

POLICY & PROCEDURE MANUAL

SECTION	ADMINISTRATION	POLICY NUMBER	2-3-8
SUB-SECTION	Information Management	EFFECTIVE DATE	February 11, 2016
SUBJECT	Routine Disclosure		
AUTHORITY	General Government Services – January 27, 2016 Council Motion – February 11, 2016 Amended: General Government Services – January 23, 2020 Amended: Council Motion – February 13, 2020		

PURPOSE:

The purpose of this policy is to establish procedures regarding public access to and disclosure of municipal records under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Personal Health Information Protection Act (PHIPA).

STATEMENT:

The County of Dufferin is committed to ensuring its residents are provided with municipal records and information easily and informally, supporting a culture of open and transparent government. The County of Dufferin will endeavor to actively provide information to the public while safe-guarding privacy through compliance with MFIPPA and PHIPA.

PROCEDURES:

In response to informal requests for information, departments may release certain records routinely and automatically, provided those records do not fall under one of the mandatory or discretionary exemptions under MFIPPA or PHIPA. Staff are encouraged to respond to informal requests but should exercise caution. Any questions about the disclosure of a records should be directed to the Clerk's Office.

This policy does not apply to material held in the collection at the Museum of Dufferin. Questions regarding access to archival material should be directed to the Archivist.

SUBJECT Routine Disclosure	POLICY NUMBER 2-3-8
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1. Records or information identified in Appendix A will be provided or made available to the public or any requestor according to the noted conditions for releasing the information by the department/division responsible for those records. Records can be provided upon request or actively disclosed as appropriate.
2. Access to County information and records will, wherever possible, be made through the County's website, orally, through media releases, social media, newspapers, or in person.
3. Requests may be verbal or in writing. The County reserves the right to require that a request be made in writing.
4. If an individual requests records or information pertaining to themselves, staff shall confirm their identity through photo ID prior to releasing the records. Staff may release information to an authorized agent of the individual, provided authorization is received in writing.
5. A staff member must be present at all times when a requestor is viewing the original record. Requestors may not retain the original but may request copies of all or a portion of a record.
6. Fees shall be charged for reproduction of records released under routine disclosure in accordance with the By-law 2015-41 – User Fees. Where the request is deemed voluminous in nature, a deposit may be requested.
7. One copy of records under copyright may be released under this Policy, provided the records are stamped as a copy and the requestor is informed that the full provisions of the Copyright Act apply to the use and reproduction of the records.
8. The County will not release lists of residents' contact information to parties wishing to solicit business.
9. If staff decide not to release information under this Policy, they must inform the individual that a formal request can be made under MFIPPA or PHIPA. Staff may wish to direct the requestor to make a formal access request if
 - a. Search time or preparation time for the requested records would be excessive
 - b. Records relate to a matter that may result in litigation
 - c. Records were supplied by a third-party
 - d. Records do not exist
 - e. Records contain solicitor-client information
 - f. Records contain personal information for individuals other than the requestor
10. If an individual requests records or information about another individual, these requests must be made through a formal MFIPPA or PHIPA request.
11. All formal freedom of information requests shall be directed to the Director of Corporate Services/Clerk or designate.
12. Requests made by a law enforcement agency or by court order must be forwarded directly to the Director of Corporate Services/Clerk or designate for response.

SUBJECT	Routine Disclosure	POLICY NUMBER	2-3-8
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13. Requests for personal information for the purposes of any type of research or analysis will require the completion of a research and data sharing agreement. These requests should be forwarded to the Director of Corporate Services/Clerk or designate.
14. If staff receive a request for records and are unsure of whether the record can be released, they shall consult the Clerk's Office for clarification, prior to releasing any information.

Formal requests for information made under MFIPPA or PHIPA will be processed by the Director of Corporate Services/Clerk or designate in accordance with the applicable legislation.

SUBJECT	Routine Disclosure	POLICY NUMBER	2-3-8
----------------	--------------------	----------------------	-------

Appendix A – Records Available Through Routine Disclosure

Information included in this list can be disclosed without going through the formal request process, following the conditions noted. If a requestor is asking for records that are excluded in the conditions, the requestor should be directed to the formal freedom of information process. Fees, as outlined in By-law 2015-41 – User Fees, may apply.

Record Type	Notes and Conditions of Release
Community Services	
Service Plans	
Statistical Reporting	Excludes personal information.
Corporate Services	
Council and Committee Agendas and Minutes	Excludes closed session materials.
Staff Reports	Excludes closed session materials.
Declarations of Pecuniary Interest	
Agreements and Contracts	Excludes draft or unsigned agreements.
By-Laws	Excludes drafts and working notes
Appointments to Boards and Committees	Names of selected candidates can be released but not contact information, resumes, or other personal information of the candidates. Names of unsuccessful candidates are not released under routine disclosure.
Corporate Policies and Procedures	
Freedom of Information Request Statistics	Excludes personal information.
Emergency Plan	Excludes confidential annexes and personal contact information.
Accessibility Reporting	
Media Releases	
Building Permits	Staff may confirm whether or not a permit has been issued for a specific property, verbally or through a compliance letter. Copies of permits may be provided, subject to the redacting of the personal information of previous owners and other individuals.
Building Permit Applications	Copies may be given to the applicant only.

SUBJECT	Routine Disclosure	POLICY NUMBER	2-3-8
----------------	--------------------	----------------------	-------

Record Type	Notes and Conditions of Release
Building and Septic Plans and Drawings	One copy of the plans or drawings may be given to the current property owner/their authorized agent only, subject to the redacting of the personal information of previous owners and other individuals. Plans and drawings must be stamped as a copy and the requestor informed that the full provisions of the Copyright Act apply to the use and reproduction of the records.
Property Surveys	One copy of the plans or drawings may be given to the current property owner/their authorized agent only, subject to the redacting of the personal information of previous owners and other individuals. Plans and drawings must be stamped as a copy and the requestor informed that the full provisions of the Copyright Act apply to the use and reproduction of the records.
Building Inspections and Supporting Permit Documentation	Excludes complaints. Copies of the inspections may be given to the current property owner/their authorized agent only, subject to the redacting of the personal information of previous owners or other individuals.
Orders Issued Under the Building Code	Excludes contact information.
Statistical Reporting	Excludes personal information.
Dufferin Oaks	
Admission Requirements	
Program and Service Information	
Statistical Reporting	Excludes personal information.
Accreditation Report	
Human Resources	
Corporate Organizational Chart	
Internal and External Job Postings	
Job Descriptions	
Step 3 Grievance and Arbitration Statistics	Excludes personal information.
Personnel Files	Employment files are excluded from MFIPPA and may be released to the individual to whom the file relates at the discretion of the Director of Human Resources.
Salary Information	Includes salary grids. Excludes personal information.
Statistical Reporting	Excludes personal information.

SUBJECT	Routine Disclosure	POLICY NUMBER	2-3-8
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Record Type	Notes and Conditions of Release
Planning, Economic Development, and Culture	
Planning Policies	
Planning Applications	All planning applications, including formal comments received during public commenting period, are public record.
Statistical Reporting	Excludes personal information.
Public Works	
Energy Consumption Reporting	
Civic Addressing	Excludes personal information.
Construction	Includes location and scheduling.
Traffic Counts	
Waste Management Programs	
Treasury	
Financial Statements and Audits	
Budget	Includes draft and final budget presented at Council and Committee meetings. Excludes working notes.
Development Charges Background Study	
Bid and Tender Results	Summary of results, including name of bidders and full contract value, is released online through Bids and Tenders.
Expenditures Incurred by Council	
Receipts	Receipts are provided to payee only.