

Town of Eatonia Statement of Policy and Procedure			
Subject:	Local Authority Freedom of Information and Protection of Privacy Policy	Policy No:	11
Date of Council Approval:	October 13, 2020	Resolution No.	26/10/20

1. Purpose:

The Town of Eatonia (“the Municipality”) recognizes the right of access by the public to information in the possession or under the control of the Municipality and is committed to fulfilling its obligations under *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) and *The Local Authority Freedom of Information and Protection of Privacy Act Regulations* (LA FOIP Regs).

The objective of this policy is to adhere to LA FOIP, which provides members of the public with a right to access records of a local authority while at the same time providing legal privacy protection for the personal information in the custody and/or control of the Municipality.

2. Scope:

This policy applies to all employees and contractors of the Municipality.

3. Definitions:

Access to Information Request – the formal process by which an individual may request access to the Municipality’s information under the provisions of LA FOIP. The term freedom of information request (FOI) is also used to describe an access to information request.

Administrator – the Administrator of the Municipality appointed pursuant to Section 110 of *The Municipalities Act*.

Applicant – a person who makes an application for access to a record pursuant to section 6 of LA FOIP.

Contractor – an individual or company retained under a contract to perform services for the Municipality.

Duty to Assist – the Municipality’s obligation to provide assistance to an applicant including responding to a request for access openly, accurately, and completely.

Duty to Protect – the Municipality’s obligation to protect the integrity, accuracy, and confidentiality of the personal information in its possession or under its control.

Employee – an individual employed by the Municipality, including an individual retained under a contract to perform services for the Municipality.

Exemption – a mandatory or discretionary provision under LA FOIP that authorizes the Municipality to refuse to give access to information contained in a record, or, in some cases, to acknowledge the existence of a record in response to a request.

Formal Request – a request for access to information, made in writing or presented on the prescribed Access to Information Request Form that states the applicant wishes to make application under LA FOIP.

Head – the Mayor of the Municipality.

Informal Request – a request for information, which is general in nature, can be easily accessed in a minimal amount of time and can typically be handled by the department responsible for the information.

Information – what a record contains. It is also a term used to refer to the content of an electronic database or application. Regardless of the form, all recorded information in the possession or under the control of the Municipality is a record.

LA FOIP – *The Local Authority Freedom of Information and Protection of Privacy Act.*

Personal Information – information about an identifiable individual of which may include, but is not limited to: information about an individual's race; religion; family status; age; birthdate; place of origin; employment or criminal history; financial information; health services number; driver's license number; social insurance number; home address, email address or telephone number; physical or mental condition of an individual; an individual's personal views or opinions except where they are about another individual.

Privacy – is the right to keep certain information private; freedom from unauthorized access to, use of or disclosure of one's personal information.

Record – a record of information in any form and includes information that is written, photographed, recorded, digitized, or stored in any manner, but does not include computer programs or other mechanisms that produce records.

Third Party – a person or company other than the Municipality.

4. Policy:

LA FOIP and *The Municipalities Act* determine the Municipality's obligation to provide access to information under its control. Every employee and contractor with access to municipal information, as a result of their employment or contract with the Municipality, is responsible for managing that information in accordance with this policy.

4.1 Access to Information

Pursuant to LA FOIP, an individual has the right to request access to any information in the possession or under the control of the Municipality.

The Municipality has a duty to assist in providing as much information as possible to the applicant while ensuring personal, confidential, and third-party information is protected in accordance with LA FOIP.

4.2 Administration

The Head has all decision-making powers for the Municipality under LA FOIP. The Head may delegate these decision making powers, in writing, to the Administrator (Form C). Once delegated, the Administrator shall then be accountable for all decisions, duties, and obligations pursuant to LA FOIP.

The central access and privacy office shall be the Municipality's administration office.

Whenever possible, appropriate informal disclosure will be encouraged. Where a formal application is received, the process outlined in LA FOIP shall be followed.

4.3 Application and Fees

All persons requesting access to records not normally or regularly provided by the Municipality are required to complete an "Access to Information Request (see attached Form A), as set out in LA FOIP Regs, which shall be accompanied by an application fee of twenty dollars (\$20.00).

The Head and/or Administrator will ensure that each application pertains to only one subject matter and that additional charges beyond the initial \$20.00 application fee may be levied, as per LA FOIP, where the gathering of requested information takes in excess of one hour to complete. If the amount of the fees is to be in excess of \$50.00, an estimate is required to be provided to the applicant.

When access to the information is provided, the following fees apply:

- a) \$0.25 per page for copying or computer printout;
- b) the cost of the storage device for electronic copies;
- c) \$15.00 for each half hour, or portion thereof, of the excess time spent locating the requested information and redacting as necessary.

All fees are collectable prior to any information being provided.

Any person is entitled, at any time during regular office hours, to inspect and obtain copies of adopted bylaws and adopted minutes. If copies are wanted, the fee charged will be as per the Office Fees and Supplies Policy and payable in advance of the records being provided. Form A is not required to be submitted for these documents.

If the individual is requesting access to his/her own records, then Form A is not required. However, copying fees will apply.

