



CORPORATION OF THE TOWN OF COBOURG

Division: Corporate Services

Effective Date: September 29, 2014

Department: Legislative Services

Approval Level: Council

Policy Title: Routine Disclosure
- Administration

Section # 3-1
Policy # LEG-ADM13

Purpose

The Town of Cobourg is committed to ensuring the public is provided access to government records and information efficiently and effectively, and in accordance with the Town of Cobourg's commitment to accountability and transparency, with the overarching principles of the *Municipal Act* 2001, and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

The MFIPPA provides for a process for obtaining access to municipal records through filing a written request through the Municipal Clerk. However the MFIPPA provides that the Town of Cobourg may establish a Routine Disclosure Policy, when there is nothing in the Act to prevent giving access to information contained within municipal records.

The Town of Cobourg endorses practices that will facilitate open access to public records, while at the same time protecting the privacy of personal information which is within the custody of the Town of Cobourg in accordance with the MFIPPA.

Policy

1. ROUTINE DISCLOSURE

There are a number of records and types of information which are available to the public through routine disclosure. This means that a formal review of information through an FOI Request (Freedom of Information) is not necessarily required in order to obtain or view municipal records or documentation. Accessing Town of Cobourg information and applicable records will, whenever possible, be made available to the public on the Town of Cobourg's website, orally, or through public inspection at each respective municipal department.

The following list outlines possible records and types of information which are available through routine disclosure. The determination of what records should be disclosed needs to be made by the Town and where the request originated after reviewing the record type, MFIPPA exemptions, information content, current practices, and the nature of the request, including, but not limited to:

- Information related to Municipally owned Surplus Land;
- Town of Cobourg policies;
- demographic and statistical information;
- By-laws;
- Council, Committee, Board Meetings open to the public, with the Agendas and minutes;
- staff reports;
- resolutions;



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- general community information (i.e. licensing, permits, waste disposal information;
- annual (approved) budgets;
- audited financial statements;
- summary of total tender results;
- tax certificates;
- Committee of Adjustment Notices and Decisions;
- planning related documents and development records (as per Planning Act);
- Subdivision/Site Plan Agreement Information;
- construction information;
- building services reports or compiled statistics;
- recreational programming and facility rental information;
- information pertaining to tourism events, special events and activities;
- Fire Incident Reports;
- official plans and amendments;
- zoning applications and notices decisions, minutes, staff reports;
- tax rolls and records;
- elections candidate Information/candidate financial reports;
- Council expenses, remuneration; and
- goals and objectives and strategic plan, of the Town of Cobourg;
- Council approved Master Plans (i.e. Transportation, Parks, Waterfront, etc).

Requests that meet the requirements of this section may be released by all Municipal Employees; however prior to the disclosure of any records, Municipal Staff should consult with their Department Manager/Supervisor and where uncertain about any disclosure requests should contact the Municipal Clerk for verification.

Any requests for viewing of building, planning or engineered drawings should be reviewed by the Department Manager/Supervisor, or in consultation with the Municipal Clerk, prior to the disclosure due to copyright protection laws.

- Any specific requests for requesting tangible copies of any building, planning or engineered drawings shall be done through the formal FOI process and followed under s.10 of the Act as third party information.

2. RECORDS IN ACCESSIBLE FORMAT

Records actively routinely disclosed are subject to the requirements of the *Accessibility for Ontarians with Disabilities Act* and its regulations, and will be provided in accessible formats as requested in accordance with the requirements set out by the Act, and the Town of Cobourg [Accessible Workplace Policy; HR-AP-A12](#).



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3. PERSONAL INFORMATION

To protect individual privacy, *the Municipal Freedom of Information and Protection to Privacy Act* (MFIPPA) places restrictions on the collection, use, disclosure, retention and disposal of personal information. These privacy protection standards are always in effect, and all Town of Cobourg Staff are individually responsible for meeting all privacy requirements about an identifiable individual as set out in s.2 of the Act and in accordance with the Town of Cobourg [Privacy Policy LEG-ADM12](#).

