

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW No. 2016-105

BEING a by-law to adopt a Routine Disclosure Policy.

WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS Council of the Township of South Stormont desires to adopt a Routine Disclosure Policy.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. That the Routine Disclosure Policy, attached hereto as Schedule "A", be adopted effective December 14, 2016.
2. Any other by-laws inconsistent with this by-law are hereby repealed.

READ AND PASSED in open Council, signed and sealed this 14th day of December, 2016.



Mayor



Clerk



TOWNSHIP OF SOUTH STORMONT

Title: Routine Disclosure (Schedule "A" to By-law No. 2016-105)

Department: All

Date: December 14, 2016

1. **POLICY**

Routine disclosure of information is a process that supports local government transparency, an established value of the Township of South Stormont, specifically noted in the Township's Corporate Strategic Plan and other governing legislation including the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and the *Municipal Act, 2001*.

2. **PURPOSE**

In order to improve public accessibility to records and information and support improved transparency, this policy will establish principals and procedures for releasing certain types of records and information without requiring the submission of a formal Freedom of Information (FOI) request. The policy will identify to the public and staff, the records and information that may be requested and disclosed routinely. It will also identify records and information that can be regularly and actively shared with the public.

3. **DEFINITIONS**

For the purpose of this policy, the following definitions and interpretations shall apply:

"Active Dissemination" means the periodic release or publication of municipal records and information;

"Confidential Information" means any information that is of a personal nature to Township employees or clients or information that is not available to the public that, if disclosed, could result in loss or damage to the Township;

"Freedom of Information (FOI)" means a formal written request made under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);

"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, and
- 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;

"Responsible Department" means the department that holds custody of the original records for the length of time required under the adopted retention schedule;

"Routine Disclosure" means the routine or automatic release of certain records and information in response to informal requests;

"Third Party Information" means personal information of a person other than the requestor or information that reveals a trade secret or scientific, technical, commercial, financial or labour relations information supplied in confidence by someone other than the requester or the Township of South Stormont.

4. PROCEDURE:

4.1 This policy does not apply to records of information subject to the exemptions in Sections 6 (1), 7 (1) and 8 (1) and (2) of MFIPPA, being:

"Draft by-laws, etc.

6. (1) A head may refuse to disclose a record,

- (a) that contains a draft of a by-law or a draft of a private bill; or
- (b) that reveals the substance of deliberations of a meeting of a council, board, commission or other body or a committee of one of them if a statute authorizes holding that meeting in the absence of the public.

Advice or recommendations

7. (1) A head may refuse to disclose a record if the disclosure would reveal advice or recommendations of an officer or employee of an institution or a consultant retained by an institution.

Law enforcement

8. (1) A head may refuse to disclose a record if the disclosure could reasonably be expected to,
- (a) interfere with a law enforcement matter;
 - (b) interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
 - (c) reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;
 - (d) disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;
 - (e) endanger the life or physical safety of a law enforcement officer or any other person;
 - (f) deprive a person of the right to a fair trial or impartial adjudication;
 - (g) interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons;
 - (h) reveal a record which has been confiscated from a person by a peace officer in accordance with an Act or regulation;
 - (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;
 - (j) facilitate the escape from custody of a person who is under lawful detention;
 - (k) jeopardize the security of a centre for lawful detention; or
 - (l) facilitate the commission of an unlawful act or hamper the control of crime. R.S.O. 1990, c. M.56, s. 8 (1); 2002, c. 18, Sched. K, s. 14 (1).

Idem

(2) A head may refuse to disclose a record,

- (a) that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of enforcing and regulating compliance with a law;
- (b) that is a law enforcement record if the disclosure would constitute an offence under an Act of Parliament;
- (c) that is a law enforcement record if the disclosure could reasonably be expected to expose the author of the record or any person who has been quoted or paraphrased in the record to civil liability; or
- (d) that contains information about the history, supervision or release of a person under the control or supervision of a correctional authority. R.S.O. 1990, c. M.56, s. 8 (2); 2002, c. 18, Sched. K, s. 14 (2)."

