

Access to Information & Protection of Privacy Policy

Date Issued: August 13, 2019

Mandated by: City Manager

Current Revision: August 13, 2019

Cross Reference:

- GOV-001-A Access to Information & Protection of Privacy Procedure

Next Review: January 1, 2022

Responsibility: Director, Legislative Services

1. PURPOSE

To ensure the City collects, uses, discloses, protects, disposes, makes decisions and, where appropriate, preserves information gathered and generated in the course of operating the programs and services of the City in a manner that is consistent with the FOIP Act.

2. POLICY

To provide access to information that is in the City's Custody or under its Control, including the protection of Personal Information of individuals, in a manner that is compliant with the FOIP Act.

3. DEFINITIONS

3.1 *City* – means the City of Fort Saskatchewan.

3.2 *Control* – means having the power or authority to manage, restrict, regulate or administer the use or disclosure of a Record.

3.3 *Custody* – means having physical possession of a Record.

3.4 *FOIP Act* – means the Alberta *Freedom of Information and Protection of Privacy Act*, as amended from time to time, and associated Regulations.

3.5 *Personal Information* – means personal recorded information about an identifiable individual.


3.6 *Record* – means a record of information that is written, photographed, recorded or stored in any manner.

4. GUIDING PRINCIPLES

- 4.1 To allow a right of access to any person to the Records in the Custody or Control of the City, subject only to limited and specific exceptions outlined in the FOIP Act.
- 4.2 To control the manner in which the City:
- a. collects Personal Information from individuals;
 - b. uses Personal Information from individuals; and
 - c. discloses Personal Information from individuals.
- 4.3 To allow individuals a right of access to their Personal Information, which is held by the City, subject only to limited and specific exceptions outlined in the FOIP Act.
- 4.4 To allow individuals the right to request corrections to their Personal Information held by the City.

5. AUTHORITY / RESPONSIBILITY TO IMPLEMENT

The Director, Legislative Services is authorized to establish procedures for the implementation of this Policy, which are consistent with the governing principles.



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1. PURPOSE

The purpose of this Procedure is to ensure consistency in the actions and decisions made by the City with regard to the collection, use, disclosure, protection, and disposal of information. This includes information in its Custody and Control, which is gathered or generated in the course of operating its programs and other activities, and includes responding to written requests for information.

2. DEFINITIONS

2.1 *Applicant* – person who makes a written information request under the FOIP Act.

2.2 *City* – means the City of Fort Saskatchewan.

2.3 *Control* – means having the power or authority to manage, restrict, regulate, or administer the use or disclosure of a Record.

2.4 *Custody* – means having physical possession of a Record.

2.5 *FOIP Act* – means the *Alberta Freedom of Information and Protection of Privacy Act*, as amended from time to time.

2.6 *FOIP Coordinator* – means the Director, Legislative Services who is designated by the City Manager for the administration of the FOIP Act within the City, and associated Regulations.

2.7 *FOIP Clause* – means a statement that informs the individual as to the purpose for which the information is collected; the legal authority for the collection; and, the contact information of the City's FOIP Coordinator.

2.8 *Personal Information* – means personal recorded information about an identifiable individual.

2.9 *Record* – means a record of information that is written, photographed, recorded or stored in any manner.

3. ACCESS TO INFORMATION

3.1 Access to information under the Control of the City will be provided by three methods:

- a) Active dissemination of information routinely made available to the public through:
 - (i) the City's website;
 - (ii) municipal facilities;
 - (iii) City communications; and
 - (iv) legislative requirements, e.g., public viewing of the City's Assessment Roll.
- b) Routine disclosure includes:
 - (i) information that is made available to the public without a written FOIP request; and
 - (ii) written and verbal requests for information that can be identified as routinely available for release to the public (e.g., the City's Fees and Charges Bylaw may apply for requests, such as file searches and tax certificates).
- c) For information disclosures in response to a written FOIP request to access information under the FOIP Act:
 - (i) the City shall conduct a review for Records not available through active dissemination or routine disclosure under the provisions of the FOIP Act; and
 - (ii) all requests to access information shall be processed through the City's FOIP Coordinator.

3.2 Schedule "A" forming part of this Procedure, outlines examples of the active dissemination and routine disclosure of City information, and clarifies the types of information that require a written FOIP request.