4.4 Informal Requests

Informal request are handled by the employee responsible for the information, in consultation with the Administrator as necessary.

4.5 Formal Requests

An applicant who wishes to make a formal request under LA FOIP is to complete the Access to Information Request Form available on the Municipality's website or the Saskatchewan Office of the Information and Privacy Commissioner's website or make a request by email or letter stating the request is being made under LA FOIP.

The applicant is to send the request confidentially to the Administrator. If an employee receives the formal access request, it should be forwarded to the Administrator.

Formal requests are handled by the Administrator, confidentially and immediately on receipt. The name of the applicant should be kept confidential.

Formal access to information requests are subject to an application fee, pursuant to LA FOIP regulations.

Processing fees are determined in accordance with LA FOIP regulations.

The Municipality will process the access to information request with complete, accurate and timely response in accordance with LA FOIP.

Employees shall assist the Administrator as necessary in obtaining information responsive to access to information requests in accordance with the timelines legislated under LA FOIP.

4.6 Duty to Assist

The Municipality has a duty to provide assistance to an applicant including to respond to a request for access openly, accurately and completely; to provide an explanation of any term, code or abbreviation used in the information, or to refer an application to a person who is able to supply an explanation if the Municipality is unable to do so.

4.7 Duty to Protect

The Municipality has a duty to protect the integrity, accuracy and confidentiality of the personal information in its possession or under its control including to protect against any reasonably anticipated threat or hazard; loss or unauthorized access to or use, disclosure or modification.

4.8 Exemptions

LA FOIP provides for the protection of certain information. There are mandatory and discretionary provisions under LA FOIP authorizing the Head and/or Administrator to refuse to give access to information contained in a record including refusal to confirm or deny the existence of a record, in response to an access to information request.

When determining whether to apply discretionary exemptions, the Head and/or Administrator will exercise good faith in balance the legitimate business or legal concerns of the Municipality and the principles of open government.

Mandatory Exemptions:

- records from other governments obtained in confidence [LA FOIP (13)];
- certain third-party information [LA FOIP (18)].

Discretionary Exemptions:

- information received in confidence from another local authority [LA FOIP (13)];
- information regarding law enforcement and investigations [LA FOIP (10)];
- documents of a local authority such as draft resolutions, bylaws, in-camera meetings [LA FOIP (15)];
- information that is advice from officials [LA FOIP (16)];
- information regarding testing procedures, test, and audits [LA FOIP (19)];
- information that may result in the danger to health or safety of an individual [LA FOIP (20)];
- information that is solicitor-client privileged [LA FOIP (21)].

4.9 Reviews

An applicant who is not satisfied with how the Municipality has processed an access to information request may apply to the Saskatchewan Information and Privacy Commissioner (IPC) for a review of the matter.

The Municipality will cooperate with the IPC in the conduct of the review.

The Municipality will work with the IPC, the applicant and any third parties to come to an acceptable review result, whenever possible.

The Administrator will determine whether to comply or not comply with any recommendations of the IPC following a review, with regard for the requirements of LA FOIP, the public interest, mandate of the Municipality, and the principles of open government.

If the applicant and/or third party are not satisfied with the Head and/or Administrator's decision to comply or not comply with the recommendation of the IPC, they can appeal that decision to the court.

4.10 Open Government

The Municipality is committed to supporting the concepts of transparency, accountability, accessibility, and participation, as such is committed to proactively providing information.

5 Roles and Responsibilities

The Administrator is responsible for:

- Corporate information, including personal information at the Municipality, of residents and employees;
- Providing guidance with respect to this policy and ensuring this policy is followed;
- Receiving and managing all access to information requests including the application of all exemptions and working with the IPC when a review is undertaken.

Employees are responsible for:

- Forwarding all access requests to the Administrator;
- Assisting with the search for responsible records;
- Compliance with this policy and related procedures and guidelines.

6 Privacy Practices

Personal information, including but not limited to home and business phone numbers, civic address, mailing address, birthdate, social insurance number, family member names and/or information, pension plan information, health card number, etc., shall be redacted before disclosure of documents.

Employee classification, salary, discretionary benefits, and job responsibilities are not classified as personal information and will not be redacted.

The Municipality has the authority to collect personal information pursuant to specific legal obligations. The Municipality shall inform the individual of the purpose for the collection of the information, and shall collect only the necessary information. Reasonable steps must be taken to ensure the information collected is accurate and complete. The information collected and maintained in the Municipality's possession and/or control shall only be used for the purpose for which it was collected.

Personal information may only be disclosed in accordance with LA FOIP (28). Names of property owners and legal land descriptions are considered to be public information as this information is available from Information Services Corporation (ISC), however civic and/or mailing addresses are considered to be personal information and shall only be disclosed in accordance with LA FOIP (28).

Specific property tax and assessment information shall only be disclosed by tax certificate or tax statement, or with written consent of the property owner.

Individuals have the right to access records containing their own personal information with limited expectation's [LA FOIP (30)]. Individuals have the right to request the correction of their personal information. If the request for change is reasonable, the correction shall be made. If the request is not reasonable, an objection to the change shall be noted on the file.