4.2 Records or information identified in Appendix A is considered Routine Disclosure and will be provided or made available to the public or to any requester according to the noted conditions herein for releasing records. Records can be provided on request or Actively Disseminated as appropriate.

4.3 No records containing Personal Information will be disclosed to anyone other than the individual to whom the information pertains.

4.4 Records protected by the Copyright Act will not be provided.

5. Requests for Routine Disclosure

5.1 Requests may be verbal or in writing. The Township reserves the right to require that a request be submitted in writing where the request is unclear or where the information being requested is of a personal, detailed or sizeable nature.

5.2 Requests for records made under this policy should be directed to the Responsible Department. Notwithstanding, the Township reserves the right to require at any time, that requestors make their requests through a single point of contact, that being the Corporate Services Department.

5.3 As requested, records containing Personal Information will be disclosed to a law enforcement agency in Canada to aid in an investigation undertaken with a view to a law enforcement

proceeding or from which a law enforcement proceeding is likely to result. All such requests must be made in writing on the Disclosure of Personal Information to a Law Enforcement Officer form, attached hereto as Appendix B. Records containing Confidential or Third Party information will not be disclosed to a law enforcement agency without a subpoena.

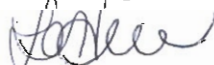
- 5.4 Requests determined to be frivolous or vexatious may be refused by the Director of Corporate Services/Clerk or Chief Administrative Officer. The decision of the Chief Administrative Officer shall be deemed final.
- 5.6 Fees shall be charged for the reproduction of records and associated staff time as provided in the Township's Fees and Charges By-law.

6. Active Dissemination

- 6.1 Records and information that are to be published will be made available in the appropriate formats as determined by the department head.
- 6.2 As requested, records and information will be published or made available in accessible formats.

7. Responsibilities of Employees

- 7.1 Routine access requests are to be handled by the Responsible Department.
- 7.2 Each department will utilize the attached Appendix A to identify records for Routine Disclosure or Active Dissemination.
- 7.3 Responses to requests for records made under this policy will be acknowledged in accordance with the Township's Customer Feedback Policy, that being 3 days.

Drafted By: Loriann Harbers	Last Revision Date:	Approved Date:	Director's Signature:
		December 14, 2016	

Appendix A
Schedule of Records/Information for Routine Disclosure and/or Active Dissemination

Type of Record	Responsible Department	Notes on Release of Records
Agendas of Council, Committee of the Whole and Advisory Committees	Corporate Services	Excludes Closed Session Materials
Assessment Rolls	Finance	Ownership information can be viewed at the Town Hall and is not provided by phone to the public. Information is provided to government organizations upon request, provided written authorization to receive such information has been received.
Agreements and Contracts including: <ul style="list-style-type: none"> • Subdivision • Site Plan • Encroachment • Lease • Facility Rental • Sponsorship • Employment 	Various Departments	Excludes draft agreements. Signed and approved agreements are provided. Facility Rental copies are only provided to the signing parties. Only a general summary of the terms of a Sponsorship Agreement can be provided. Excludes draft agreements and individual employment contracts. Contracts and Agreements with Unions are provided.
Audit Reports	Finance	Direct requester to Township website.
Bids and Tenders including: <ul style="list-style-type: none"> • Results • Call Documents • Names of Bidders 	Various Departments	Unofficial and official results released on request and in public report to Council as required. Except confidential or proprietary information. Public information, often announced publically at tender openings.
Complaints / Orders <ul style="list-style-type: none"> • Property Standards • Complaints and related correspondence • Posted Orders 	Corporate Services	Not available for disclosure; individual must submit a FOI request.

