



Town of Whitby Procedure

Procedure Title:	Routine Disclosure of Records
Procedure Number:	CA 030-001
Reference:	Records and Information Management Policy CA 030
Date Approved:	March 26, 2018
Date Revised:	Not Applicable
Approval:	Chief Administrative Officer
Point of Contact:	Manager of Records and Information Management

Purpose

The purpose of this procedure is to improve public accessibility to records and information held by the Town through Routine Disclosure and support municipal government transparency and accountability.

Scope

This procedure establishes principles for releasing certain types of records and information without requiring the submission of a formal Freedom of Information (FOI) request in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). The procedure identifies to Town staff the records and information that may be requested and disclosed routinely, as well as, it identifies records and information that could be regularly and actively shared with the public.

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1 Definitions

- 1.1 **Confidential Information** means any information that is of a personal nature to Town employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the Corporation.
- 1.2 **Freedom of Information (FOI) Request** means a formal written request made under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- 1.3 **Frivolous and Vexatious** means requests that form a pattern of conduct that could amount to the abuse of the right to access and interferes with the operation of the institution. It also includes requests that are made in either bad faith or made for the purpose other than to obtain access.
- 1.4 **Personal Information** means recorded information about an identifiable individual as defined in the Municipal Freedom of Information and Protection of Privacy Act (the "Act").
- 1.5 **Responsible Department** refers to the department, division, or service area which holds custody and control of the original records for the length of time required in accordance with the Records Retention and Classification By-law.
- 1.6 **Routine Disclosure** is the routine or automatic release of certain records and information in response to informal requests.
- 1.7 **Third Party Information** is 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 Town of Whitby.

2 Responsibilities

- 2.1 Routine Disclosure requests are to be handled by the Responsible Department.

3 Procedure

- 3.1 This procedure does not apply to records or information subject to the mandatory exemptions listed in Appendix A.
- 3.2 The appendices to this Procedure have been developed to assist Responsible Departments in determining what records may be released through Routine Disclosure.

4 Routine Disclosure – Requests

- 4.1 Routine Disclosure requests may be verbal or in writing (including emails). The Town reserves the right to require that a request be submitted in writing where the request is unclear or where the information being requested is of a personal, detailed or large volume.
- 4.2 Requests for records made under this procedure shall be directed to the Responsible Department.
- 4.3 Routine Disclosure requests will be fulfilled in a reasonable timeframe, and have consideration for other projects and priorities of Staff.
- 4.4 Subject to consultation with the Manager of Records and Information Management, requests to access records containing Confidential Information, Personal Information other than the requestors, or Third Party Information should be directed to submit a Freedom of Information Request.
- 4.5 Requests determined to be Frivolous or Vexatious may be refused by the Responsible Department.
- 4.6 Fees may be charged for the search and reproduction of records for Routine Disclosure in accordance with the Consolidated Fees and Charges By-law.

Appendices

Appendix 1 Exemptions

Appendix 2 Planning and Development Department – Records for Routine Disclosure

Original Approved and Signed.

Matthew Gaskell, Chief Administrative Officer, x2211

March 26, 2018

Date

Appendix A

Exemptions

1 Exemptions

1.1 **Mandatory Exemptions require that the Town, through the Town Clerk, refuse to disclose certain kinds of records, including:**

- Information received in confidence from other government agencies (s.9 MFIPPA);
- Third Party Information, if supplied in confidence, and where disclosure could prejudice the interests of a third party (s.10 MFIPPA); and
- Personal Information about individuals other than the requester where disclosure would constitute an unjustified invasion of personal privacy (s.14 MFIPPA).

1.2 **Discretionary Exemptions allow the Town, through the Town Clerk, to decide whether to disclose certain other kinds of records, including:**

- Draft by-laws, draft private bills and records of meetings that are authorized by statute to be held in the absence of the public (s.6 MFIPPA);
- Advice or recommendations within the Town (s.7 MFIPPA);
- Law enforcement information (s.8 MFIPPA);
- Information which could prejudice the financial or other specified interests of the Town (s.11 MFIPPA);
- Information subject to solicitor-client privilege (s.12 MFIPPA);
- Information which could endanger the health or safety of an individual (s.13 MFIPPA); and
- Information already available to the public or soon to be published (s.15 MFIPPA).

1.3 **For detailed descriptions of the exemption please visit:**

<https://www.ontario.ca/document/freedom-information-and-privacy-manual/exemptions>

Appendix B

Planning and Development Department – Records for Routine Disclosure

Record Type	Release of Information - Specifics
Heritage Property Register & List of Designated Properties	Copies are provided upon request.
Maps	Excludes any maps subject to external copyright.
Permits - Building	Permit application forms can be released to the property owner or their representative on file.
Permits – Sign	Copies of applications may be given to either the applicant or the property owner. Confirmation of a permit issued is provided verbally. A list of addresses that have been issued permits can be given to anyone.
Planning Applications	Formal comments from internal departments or external agencies can be provided on request.
Planning Documents (Official/Secondary/Site Plan, Zoning By-law, Approval process manual)	Related background information may be provided upon request.
Plans & Drawings as constructed & profiles	Copies are provided upon request. Copyright Act might apply to some drawings and plans.
Plans & Drawings- Building Plans	Released only to property owner or their representative. Copyright Act might apply.
Plans & Drawings- Construction specifications and drawings for Road, Sewer, Water main, Bridges, etc.	Copies can be provided upon request. Copyright Act applies to some drawings & plans.
Plans & Drawings- Site Plans & Related Information	Institutional, commercial and industrial site plans can be released upon request. Residential site plans are to be released only to the property owner or representative. No correspondence with other members of the public can be released.
Plans & Drawings- Site Servicing & Grading	Copies are provided upon request. Copyright Act might apply to some drawings and plans.
Plans & Drawings- Subdivision Plans	Copies are provided upon request. Copyright Act might apply to some drawings and plans.
Reports - Building Inspection	Can be released to property owner or representative only.