

RESORT VILLAGE OF TURTLE VIEW
Local Authority Freedom of Information and Protection of Privacy Policy

Subject:	Policy to Establish Guidelines for Completing LAFOIP Requests
Type:	Administrative
Authority:	Municipal Resolution #160/23

Policy Objective: To specify how the Municipality shall manage requests for information.

Objective:

The Resort Village of Turtle View recognizes the right of access by the public to information in the possession or under the control of the Municipality and is committed to fulfilling its obligations under The Local Authority Freedom of Information and Protection of Privacy Act (LAFOIP) and The Local Authority Freedom of Information and Protection of Privacy Act Regulations.

The purpose of this policy is to establish appropriate controls and guidelines around providing access to information as required to carry out the Municipality's statutory obligations pursuant to LAFOIP and the Municipality's legitimate business and public interest mandates, including the principles of open government of transparency, accountability, accessibility and participation.

Scope:

This policy applies to all employees, members of Council (outside of conducting constituency business or political activities) and contractors of the Municipality.

Definitions:

- a) **"access to information request"** means the formal process by which an individual may request access to the Municipality's information under the provisions of LAFOIP. Also referred to as a freedom of information request (FOI).
- b) **"administrator"** means the Administrator of the Municipality.
- c) **"applicant"** means any individual who requests access to a record under LAFOIP.
- d) **"contractor"** means an individual or company retained under a contract to perform services for the Municipality including any information management service providers.
- e) **"control"** means where the Municipality has the authority to manage the record including restricting, regulating and administering its use, disclosure or disposition.
- f) **"duty to assist"** means the Municipality's obligation to provide assistance to an applicant including responding to a request for access openly, accurately and completely.
- g) **"employee"** means an individual employed by the Municipality, including an individual retained under a contract to perform services for the Municipality.

h) **“exemption”** means a mandatory or discretionary provision under LAFOIP that authorizes the Municipality to refuse to give access to information contained in a record, or, in some cases, to refuse to acknowledge the existence of a record in response to a request.

i) **“formal request”** means a request for access to information, made in writing or presented on the prescribed Access to Information Request Form “A” that states the applicant wishes to make application under LAFOIP.

j) **“head”** means the Mayor of the Municipality.

k) **“informal request”** means a request for information, which is general in nature, can be easily accessed in a minimal amount of time and can typically be handled by the department responsible for the information.

l) **“information”** means what a record contains. It is also a term used to refer to the content of an electronic database or application. Regardless of the form, all recorded information in the possession or under the control of the Municipality is a record.

m) **“LAFOIP”** means The Local Authority Freedom of Information and Protection of Privacy Act.

n) **“personal information”** means information about an identifiable individual of a personal nature which may include but is not limited to: information about an individual’s race; religion; family status; age; birthdate; place of origin; employment or criminal history; financial information; health services number; driver’s license number; social insurance number; home address, email address or telephone number; physical or mental condition of an individual; an individual’s personal views or opinions except where they are about another individual.

o) **“possession”** means physical possession plus a measure of control of the record.

p) **“privacy”** means the right to keep certain information private; freedom from unauthorized access to, use, or disclosure of one’s personal information.

q) **“record”** means a record of information in any form and includes information that is written, photographed, recorded, digitized or stored in any manner, but does not include computer programs or other mechanisms that produce records.

r) **“third party”** means a person or company other than the Municipality.

Background:

LAFOIP and The Municipalities Act determine the Municipality’s obligations to provide access to information in the Municipality’s possession or under its control. Every employee, member of Council and contractor with access to municipal information, as a result of their employment, elected position or contract with the Municipality, is responsible for managing that information in accordance with this policy.

LAFOIP defines the head, in the case of a municipality, as the Mayor, and authorizes this person to be responsible for receiving and responding to all access to information requests.

Policy:

A. Access to Information

Pursuant to LAFOIP, an individual has the right to request access to any information in the possession or under the control of the Municipality. The Municipality has a duty to assist in providing as much information as possible to the applicant while ensuring personal, confidential and third-party information is protected in accordance with LAFOIP.