The Town of Cobourg will **NOT** disclose personal information through routine disclosure. All requests for any record that may contain personal information must be submitted formally under the MFIPPA process. This can be done by submitting a formal FOI Access Request with the applicable forms and fees to the Municipal Clerk.

4. NOT REQUIRED TO CREATE RECORDS

The Town of Cobourg is not required to provide information discussed but not recorded. In response to an informal request, the Town is not required to create records which do not otherwise exist.

The Town of Cobourg is not required to restore records that have been properly disposed of under the authority given and provided by the Record Retention By-law.

5. DENIED ROUTINE DISCLOSURE REQUEST

The Town of Cobourg has the authority to deny a request for routine disclosure, as well as redact certain portions of any documents that are being disclosed as dictated by the Act.

If a request for routine disclosure is denied, then a request under the Town of Cobourg Formal Freedom of Information process and [Policy LEG-ADM13](#), and can be made to the Municipal Clerk.

6. FEES- CHARGEABLE PRODUCTS AND SERVICES

The following provisions shall apply to this policy for the recovery of all reasonable direct and indirect costs associated with responding to requests for information that require staff to take some specific action on the requestors behalf and/or prepare a response.

The charging of fees is authorized by Section 45(1), of the Act. Any individual making a request for routine disclosure services, there will be no initial charge applied for the



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application from the Requestor. However the Requestor may be required to pay for the fees for the following:

- a) Manually searching for a record;
- b) Preparing a record for disclosure;
- c) Computer and other costs incurred in locating, retrieving, processing and copying a record;
- d) Shipping costs; and
- e) Other costs incurred in responding to a request, as set by the regulation- *Section 6 of R.R.O. 1990, Regulation 823.*

6.2 FEE ESTIMATES, DEPOSITS, AND PAYMENTS

Requests for records that, in the opinion of the specific Department Manager/Supervisor that requires substantial research and staff time and/or photocopying, shall require an estimate of costs to be provided to the requestor prior to any work commencing on the collection of records. No records shall be provided until the required fee has been paid.

Where the total fee is estimated to exceed \$100.00, an estimate must be provided to the requestor before staff begins to process a request. The requestor must agree to pay the estimated cost before staff continues to process the request by signing the fee estimate request form.

The payment of a deposit equal to 50% of the estimated cost may be required before proceeding. If the actual fee is less than the deposit, the balance must be refunded.

If it becomes clear during the processing that the actual cost is likely to exceed the original estimate substantially, a revised estimate must be provided to the requestor.

The full payment of all fees will be required before providing the requested information.

6.3 FEE WAIVERS

Some or all fees may be waived by a Department, in the following circumstances:

- a) the total fee is less than \$5.00;
- b) it is in the general public interest to provide the information;
- c) it is in the Town of Cobourg's interest to provide the information;
- d) a waiver is requested because payment could result in a demonstrable financial hardship; or
- e) if the record for disclosure contains the Requestors' personal information a fee cannot be charged.



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6.4 APPLICATION OF OTHER FEE SCHEDULES

Where a specific fee schedule is established for copying or for the sale of recorded information, as permitted by legislation or as approved by Council resolution or By-law, such approved fee schedule takes precedence over this policy.

Definitions

“**MFIPPA**” shall mean the *Municipal Freedom of Information and Protection of Privacy Act* (the Act)

“**Routine Disclosure**” shall mean the process of providing requesters with a copy of records or providing a means in which the requestor may examine or view records outside of the *Municipal Freedom of Information and Protection of Privacy Act* process.

Scope

This policy shall apply to all Municipal Employees of the Town of Cobourg.

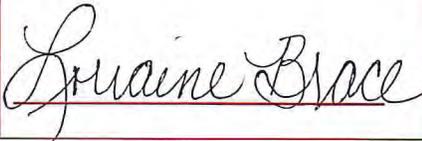
Administration

The Chief Administrative Officer shall appoint the Municipal Clerk to implement and administer the terms of this policy and shall establish related operating procedures as required.

Cross Reference

Policy #

Procedure #

Resolution # 493-14	Revision Description:	Signature/Municipal Clerk: 	Council Approval Date: September 29, 2014
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