


ROUTINE DISCLOSURE OF INFORMATION POLICY

	DEPARTMENT: Director Legislative Services/Clerk	POLICY NUMBER: 05-17
	EFFECTIVE DATE: November 6, 2017	LEGISLATIVE AUTHORITY: Municipal Act, 2001 Municipal Freedom of Information and Protection of Privacy Act
	APPROVED BY: RESOLUTION 2017-420	

1. POLICY STATEMENT

The Township of Wellington North is committed to streamlining services and ensuring that information is available to members of the public, supporting a culture of open and transparent government.

The objective of this policy is to provide open access to public records while protecting the privacy of personal information in the custody or under the control of the Township of Wellington North. Formal Freedom of Information (FOI) requests should be used as a last resort to seek access to records/ information.

2. PURPOSE

The Township of Wellington North shall actively provide information to the public, provide routine disclosure of information to the public or to individuals to whom the information directly relates while safe-guarding privacy through compliance with legislation.

The Routine and Active Disclosure Chart (Appendix “A”) provides members of staff with direction on information that can be released through routine and active disclosure. The policy will provide staff with the ability to determine when a request shall be formally submitted to the Director of Legislative Services/Clerk through an FOI Request.

3. SCOPE

This Policy shall apply to all municipal employees and departments in the Township of Wellington North and involve all information and records of the municipality.

This Policy shall not apply to records or information that is subject to the exemptions of the *Municipal Freedom of Information and Protection of Privacy Act* (Appendix “B”).

4. DEFINITIONS

- 4.1 **Access:** The ability to obtain information held by the municipality. Under this policy, access may mean either providing a copy of the record requested, or providing a means and opportunity to view the records, whichever is administratively most efficient, as determined by the Department.
- 4.2 **Active Disclosure:** The periodic and proactive release or publication of municipal records and information in the absence of a specific request. Whenever the public interest is likely to be engaged and no exemptions apply, information may be actively circulated (ie: Agendas, Public Notices – posted on the website).
- 4.3 **Archived Records:** Information that has been moved off site to storage or been transferred to the County of Wellington Archives.
- 4.4 **Confidential Information:** Information that is not available to the public. The Township of Wellington North will protect confidential corporate and personal information by withholding or redacting information as permitted by MFIPPA. The right to access personal, confidential and/or third party information may be subject to exemptions under MFIPPA resulting in portions of the record being severed when required
- 4.5 **Freedom of Information (FOI) Request:** A formal request made under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
- 4.6 **Personal Information:** Recorded information about an identifiable individual
- 4.7 **Routine Disclosure:** The routine or automatic release of certain records and information, where no MFIPPA exemptions apply, by the request of an individual.
- 4.8 **Temporary Record:** Records that are transient/temporary, kept solely for convenience of reference and of limited value in documenting the planning or implementation of Township policy or programs.
- 4.9 **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 Wellington North.

PROCEDURES

- 5.1 Requests made by a law enforcement agency for records containing personal information must be forwarded directly to the Director of Legislative Services/Clerk.
- 5.2 Records or information identified in Appendix “A” will be provided or made available to the public or to any requester according to the noted conditions for releasing records by the Department responsible for the records/information. Records can be provided on request by completing the *Informal Records Request Form* (Appendix “C”) or actively disclosed as appropriate.

- 5.3** Access to Township information and records will, wherever possible, be made available to the public via the Township website, orally, news releases, social media, newspapers, or in person at the municipal office.
- 5.4** If an individual requests records or information pertaining to themselves, staff shall confirm their identity through photo I.D. prior to releasing the records and information they have requested.
- 5.5** If an individual requests for records of information on behalf of the individual named in the record, then MFIPPA Section 54 applies, and they shall submit a formal FOI Request with the Director of Legislative Services/Clerk.
- 5.6** Requests for tender results shall only include bid amounts and the names of companies supplying the tenders shall be released after the tender has been awarded.
- 5.7** Requests for Quotations and Proposals shall only include bid amounts and the names of the companies supplying the bids shall be released on opening.
- 5.8** All formal FOI Requests shall be directed to the Director of Legislative Services/Clerk.
- 5.9** Fees shall be charged for the reproduction of records in accordance with the municipal Fees and Charges By-law. Where the request is deemed voluminous in nature, a deposit of fees may be required prior to the service being performed.
- 5.10** The Township reserves the right to require that a request be submitted in writing
- 5.11** Other than an FOI request, requests for records made under this policy shall be directed to the responsible department.
- 5.12** 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 or branch related to a specific subject or issue will be centrally coordinated and referred to the Director of Legislative Services/Clerk or their designate.
- 5.13** If staff receives a request for records and, if after consulting the Appendices attached to this Policy, are unsure of whether the record can be released, they shall contact the Director of Legislative Services Clerk for clarification, prior to releasing any information.

