



Town of Whitby Procedure

Procedure Title:	Access to Information
Procedure Number:	CA 060-001
Reference:	Corporate Access and Privacy Policy, MFIPPA By-law #7126-16
Date Originated:	July 26, 2016
Date Revised:	Not applicable
Review Date:	July 26, 2021
Approval:	Chief Administrative Officer
Point of Contact:	Town Clerk

Purpose

The purpose of this procedure is to define the informal and formal request process for public access to records held in the custody and/or control of the Town of Whitby under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Scope

This procedure applies to all records held in the custody and control of the Town of Whitby.

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1 Definitions

- 1.1 **Act** means the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- 1.2 **Council** means the Council of the Corporation of the Town of Whitby.
- 1.3 **FOI** means freedom of information.
- 1.4 **Formal Request** means a formal request in accordance with the Act. A request for access to or copies of a record which is submitted using the prescribed form detailing the requested records, and is dated and signed by the requester. This type of request should be received only after the informal request has been denied.
- 1.5 **Informal Request** means a verbal or written request for access to or copies of a record, and may also be referred to as an over-the-counter or routine request. All requests should begin informally and requesters should only submit a formal request as a last resort.
- 1.6 **IPC** means the Information and Privacy Commissioner of Ontario.
- 1.7 **Third Party** is any person, group of persons or organization whose interest might be affected by disclosure, other than the person, group of persons, or organization making the request for access. Where the third party is an individual, another person may in some cases, exercise his/her right.

2 Responsibilities

- 2.1 Commissioner to:
 - a) Understand this procedure and the principles of the Act;
 - b) Appoint a minimum of one FOI department contact to perform roles and responsibilities (outlined in section 2.3);
 - c) Remain informed of all requests for information that pertain to records within their department's custody and control (does not include requests where the requester asks for their own personal information); and,
 - d) Ensure compliance, where applicable, with the Corporate Access and Privacy Policy and this procedure and the Act.
- 2.2 Manger of Records and Information Management to:
 - a) Maintain a thorough knowledge of this procedure;
 - b) Fulfill the duties as the "head" in accordance with the Act as delegated by the Town Clerk in accordance with By-law Number 7126-16;
 - c) Receive requests and coordinate those requests with FOI Department Contact(s) to comply with legislated time requirements;
 - d) Communicate with requesters to clarify requests, issue notices and respond to enquiries;

- e) Conduct FOI training and orientation;
- f) Develop and maintain Corporate Access and Privacy Policy and procedures;
- g) Seek legal advice from the Town Clerk and/or Town Solicitor respecting disclosure decisions, as required;
- h) Communicate with the IPC office to respond to enquiries and seek clarification and direction regarding appeals;
- i) Make decisions relative to record disclosure; and,
- j) Determine or waive fees in accordance with the Act.

2.3 FOI Department Contact to:

- a) Maintain a thorough knowledge of this procedure;
- b) Coordinate requests with the Manger of Records and Information Management to comply with legislated time requirements;
- c) Compile all records within their area of responsibility relative to the scope of the request, review these records, and submit preliminary disclosure recommendations to the Manger of Records and Information Management;
- d) Track search and preparation time related to the request and provide such information for the Manger of Records and Information Management for the purpose of calculating fees and charges in accordance with the Act; and,
- e) Participate in access and privacy training.

2.4 Town Staff to:

- a) Become familiar and comply with this procedure;
- b) Have a sound knowledge of records within their scope of responsibility, which qualify for routine disclosure;
- c) Collect only personal information that is relevant to and necessary for a particular purpose and/or in order to perform their job duties. Only individuals who have the authority to do so will collect personal information;
- d) Forward any person wishing to make a Formal Request to the Manger of Records and Information Management;
- e) Understand limitations on access to own personal information; and,
- f) Participate in access and privacy training.

3 Procedure

3.1 Informal Request

The Town shall endeavour to provide as much information as possible to the public without the necessity of submitting a Formal Request under the Act.

- a) Any person wishing to access any records held by the Town should first contact the department that holds the records;

- b) The appropriate department shall advise the requester of the availability of the records; and,
- c) Departmental staff will determine whether the request should be submitted formally under the Act or whether the records will be provided as a routine disclosure.
- d) If the request for records can be fulfilled through routine disclosure, the department shall advise the requester of the estimated time-frame for providing the records and any applicable fees associated with the retrieval or photocopying of the records.

