

<b>South Glengarry</b>			<b>POLICY</b>
Policy and Procedural Manual		Page Number:	1-4
Policy Number:		Review Frequency:	<b>Every 4 years</b>
Approved By:	<b>Bryan Brown- CAO</b>	Date Approved:	<b>August 8, 2016</b>
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Subject:	<b>Freedom of Information Requests and Fees</b>		

## **PURPOSE**

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

## **POLICY**

The Township of South Glengarry is committed to the security and privacy of records under its care and control, as well as providing access to information as required under MIFPPA. Under MIFPPA the Municipal Clerk is responsible for responding to all Freedom of Information Requests.

### **1. FREEDOM OF INFORMATION REQUEST**

The MIFPPA 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 assisting whether information can be disclosed:

- a) Mandatory exemptions-requiring the institution to refuse disclosure of the records. 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 judgement when determining whether or not to disclose the record. Such records include:
- Draft by-laws, records of closed meetings where such are authorized by statute;
  - Advice or recommendations within organizations;
  - 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.

### **3. REQUESTS**

Every individual has a right of access to a record that is in the custody and control of the Township of South Glengarry, unless it falls within one of the exemptions. Requests for Freedom of Information should be made to the Municipal Clerk by completing a prescribed FOI 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.

## **5. FEES**

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

- a) manually searching for a record;
- b) preparing a record for disclosure;
- c) costs incurred in location, retrieving, processing and copying a record; shipping cost; and
- d) other costs incurred in responding to a request, as under Section 6 of the R.R.O. 1990, Regulation 823 under MIPPPA.

## **6. FEE SCHEDULE**

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

Request fee	\$5.00 (FOI) request
Record Preparation and search time	\$7.50 for each 15 minutes
Photocopies:	\$0.20 for each page
CDs with records:	\$10.00 PER DISC
Other fees charged (courier costs)	as invoiced
Fees estimated over \$100.00:	50% deposit

## **7. FEE ESTIMATES, DEPOSITS AND PAYMENTS**

Requests for records that require 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.