Type of Record	Responsible Department	Notes on Release of Records
Budgets - Operating and Capital	Finance	Excludes drafts or working documents.
By-laws	Corporate Services	Excludes drafts or working documents.
Corporate Policies and Procedures	Various Departments	Excludes drafts or working documents.
Corporate Structure and Organizational Charts	CAO/Human Resources	Excludes personal contact information.
Employment and Salary Statistics	CAO/Human Resources	Excludes drafts or working documents.
Corporate Expenses	Finance	Excludes drafts or working documents.
Freedom of Information Requests	Corporate Services	Identity of requestors is not provided.
Heritage Property Register and List of Designated Properties	Corporate Services	
Licences including: <ul style="list-style-type: none"> • Taxi • Dog and Kennel • Lottery 	Corporate Services	
Maps	Corporate Services	Excludes any maps subject to external copyright.
Minutes of Council, Committee of the Whole and Advisory Committees	Corporate Services	Excludes Closed Session Materials

Type of Record	Responsible Department	Notes on Release of Records
Permits including: <ul style="list-style-type: none"> • Building • Driveway Entrance • Sign • Special Event 	Various Departments	Building Permit application forms are released to property owner or their authorized agent. Permit application forms with information of owner removed are released upon request. Copies of Sign applications may be given to applicant or property owner. Confirmation of Sign permits issued is provided verbally.
Planning Applications	Planning and Development	Planning application forms are released to property owner or their authorized agent. Planning application forms with information of owner removed can be released upon request.
Planning Policy Documents including: <ul style="list-style-type: none"> • Official Plan • Zoning By-law • Site Plan Approval 	Planning and Development	Related background information may be provided on request.
Third Party Studies and Reports	Planning and Development / Building	May be viewed only unless consent obtained from document owner. If reports are received by Council, they are deemed public for viewing.
As constructed and profile plans and drawings	Public Works	Copies are provided on request. Copyright Act applies to some drawings and plans.
Plans and Drawings including: <ul style="list-style-type: none"> • As Built and profiles • Building Plans • Construction specifications and drawings for Roads and Bridges, etc. • Site Plans and related information • Site Servicing and Grading 	Various Departments	Copyright Act applies to some drawings and plans. Residential site plans are released to property owner or authorized agent only. No correspondence with other members of the public is to be released.

• Subdivision Plans		
Type of Record	Responsible Department	Notes on Release of Records
Receipts including: <ul style="list-style-type: none"> • Taxes, Permits, Licences, etc. • Recreation Program Registration 	Various Departments	Receipts are provided to payee only. Receipts for program registrations are provided to account holder only.
Reports including: <ul style="list-style-type: none"> • Staff reports and memorandums • Building Inspection • Property Standards Inspections • Animal Control Incidents • Incident / Accident • Playground Inspections • Water Sampling 	Various Departments	Excludes confidential staff reports and memorandums. Inspections are only released to property owner or authorized agent. Photos of inspection reports are only released to property owner or authorized agent. Witness statement of incident provided to witness and pet owner only with personal information redacted. Copies of Incident/Accident reports can be provided to individual involved or parent/guardian if identity and relationship verified.
Surveillance Camera Footage	Corporate Services	Provided to law enforcement organizations only.
Property Taxes including: Statement of Account Tax Certificate Statement of Taxes Paid	Finance	Statement of Account and Statement of Taxes Paid only provided to the property owner.
Voters' List	Corporate Services	Available for viewing during and immediately prior to the election. Not available at any other time. Copies are provided to candidates during election period for election purposes only.

Appendix B

**DISCLOSURE OF PERSONAL INFORMATION TO A
LAW ENFORCEMENT OFFICER**

The following information is being requested under Section 32(g) of the Municipal Freedom of Information and Protection of Privacy Act, which allows for the disclosure of record that contains personal information for the purposes of aiding a law enforcement investigation or from which a law enforcement proceeding is likely to result.

This Section to be completed by Township Staff (Information Requested)

Employee Name:

Location of Records:

Title of Record or file to be disclosed:

Description of Records:

This section to be completed by Law Enforcement Officer (Including: OPP, RCMP, Correctional Service of Canada and Ontario Ministry of Correctional Services)

Subject Name: _____

Review Original Documents: Yes ☐ No ☐

Copies Requested: ☐

I, _____ request the above personal information to aid an investigation
(Officer)

undertaken by _____ with a view to a law enforcement proceeding or
(Law Enforcement Agency)

from which a law enforcement proceeding is likely to result.

Signature of Officer

Badge Number

Date

Signature of Staff Member

Date