3.2 Formal Request

- a) When a request for access is determined to be submitted formally under the Act, the requester can:
 - Complete the FOI Request form (see Appendix 1); or,
 - Send a letter to the Office of the Town Clerk specifically requesting access to the records.

The application fee of \$5.00 must be sent with the request.

- b) Once a request is submitted to the Office of the Town Clerk, along with the mandatory application fee of \$5.00, the formal request will be immediately forwarded to the Manger of Records and Information Management.
- c) The Manger of Records and Information Management contacts the appropriate FOI Department Contact(s) to arrange for collection of records pursuant to the scope of the request. The FOI Department Contact(s) will forward the requested records to the Manger of Records and Information Management with preliminary disclosure recommendations.
- d) The FOI Department Contact(s) will track search and preparation time related to the request and provide such information for the Manger of Records and Information Management for the purpose of calculating fees and charges in accordance with the Act.
- e) The Manger of Records and Information Management is responsible to evaluate and determine disclosure and prepare the record(s) for release.
- f) The Manger of Records and Information Management shall issue a decision letter and any other required notice to the requester within the prescribed thirty (30) days.
- g) The right to access records is subject to limited and specific exemptions in accordance with the Act.

- h) When access to a record is refused or is only partially granted in the case of a “severed” record, the requester shall be notified of the decision and the sections of the Act which justify that decision. The Town shall provide the requester with information about the circumstances which formed the basis for the decision to deny access. The requester may appeal the Town’s decision.

3.3 Correction of Personal Information

Applicants may complete a FOI Request form to the Office of the Town Clerk to correct any errors or omissions in any of the applicants’ personal information that is in the control of the Town of Whitby. The Town will either amend the information or notify applicants of any reasons why such an amendment cannot be made.

Appendices

Appendix 1 FOI Request Form

Appendix 2 Summary of Fees

Matthew Gaskell, Chief Administrative Officer, x2211

Date

Appendix 1



Freedom of Information Request

The application fee of \$5.00 must accompany all requests for information and/or correction requests. Please make cheque / money order payable to the Town of Whitby. Forward to The Clerk's Office, Town of Whitby, 575 Rossland Road East, Whitby, Ontario L1N 2M8.

Name of Institution request made to:

Town of Whitby

Request for:

☐ Access to General Records

☐ Access to Own Personal Information

☐ Correction to Own Personal Information

Requester Information

Last Name

First Name

Middle Name

Address

City/Town

Province

Postal Code

Phone Number

Email

Details of Request

Provide a detailed description of requested records, personal information or personal information to be corrected.

Preferred Method of Access

☐ Receive Copy

☐ Examine Original

Signature of Requester

Date

For Institution Use Only

Date Received

Request Number

Response Due Date

Personal Information contained on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Access and Policy Coordinator, 575 Rossland Road East, Whitby, ON, L1N 2M8 905.430.4315

Town of Whitby documents are available in alternate formats or communication supports upon request.

Summary of Fees

For information requests under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

The payment and amount of fees are set out in the Act and its regulations.

Fees for Requests for Personal Information

A request for information about oneself is considered a "personal information request". The following fees apply to requests for your own personal information:

Application Fee	\$5.00- To be paid when you submit your request; Application Fee is mandatory and not subject to waiver.
Photocopying	\$0.20 per page.
Computer Programming	\$15.00 per 15 minutes- If needed to develop program to retrieve information.
Disks/CD's/DVD's	\$10.00 for each disk/CD/DVD.

Fees for Requests for General Information

Requests for information, whether about a person other than yourself or about a government program or activity are considered "general information requests". The following fees apply to a request for general information:

Application Fee	\$5.00- To be paid when you submit your request; Application Fee is mandatory and not subject to waiver.
Search Time	\$7.50 per 15 minutes to search and retrieve records.
Record Preparation	\$7.50 per 15 minutes to prepare records for release (i.e. severing).
Photocopying	\$0.20 per page.
Computer Programming	\$15.00 per 15 minutes- If needed to develop program to retrieve information.
Disks/CD's/DVD's	\$10.00 for each disk/CD/DVD.

Note: The time for processing access requests is 30 days. A time extension, however, may be applied where necessary.