APPENDIX “A”
RECORDS AVAILABLE THROUGH ROUTINE & ACTIVE DISCLOSURE

AD = Active Dissemination – Proactive Approach of posting on website
 RD = Routine Disclosure – Information can be disclosed, following the conditions listed in the following chart have been met. An Informal Request Form must be completed. May be referred to Director Legislative Services/Clerk.

RECORD TYPE	ACCESS METHOD	RESPONSIBLE DEPARTMENT	AD RD FOI	CONDITION OF RELEASE
Agendas and Minutes of Council, Standing and Advisory Committees and written declarations of pecuniary interest	Website	Director Legislative Services/Clerk	AD	EXCLUDES Closed Session Materials. Direct Requestor to website.
Agreements and Contracts (NOT UNDER SEAL OR PASSED BY BY-LAW) <ul style="list-style-type: none"> • Subdivision • Site Plan • Encroachment • Lease(s) • Indemnity • Facility Rental(s) 	Municipal Office	All Departments	RD	If owner is requesting a copy then a copy can be provided. EXCLUDES draft or unsigned Agreements. Facility Rental to the renter only
Agreements Under Seal and Passed by By-law	Municipal Office	Director Legislative Services/Clerk	AD	Direct requestor to Director Legislative Services/Clerk EXCLUDES drafts or working papers
Appointments to Committees and Boards	Website Municipal Office	Director Legislative Services/Clerk	AD RD	Names can be released once appointed but NOT addresses/resumes. If consent is provided, then this information may be released.
Archived Records	Municipal Office County Wellington Archives	Direction Legislative Services/Clerk	RD	Direct requestor to Director Legislative Services/Clerk or the County of Wellington Archives
Assessment Rolls	Municipal Office	Treasury	RD	Ownership information can be viewed at the Municipal Office by requestor. Information is provided freely to government or law enforcement officials with satisfactory ID
Audit Reports	Website	Treasury	AD	Direct Requestor to website.
Bids & Tenders <ul style="list-style-type: none"> • Requests for Tenders • Requests for Proposals • Requests for Quotations 	Website Department Responsible for Bid/Tender Documents	All Departments	RD	Summary of Results can be released EXCLUDES specific pricing details. Refer to Treasurer
Budget	Website &	Treasury	AD	Drafts and Final Budgets presented at Council/Committee meetings

	Municipal Office			Budget Working Papers-Refer to Treasurer
By-laws	Website & Municipal Office	Director Legislative Services/Clerk	AD	EXCLUDES Drafts or Working Documents
Cemeteries	Website & Municipal Office	Director Legislative Services/Clerk	AD	Direct Requestor to website EXCLUDES ownership information, copies of contracts
Corporate Expenses	Municipal Office	Treasury	AD	Requestor should be directed to Treasury.
Corporate Policies & Procedures	Website & Municipal Office	Director Legislative Services/Clerk	AD RD	EXCLUDES drafts or Working Documents. Excludes Internal or Departmental Written Procedures
Corporate Organizational Charts	Municipal Office	Human Resources	AD RD	Excludes personal contact information
Emergency Plan	Website	Fire Department	AD	Direct Requestor to website EXCLUDES version that includes personal phone numbers.
Employment Salary Information	Municipal Office	Human Resources	RD	EXCLUDES drafts and Working Documents. Personal Information to be redacted
Fire Department Incident Reports	Municipal Office	Director Legislative Services/Clerk	FOI	Requestors are to submit an FOI Request to Director of Legislative Services/Clerk.
Insurance	Municipal Office	Treasury	RD FOI	Annual premium information is available through staff report/Council Agendas FOI Request required when seeking more detail than is posted in Council Agendas.
Job Descriptions	Municipal Office	Human Resources	RD	Refer to Human Resources
Legal or other information subject to Solicitor-Client Privilege or otherwise protected by MFIPPA	Municipal Office	Director Legislative Services/Clerk	FOI	Subject to MFIPPA Exclusions (redaction of information/non-disclosure)
Legislated Reports • Annual Reports of Water Systems (Water Quality Reports) • Energy Consumption Reporting • Accessibility Reporting	Website	Water & Sewer Departments	AD	Direct Requestor to website

