and Statement of Taxes Paid are ONLY provided to property owner.</p>	<p>RD</p>
<p>Receipts</p> <ul style="list-style-type: none"> • Taxes, Permits, Licenses, etc. • Recreation Program • Registrations 	<p>By request to applicable department.</p> <p>Receipts are provided to payee ONLY.</p> <p>Receipts for program registrations are provided to account holder ONLY.</p>	<p>RD</p>
<p>Security Camera Footage</p>	<p>Provided to law enforcement organizations in accordance with Policy</p>	
<p>Strategic Plan</p>	<p>Available on website or by request to the office of the CAO.</p> <p>EXCLUDES drafts and working copies.</p>	<p>AD</p>
<p>Water – Annual Quality Reports</p>	<p>Available on website or by request to Public Works Department.</p>	<p>AD/RD</p>