Personal information shall be safeguarded as follows:

- the files shall be stored in locked file cabinets, the vault, or other secured areas;
- access to the records shall be restricted to the Administrator and Office Assistant;
- access to the Municipality's administration office shall be restricted to the Administrator, Office Assistant, Recreation Director, Janitor, and Council Members (will only have a key when holding a committee meeting and no office staff member is attending);
- employment records shall be maintained pursuant to the Municipality's record retention bylaw.

7 Forms

Form A: Access to Information Request Form

Form B – Property Tax and Assessment Information Consent Form

PART III
FORM A
[Clause 6(1)(a) of the Act]



**Access to
Information
Request Form**

LOCAL AUTHORITY FREEDOM OF
INFORMATION AND PROTECTION
OF PRIVACY
Form A
[Clause 6(1)(a)]

Personal information and personal health information on this form is collected under *The Local Authority Freedom of Information and Protection of Privacy Act* and *The Health Information Protection Act* and will be used or disclosed only as necessary to respond to your request.

INFORMATION ABOUT YOU

Last Name

First Name

Name of Company or Organization (if applicable – optional)

Address

City

Province

Postal Code

Day Phone Number

Alternate Number

Fax Number

Email

INFORMATION ABOUT THE RECORDS YOU ARE REQUESTING

Are you requesting:

- ☐ your own personal information.
- ☐ personal information about someone other than yourself (*attach proof that you have authority to receive the information requested*).
- ☐ general information.

To which local authority are you making your request? *Enter the name of the local authority that you believe has the records you are requesting.*

What records do you wish to access? *Please provide a detailed description of the records you wish to access. This information will help locate the records.*

What is the time period for the records you are requesting (if applicable)?

There is a processing fee of \$20 payable to the local authority. The person managing your request may contact you to seek clarification or to discuss aspects of the request, including the application of additional fees if necessary. You may request a waiver of the processing fee or additional fees, but may be required to provide evidence of substantial financial hardship (see section 8 of the regulations).

Please keep a copy of this request for your records.

☐

Check if requesting waiver of processing fees:

I request that payment of the fees related to this request be waived because payment will cause me substantial financial hardship. Details are as follows: *(Use reverse of form if additional space is required.)*

Signature of Applicant

FOR OFFICE USE ONLY

Date Received

Application Number

30-Day Response Date



TOWN OF EATONIA

202 Main Street
Box 237
Eatonia, SK S0L 0Y0

Telephone: 306-967-2251
Fax: 306-967-2267
Email: eatonia@sasktel.net

FORM B REQUEST FOR INFORMATION FORM

The Municipality's administration office must receive this form, duly authorized and signed by the person(s) holding legal title to the property, prior to the disclosure of the information.

Requestor's Name: _____ Date Requested: _____

Company/Organization: _____ Date Records Needed By: _____

The following request applies to the following property:

- ☐ Legal Land Description: Lot _____ Block _____ Plan _____
- ☐ Civic Address: _____
- ☐ Title Number: _____

☐ This request is based upon the sale of the above listed property.

Please provide the following information:

- ☐ Assessment / Field Sheet
- ☐ Property Tax Information: ☒ Current Levy (prior levy if current not levied)
- ☐ Outstanding Amounts
- ☐ Status of Tax Account
- ☐ Official Tax Certificate
- ☐ Other: _____

A fee of \$10.00 must be supplied to the Municipality with a copy of this request prior to our office sending the tax certificate.

A fee of \$10.00 per Assessment/Field Sheet must be supplied to the Municipality with a copy of this request prior to our office sending the Assessment/Field Sheet.

PERMISSION FROM TITLE HOLDER(S) / CLIENT(S) GRANTED TO RELEASE INFORMATION:

_____	_____
Title Holder Name – Print Name	Signature
_____	_____
Title Holder Name – Print Name	Signature
_____	_____
Title Holder Name – Print Name	Signature

OFFICE USE ONLY

Date Request Received: _____ Staff Initial: _____

Date Request Fulfilled: _____ Via: Post / E-mail / Fax Staff Initial: _____

TC / FS Payment: \$ _____ Chq#: _____ Receipt # GR _____ Staff Initial: _____



TOWN OF EATONIA

202 Main Street
Box 237
Eatonia, SK S0L 0Y0

Telephone: 306-967-2251
Fax: 306-967-2267
Email: eatonia@sasktel.net

FORM C

DELEGATION OF POWER UNDER

THE LOCAL AUTHORITY FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

DELEGATION:

Pursuant to Section 50 of *The Local Authority Freedom of Information and Protection of Privacy Act*, I hereby delegate my decision making powers as Head of the Town of Eatonia to the Administrator

LIMITATIONS, RESTRICTIONS, CONDITIONS AND REQUIREMENTS:

Check the box that applies:

☐

With full authority

☐

With limitations, restrictions, conditions and requirements as specified below:

PREVIOUS DELEGATIONS:

The previous delegations under *The Local Authority Freedom of Information and Protection of Privacy Act* are hereby revoked.

TERM OF DELEGATION:

This delegation is in effect from the date set out below and shall remain in effect for my term of office as Mayor unless revoked earlier.

Signature of Head

Date