Licenses • Business • Lottery • Kennel • Dog	Municipal Office	Director Legislative Services/Clerk	RD	Personal contact information to be removed prior to release EXCLUDES Marriage license information
Operating and Capital Budgets	Website Municipal Office	Treasury	AD	Direct Requester to website or Treasury. EXCLUDES drafts or Working Documents
Media Relations • Notices • Advertising • Press Release	Website Social Media	All Departments	AD	Direct Requestor to website
Motions & Resolutions	Website	Director Legislative Services/Clerk	AD	Direct Requestor to website
MPMP (Municipal Performance Measures Program)	Website	Treasury	AD	Direct Requestor to website
Permits • Miscellaneous Building • Driveway Entrances • Roadway Occupation • Sign • Special Events	Municipal Office	All Departments	RD	Information can be released to the property owner once ID has been verified. If third party request, refer to Director Legislative Services/Clerk.
Personnel / Employee Records	Municipal office	Human Resources	FOI	All personal information to be redacted.
Planning Applications	Website Municipal Office	Building Department	AD RD	All Planning Applications and comments received regarding public meetings are public information
Planning Policy Documents • Official Plan • Secondary Plan • Zoning By-law • Site Plan Application Guidelines	Website Municipal Office	Director Legislative Services/Clerk Building Department County of Wellington	AD	Direct requestor to website
Plans and Drawings • Building Plans • Construction specifications and drawings for roads/bridges/etc. • Site Plans and related information • Site servicing and Grading • Subdivision Plans • Reference Plans	Municipal Office	Building Department	RD	Third Party consent required for release of architectural drawings. Residential site plans, septic plans, released to property owner, authorized agent ONLY (ID & written consent required). R-plans-refer to land Registry office. **If Site plan application has been formally submitted, it is public information-however this is for viewing only; NOT FOR COPIES-approval required from owner (Planning Act, RSO 1990)

				Correspondence with members of the public is not to be released.
Plans and Studies	Municipal Office	All Departments	RD	EXCLUDES drafts or Working Documents.
Property Files	Municipal Office	Building Department Director Legislative Services/Clerk	AD	Owner/Agent (with owner's written consent and having provided ID) may view file Refer to Clerk if requested by third party.
Property Tax Information • Tax Rates • Roll Numbers • Tax Account Information • Tax Certificates • Statement of Account • Tax Certificate • Statement of taxes paid	Municipal Office	Treasury	RD	Only Tax Rates are public information. Roll Numbers and Tax Account information released to law firms when requested. Tax certificates provided to law firms when requested, Ownership of property can be verified Location of property is not to be released Statement of Account and Statement of Taxes Paid are ONLY provided to the property owner.
Provincial / Federal Requests	Municipal Office	All Departments	RD	Forward request to the appropriate Department Head
Recruitment Information	Municipal Office	Human Resources	RD	Release Interview questions only
Receipts • Taxes, Permits, Licenses, etc. • Recreation Program Registrations	Municipal Office	Treasury Recreation	RD	Receipts are provided to Payee ONLY Receipts for program registrations are provided to account holder ONLY.
Reports Staff Reports & Memorandums • Building Inspection • Property Standards Inspection • Animal Control Incidents • Incident/Accident • Playground Inspections • Water Sampling • Consultant Prepared	Municipal Office	All Departments	RD	Excludes confidential staff reports and memorandums (Confidential Staff Reports-refer to Clerk) Inspections are only released to the property owner (Third Party Inquiry-refer to Clerk) Photos of inspection reports are only released to property owner (Third Party Inquiry- refer to Clerk) Witness statement of incidents provided to witness and pet owner only (Third Party Inquiry- refer to Clerk)