B. Informal Requests

Informal requests are handled by the employee or person responsible for the information, in consultation with the Administrator as necessary. Informal requests will be responded to within a reasonable amount of time after receiving the request.

Informal requests also include requests for municipal documents in which the Municipality is obligated to provide to any person under the authority of The Municipalities Act, which includes the following:

- a) Any employee code of conduct policy (111.1);
- b) Any contract approved by Council, any bylaw or resolution and any account paid by the Council relating to the Municipality (117);
- c) Council's public disclosure statements (142) and the debentures register (175(1));
- d) Official oath of office taken by members of Council (94);
- e) Annual financial statements (185) and the auditor's report (189(1));
- f) Any report of any consultant engaged by or of any employee of the Municipality, or of any committee or other body established by the Council, after the report has been submitted to the Council, except any opinion or report of a lawyer (117);
- g) The minutes of the Council after they have been approved by the Council (117); and
- h) Any other municipal document as required by legislation.

Municipal documents listed above are subject to the restrictions within Part III Exemptions of LAFOIP for the protection of privacy. As such, the Administrator shall redact or otherwise refuse access to any information deemed to be confidential prior to supplying the requested documents.

Processing fees for informal requests shall be in accordance with any General Fee Bylaw so passed by the Council. However, fees shall not exceed the reasonable costs incurred by the Municipality in furnishing the copies.

C. Formal Requests

Also referred to as: Freedom of Information Request (FOI)
 Access to Information Request

An applicant who wishes to make a formal request under LAFOIP must complete the legislated form, Access to Information Request Form A, or make a request by email or letter stating the request is being made under LAFOIP.

Form A is available as an appendix to this policy as well as on the website for the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) (www.oipc.sk.ca).

The applicant is to send the FOI request confidentially to the Administrator. If an employee receives the formal access request, it should be forwarded to the Administrator. FOI requests are handled by the Administrator, confidentially and immediately on receipt. The name of the applicant should be kept confidential.

Processing Fees

As of the date of this Policy the applicable fees for FOI requests, as set by LAFOIP Regulations are as follows:

- a) Application fee \$20, due at time an application is made;
- b) \$.025 per photocopied or computer printout, when the applicant is provided with a copy of the record, or part of the record;
- c) Actual cost of any portable storage device provided to the applicant (e.g. USB stick);
- d) Actual cost of copying and providing a record in any other form;
- e) Where time in excess of one hour is spent searching for a record requested by an applicant or in preparing it for disclosure, a fee of \$15 for each half-hour or portion of a half-hour of that excess time is payable at the time when access is given;
- f) Where a search and retrieval of electronic data is required to give access to a record requested by an applicant, a fee equal to the actual cost of the search and retrieval, including machinery and operator costs, is payable at the time when access is given.

The Municipality will process the request with complete, accurate and timely responses in accordance with LAFOIP. The checklists attached as an appendix to this policy will be utilized as a transparent and thorough manner for processing formal requests.

Employees, members of Council and contractors are required to assist the Administrator as necessary in obtaining information as it relates to the access to information request in accordance with timelines legislated under LAFOIP.

Formal requests for municipal documents are subject to the restrictions within Part III Exemptions of LAFOIP for the protection of privacy.

D. Duty to Assist

The Municipality has a duty to provide assistance to an applicant including to respond to a request for access openly, accurately and completely; to provide an explanation of any term, code or abbreviation used in the information, or to refer an applicant to a person who is able to supply an explanation if the Municipality is unable to do so.

E. Exemptions

LAFOIP provides for the protection of certain information. There are mandatory and discretionary provisions under LAFOIP authorizing the head (Administrator) to refuse to give access to information contained in a record including refusal to confirm or deny the existence of a record, in response to either an informal or formal request for information.

When determining whether to apply discretionary exemptions, the head (Mayor) will exercise good faith in balancing the legitimate business or legal concerns of the Municipality and the principles of open government.

