



Name of Policy: Routine Disclosure and Active Dissemination Policy	Policy #:
Council Approval <ul style="list-style-type: none">October 20, 2020	Effective Date: October 20, 2020 Supersedes: N/A
Resolution #2020-333	

1. Purpose

- 1.1 The purpose of this policy is to improve public accessibility to records and information and support greater transparency. This policy will establish principles 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 public and staff, the records and information that may be requested and disclosed routinely. It will also identify records and information that could be regularly and actively shared with the public.

2. Definitions

- 2.1 **Active Dissemination:** The periodic release or publication of government records and information.
- 2.2 **Confidential Information:** Any information that is of a personal nature to Township employees or information that is not available to the public and that, if disclosed, could result in loss or damage to the Corporation or could give the persons to whom it is disclosed an advantage.
- 2.3 **Freedom of Information (FOI):** A formal written request made under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA)
- 3.4 **Municipal Clerk:** For the purpose of this policy, the Municipal Clerk is considered the Head of municipality for the purposes of the Municipal Freedom of Information and Protection of Privacy Act.
- 3.5 **Official Business Records (OBR):** Work related decisions and actions including emails, charts, presentations, briefing notes, etc. These records demonstrate: what happened, when, who was involved and what was decided or recommended by whom. They provide evidence of the Municipality's decisions and decision-making policies, procedures, services, operations (including transactions, activities, etc.) OBR's are



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subject to management throughout their life cycle according to the requirements of the Records Retention Schedule.

3.6 **Personal Information:** As defined in 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.

3.7 **Record:** A record is information recorded or stored in any manner, including print, film, digital or otherwise. The content may include reports, forms, financial statements, minutes, correspondence, e-mail, maps, photographs and more.



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- 3.8 **Records Manager:** Administrator of the Township's Records Management Program.
- 3.9 **Routine Disclosure (RD):** The routine or automatic release of certain types of administrative and operational records in response to informal rather than formal requests under MFIPPA;
- 3.10 **Responsible Department:** Refers to the department which holds custody and control of the original records for the length of time required under the retention schedule, as defined in the Records Retention By-law.
- 3.11 **Third Party Information:** Personal information of 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 Township of Cramahe.
- 3.12 **Transitory Record:** Records of temporary usefulness needed only for a short time, having no ongoing value beyond an immediate and minor transaction to complete a routine task, or to prepare draft records. They do not contain information needed to support operations, make decisions or account for organizational activities, and they should be destroyed as soon as possible after use.

4 Scope

- 4.1. This policy shall apply to all municipal Departments and all records in the custody and control of the Township of Cramahe
- 4.2. This policy does not apply to records or information subject to the exemptions of the Municipal Freedom of Information and Protection of Privacy Act.



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5 Procedures - General

- 5.4 This policy does not apply to records or information subject to the exemptions in section 6 (1), 7 (1), 8 (1) (2), of the Municipal Freedom of Information and Protection of Privacy Act.
- 5.5 Where possible, the Township will endeavor to make records accessible to the public without the necessity of submitting a FOI request under MFIPPA. The Township understands that information should be available to the public and exemptions from access should be necessary, limited and specific and only used when there is a compelling reason.
- 4.3 Staff members are encouraged to respond to informal requests for information but exercise caution. If there is any question as to the disclosure of a record, staff should consult with the Records Manager. The Records Manager will determine if the records may be provided as a routine disclosure or will require a formal request (FOI) to be submitted.
- 4.4 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 to be determined by the Township.
- 4.5 If a Department denies a request for information, a formal freedom of information request can be made through the Clerk's Department.
- 4.6 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 or designate.
- 4.7 If a freedom of information request is denied by the Township, the decision can be appealed to the Information and Privacy Commissioner of Ontario.



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Procedures – Routine Disclosure

- 4.8 Staff who receive requests from clients or employees for access to their own personal information should take the following steps:
- Review the record to identify and redact any exempt information prior to releasing the record. (i.e. personal information);
 - Confirm the identity of the requester. The requester may have to show identification to prove that the records they are seeking are their own personal information;
 - A staff member must be present at all times if the requester is viewing an original record;
 - Inform the requester if information has been withheld and that he/she may request the withheld records through the formal access procedure under MFIPPA;
 - The request may not retain the original record but may request copies of all or a portion of the record.
- 4.9 Staff may want to direct the requester to pursue a formal access request if:
- Search time/preparation time for the requested records would be excessive
 - Records relate to a matter that may result in litigation
 - Records were supplied by a third party
 - Records do not exist
 - Records contain solicitor-client information Records contain personal information and the person seeking the record is other than the individual named in the record
- 4.10 Fees may apply to informal requests in accordance with the Fee By-law



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Procedures – Active Dissemination

- 4.11 Records and information that are to be published will be made available in the appropriate formats as determined by the department head or designate.
- 4.12 Where possible, records and information will be published or made available in accessible formats.

5. Responsibility of Employees

- 5.1. Routine access requests are to be handled by the responsible department.
- 5.2 Responses to requests for records made under this policy will be acknowledged and will be completed in a reasonable timeframe as determined by staff workload.



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Appendix A

Sections 6 (1), 7 (1), 8 (1)(2) of the Municipal Freedom of Information and Protection of Privacy Act R.S.O., 1990, C.M.56 6.

6. (1) A head may refuse to disclose a record,
- that contains a draft of a by-law or a draft of a private bill; or
 - 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.
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.
8. (1) A head may refuse to disclose a record if the disclosure could reasonably be expected to,
- interfere with a law enforcement matter;
 - interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
 - reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;
 - 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;
 - endanger the life or physical safety of a law enforcement officer or any other person;
 - deprive a person of the right to a fair trial or impartial adjudication;
 - interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons;
 - reveal a record which has been confiscated from a person by a peace officer in accordance with an Act or regulation;



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- (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).