4. MAKING A WRITTEN REQUEST FOR INFORMATION

4.1 An Applicant shall make a request in writing by using a "Request to Access Information Form", which is available through the City's website. When submitting a Request To Access Information Form:

- a) an application fee of \$25.00 must accompany the form for general requests; or
- b) for accessing an Applicant's own Personal Information, no application fee is required.

4.2 The FOIP Coordinator may determine other acceptable methods for the receipt of written requests.

4.3 All written requests for information shall be forwarded to the FOIP Coordinator, who shall review the application and take appropriate action.

4.4 The FOIP Coordinator shall:

- a) Uphold the duties as required by the FOIP Act;
- b) assist the Applicant in defining or clarifying information included in a FOIP request application, including the timeframe and scope for the Records requested;
- c) determine if a fee estimate for the records is applicable, based on the application's scope and timeframe;
- d) notify third parties, when necessary;
- e) comply with the 30-day time limit and request a time extension, when necessary;
- f) coordinate the search of responsive Records;
- g) undertake a line-by-line review of responsive Records and redact information in accordance with the FOIP Act; and
- h) determine whether full access, partial access, or refusal to the requested Records is granted to the Applicant in accordance with the FOIP Act.

5. MANAGEMENT AND PROTECTION OF PERSONAL INFORMATION

5.1 Personal Information under the Custody or Control of the City shall be managed by all City departments in a manner that protects the privacy of individuals.

5.2 Manner of Collection:

- a) the City shall only collect Personal Information that is necessary for the City's operating of programs or activities; and
- b) Personal Information shall be collected directly from the individual, unless otherwise authorized under the FOIP Act.

5.3 Any form, which collects Personal Information for operating a City program or activity, shall cite the authority for the collection and use, and the FOIP Coordinator shall approve the clause.

5.4 Disclosure of Personal Information shall:

- a) only be used for the purposes in which it was collected or compiled, or for a use consistent with that purpose;
- b) only be permitted if informed consent to disclose the Personal Information has been obtained from the individual; or
- c) only be permitted if the disclosure is otherwise authorized under Part 2 of the FOIP Act.

5.5 Subject to Section 5.4, Personal Information in the Custody of the City, and obtained through the course of City operations shall be kept confidential.

5.6 Disposal of Personal Information shall:

- a) be completed ensuring the safe and secure disposal of all Personal Information is carried out in accordance with the City's Records Retention Bylaw; and
- b) be undertaken by placing physical Records containing Personal Information in a secure shredding bin, as authorized by the City.

6. RECORDS RETENTION AND DISPOSITION SCHEDULES

- 6.1 The Records retention and disposal of Records shall be provided for under the authority of the City's Records Retention Bylaw.
- 6.2 Disposal of Records requires the written consent of the department Director responsible for the Record, the Director, Legislative Services and the Records Management Administrator.
- 6.3 Disposal of the City's annual Records for destruction shall be witnessed and authorized by the Records Management Administrator and one designate.

SCHEDULE “A”

Examples of Records that would be publicly available include, but are not limited to:

Advertisements
Advisory Board/Committee Minutes (Approved)
Area Structure Plans (Approved)
Assessment Roll (Legislated for Inspection)
Budgets (Approved)
Building Statistics
Business Directory
Business Plans (Adopted)
Bylaws (Adopted)
Council Minutes (Approved)
Election Expenses
Election Results
Elected Official Expenses
Municipal Development Plan (Adopted)
Outline Plans (Approved)
News Releases
Policies & Procedures (Approved)
Salary of Elected Officials
Tax Rate (Approved)

Records which may be released include:

Arrears in Taxes (by Property)
Audit Statement
Board/Committee Memberships Lists
Business Licenses (without Contact Information, and without Consent, limited to Name of Business
Owner and the Nature of the Business)
Cemetery Records
Compliance Certificates / Letters
Demographic Data (Statistical)
Disaster Plan
Easements
Employee Names
Inspection Reports (without Personal Information)
Job Descriptions
Organizational Charts with Name & Positions
Permits
Property Searches
Real Property Reports
Tax Certificates by Legal Description
Tax Recovery
Tender Results (Limited Details)
Video Surveillance Footage (Submission of Application)

Records that require submission of a written FOIP Request:

Agreements and Contracts
Client Files
Development Agreements
Emergency Response Incidents
Environmental Assessment Reports
Fire Investigation Reports
Municipal Bylaw Violations
Municipal Enforcement Complaints
Traffic Light Sequencing