



CORPORATION OF THE TOWN OF COBOURG

Division: Corporate Services

Effective Date: September 29, 2014

Department: Legislative Services

Approval Level: Council

Policy Title: Freedom of Information
Requests- Administration

Section # 3-1
Policy # LEG-ADM13

Purpose

To establish a consistent process in which all formal Freedom of Information request(s) will be processed by the Town of Cobourg and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

Policy

The Town of Cobourg is committed to the security and privacy of records under its care and control, as well as providing access to information as required under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*. Under the MFIPPA the Municipal Clerk is responsible for responding to all Freedom of Information Requests.

1. FREEDOM OF INFORMATION REQUEST

The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) provides an individual with the right to access information under the custody and control of an institution, including one's own personal information. There are certain limitations that may exclude records from being accessible: the records may be exempt, confidentiality provisions may apply, or the request may be considered frivolous or vexatious.

2. EXEMPTIONS

The primary focus of the MFIPPA is to facilitate access to government information, but there are limitations to that access. These limitations were enacted to protect personal information, as well as sensitive information, in the custody and control of municipal government. Under the MFIPPA, there are two types of exemptions that must be considered when assessing whether information is to be disclosed:

- a) Mandatory exemptions- requiring the institution to refuse disclosure of the record. Such records include:
 - Information pertaining to intergovernmental relations; if the information was received in confidence;
 - third party information that reveals a trade secret or scientific, technical, commercial, financial or labour relations information if supplied in confidence, and where disclosure could prejudice the interests of a third party;
 - personal information about individuals other than the requestor.

- b) Discretionary exemptions-requiring an institution to apply discretion and good judgment when determining whether or not to disclose the record. Such records include:



CORPORATION OF THE TOWN OF COBOURG

Division: Corporate Services

Effective Date: September 29, 2014

Department: Legislative Services

Approval Level: Council

Policy Title: Freedom of Information
Requests- Administration

Section # 3-1
Policy # LEG-ADM13

-
- Draft by-laws, records of closed meetings where such are authorized by statute;
 - advice or recommendations within organization;
 - law enforcement records;
 - information which could prejudice the financial or other specified interests of the organization;
 - solicitor-client privileged information;
 - information which could endanger the health and safety of an individual;
 - information already available to the public or soon to be published.

Although the above exemptions provide direction as to what must or may be considered when assessing whether or not to disclose, there are times when the above exemptions do not apply.

Certain exemptions (above) do not apply:

- a) if a compelling public interest outweighs the purpose of the exemption; or
- b) if there is a grave environmental, health or safety hazard, regardless of whether or not a formal request for information has been made.

3. REQUESTS

Every individual has a right of access to a record that is in the custody and control of the Town of Cobourg, unless it falls within one of the exemptions. Requests for Freedom of Information should be made to the Municipal Clerk's Office by completing a prescribed Freedom of Information Request Form to be delivered to the Municipal Clerk.

4. ACCESS TO ONE'S OWN PERSONAL INFORMATION

MFIPPA provides that individuals have the right to access and correct their own personal information if they believe there is an error or omission. Once access has been granted to their personal information, an individual has the right to:

- request a correction of their personal information;
- require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made;
- require that notification be sent to any person or body to whom the personal information has been disclosed (within the year before) advising them of the correction or statement of disagreement.



CORPORATION OF THE TOWN OF COBOURG

Division: Corporate Services

Effective Date: September 29, 2014

Department: Legislative Services

Approval Level: Council

Policy Title: Freedom of Information
Requests- Administration

Section # 3-1
Policy # LEG-ADM13

Access to one's own personal information shall be at the discretion of the Division Director, or Manager (or delegate). Certain exemptions affecting access may be applied pursuant to Section 38 of the MFIPPA and to the Town of Cobourg's **Privacy Policy LEG-ADM12**.

5. FEES

The charging of fees is authorized by s.45(1), of the MFIPPA. Any individual who makes a request under Freedom of Information; there will be a \$5.00 application fee required from the Requestor. The Requestor may be required to pay for the fees for:

- a) Manually searching for a record;
- b) Preparing a record for disclosure;
- c) 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. FEE SCHEDULE

List of Current Fee Amounts Based on MFIPPA and Regulations: R.R.O. 1990. Regulation 823, s6.

Initial Request Fee:	\$5.00 (FOI request)
Record preparation and search time:	\$7.50 for each 15 minutes
Photocopies:	\$0.20 for each page
Preparing a record for disclosure, including serving a part of the record:	\$7.50 for each 15 minutes
CDs with records:	\$10.00 per disc
Other fees charged (e.g. courier costs):	As invoiced
Fees estimated over \$100.00:	50% deposit

7. 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



CORPORATION OF THE TOWN OF COBOURG

Division: Corporate Services

Effective Date: September 29, 2014

Department: Legislative Services

Approval Level: Council

Policy Title: Freedom of Information
Requests- Administration

Section # 3-1
Policy # LEG-ADM13

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.

10.3 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.

9. ROUTINE DISCLOSURE

The Town of Cobourg has practices and guidelines that have been developed to encourage the Routine Disclosure of information to provide easier public access to information. All requests for Routine Disclosure shall apply to the [Routine Disclosure Policy LEG-ADM14](#) for the Town of Cobourg and a list of what can be routinely closed on a regular basis is listed in the Policy.

Routine disclosure occurs when:

- a) a request for a general record can be granted routinely outside of the Formal Access process prescribed by *the "MFIPPA"*, or
- b) Information or records are periodically released (without any request) pursuant to a specific strategy for release of information by the Town of Cobourg.



CORPORATION OF THE TOWN OF COBOURG

Division: Corporate Services

Effective Date: September 29, 2014

Department: Legislative Services

Approval Level: Council

Policy Title: Freedom of Information
Requests- Administration

Section # 3-1
Policy # LEG-ADM13

10. FREEDOM OF INFORMATION COMMITTEE

A Freedom of Information Committee composed of the Mayor, Deputy Mayor and the Councillor who received the greatest number of votes at the last municipal election are designated as head of the Corporation for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.

The FOI committee shall meet with the Municipal Clerk and the respective Municipal Staff to determine whether or not and how information will be disclosed through the formal Freedom of Information Request Process of the Town of Cobourg.

Following a decision of the FOI Committee, the Municipal Clerk shall prepare a formal letter of response summarizing the decision, to be sent to the Requestor explaining that they have the right to appeal the decision of the Committee to the Office of the Information and Privacy Commissioner of Ontario.

Definitions:

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

Scope

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

Administration

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

Cross Reference

Policy #

Procedure #



CORPORATION OF THE TOWN OF COBOURG

Division: Corporate Services

Effective Date: September 29, 2014

Department: Legislative Services

Approval Level: Council

Policy Title: Freedom of Information
Requests- Administration

Section # 3-1
Policy # LEG-ADM13

<p>Resolution # 495-14</p>	<p>Revision Description:</p>	<p>Signature/Municipal Clerk: <i>Louaine Brass</i></p>	<p>Council Approval Date: September 29, 2014</p>
--------------------------------	------------------------------	--	--