				<p>Copies of Incident/ Accident reports can be provided to individual involved or parent/guardian if identity and relationship verified.</p> <p>Consultant Prepared Reports-refer to Clerk's Department.</p>
Salary Disclosure	Municipal Office	Human Resources	RD	Salary range for position may be released, but not for a specific person.
	Website		AD	Employees earning over \$100,000 are required to be released (<i>Public Sector Salary Disclosure Act</i>)
Voters' List	Municipal Office	Director Legislative Services/Clerk	AD	Voter Lookup allows each voter to look their name up themselves to verify if they are on the voters list
	Website			Voters List (hard copy) is kept in Clerk's Department.

APPENDIX "B"

Exemptions - *Municipal Freedom of Information and Protection of Privacy Act*

The following is a listing of exemptions that are applied by the Director of Legislative Services/ Clerk (as the Head of FOI) prior to the release of information under the *Municipal Freedom of Information and Protection of Privacy Act*. As such, this listing provides a guideline regarding information that may be redacted from a request for information.

Section of MFIPPA	EXEMPTION APPLIED
6	Draft By-laws Records of Closed Meetings
7	Advice or Recommendations
8	Law Enforcement
9	Relations with Government
10	Third Party Information
11	Economic and Other Interests
12	Solicitor-Client Privilege
13	Danger to Safety or Health
14	Personal Privacy
15	Information soon to be published



APPENDIX "C"
INFORMAL APPLICATION FOR REQUEST FOR INFORMATION
(Routine Disclosure)

APPLICANT INFORMATION			
Name			Request being made on behalf of:
Are you the	<input type="checkbox"/> Home Owner <input type="checkbox"/> Agent/Representative (with written consent of Owner) <input type="checkbox"/> Neither		
ID	<input type="checkbox"/> Yes	TYPE:	Written authorization received: <input type="checkbox"/> Yes
Address			Applicant Home Number
Email Address			Other Number
Address/Legal Description for which Document/Data is being requested (if different from Applicant Address)			

SECTION A - Document / Data Required

SECTION B – Use of the Document / Data (Provide a brief description of the purpose of this request)

SECTION C – Disclaimer

The following disclaimer applies to the release of documents by the Township of Wellington North.

While efforts are made to ensure that the supplied information is accurate and up-to-date:

1. Neither the Corporation of the Township of Wellington North nor any of its employees, officers, servants or agents shall be liable for any damages or suffer any loss arising from any errors or inaccuracies therein, or from any misuse, misinterpretation or misapplication thereof, whether due to the negligence of such employees, officers, servants, agents or otherwise; and
2. The said information is made available to the recipient thereof solely on condition that the recipient and all the recipient’s heirs, executors, administrators, successors and assigns assume full responsibility for any risk associated with the use or misuse thereof and agree to indemnify and hold harmless the Corporation of the Township of Wellington North and its employees, officers, servants or agents from any and all damages or losses, whether arising directly or indirectly from the release of the Township of Wellington North’s documents/digital data including all damages and losses of the type described herein.

SECTION D – Conditions of Release

The following conditions apply to the release of documents/data:

1. In the case of digital data, the Corporation of the Township of Wellington North must be acknowledged, by means of an approved logo and disclaimer, as the source of such digital data;
2. The Applicant/User will endeavor to bring to the attention of the Corporation of the Township of Wellington North any errors detected in this document/data;
3. The document/data described in Section A will be used exclusively for the purpose described in Section B, and that any other use of the data will be subject to written permission of the Corporation of the Township of Wellington North;
4. The Applicant/User will not market or release, in digital or paper form, the document/data to third parties without the explicit written permission of the Corporation of the Township of Wellington North;
5. The document/data will remain the property of the Corporation of the Township of Wellington North; and
6. In the event that the Applicant/User undergoes a change in either the ownership or organization, the authorization shall become null and void.

DATED at the Township of Wellington North, this _____ day of _____, 20_____.

The undersigned Applicant/User hereby acknowledges and agrees to the above disclaimer and conditions:

Name of Corporation (if applicable)

Position of Applicant/User

Signature of Applicant/User

TOWNSHIP USE ONLY
Date of Release of Information: _____ Released by: _____
NOTES: _____