F. PRIVACY ANALYSIS:

Collection, use and Disclosure:

The table below will assist in determining whether there is authority for each flow of PI. The questions in the table should be applied to each flow of PI identified in the charts. If the flow deals with collection, then the collection table should be filled out. If the flow of the PI deals with the use, then the use table should be filled out. If the flow of PI deals with disclosure, then the disclosure table should be filled out.

a) Collection:

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact	Action Items
Name of Flow (Flow #1, Flow #2, etc.)						
Does the legislation authorize the collection of PI?						
Is there legislation besides, LAFOIP that addresses the collection of PI?						
Purpose of Collection						
Has the purpose of collection been defined?						
Notice to Individual						
If notice of collection has been given to the individual(s)? Explain method of notice. If notice won't be given to the individual, give reasons and explanation as to compliance with legislation.						
Manner of Collection						
Will PI be collected directly from the individual?						
Will PI be collected indirectly from another source? If so explain the authority for the indirect collection.						
Data Minimization						

Is the project only collecting those pieces of PI it requires to achieve the project's purpose?						
What controls are in place to ensure the project only collects the information it requires?						
Safe Guards						
Are the administrative safeguards in place to ensure only the PI that is required for the project is collected?						
Are the technical safeguards in place to ensure only the PI that is required for the project is collected?						

b) USE

Privacy Requirement Questions	Yes	No	Unknown	Explanation	Privacy Impact	Action Items
Name of Flow (Flow #1, Flow #2, etc.)						
Authority of Flow (LA FOIP, M.A., etc.)						
Does the legislation authorize the use of the PI?						
Is there legislation besides LA FOIP that addresses the use of PI?						
Purpose						
Will the PI be used for a purpose that is consistent with the purpose for the collection of PI?						
Will the PI be used for a secondary purpose? If so, please explain the authority for the secondary purpose.						
Standard of Accuracy						
Are the procedures in place so that your organization can verify that it has the most accurate and complete PI on an individual that it needs?						
Are the procedures in place so that individuals are able to request that their PI is corrected?						
Safe Guards						

Are there administrative safeguards in place to ensure that PI will be used only for authorized purposes?						
Are there physical safeguards in place to ensure PI is used for authorized purposes?						
Are there technical safeguards in place to ensure PI will be used only for authorized purposes?						

c) DISCLOSURE:

Privacy Requirement Questions	Yes	No	Explanation	Privacy Impact	Action Item
Name of Flow (Flow #1, Flow #2, etc.)					
Authority of Flow (LA FOIP, M.A., etc.)					
Does the legislation authorize the disclosure of the PI?					
Is there legislation besides LA FOIP that addresses the disclosure of PI?					
Safeguards					
Are there administrative safeguards in place to ensure that PI that needs to be disclosed is disclosed and PI that needs to be protected not disclosed?					
Are there physical safeguards in place to ensure PI is only disclosed for authorized purposes?					
Are there technical safeguards in place to ensure PI will be used/disclosed only for authorized purposes?					

g. Reviews

An applicant who is not satisfied with how the Municipality has processed an access to information request may apply to the OIPC for a review of the matter. The Municipality will cooperate with the OIPC in the conduct of the review. As well, the Municipality will work with the OIPC, the applicant, and any third parties to come to an acceptable review result, whenever possible.

The Head (Mayor) will determine whether to comply or not comply with any recommendations of the OIPC following a review, with regard for the requirements of LAFOIP, the public interest, mandate of the Municipality and the principles of open government.

If the applicant and/or third party are not satisfied with the head's (Mayor's) decision to comply or not comply with the recommendation of the OIPC, they can appeal that decision to the court.

G. Open government

The Municipality is committed to supporting the concepts of transparency, accountability, accessibility and participation and as such is committed to proactively providing information.

H. Roles and Responsibilities

The Administrator is responsible for:

- a) Corporate information, including personal information at the Municipality of residents and employees;
- b) Providing guidance with respect to this policy and ensuring this policy is followed;
- c) Receiving and managing all access to information requests including the application of all exemptions and working with the OIPC when a review is undertaken.

Employees, members of Council and Contractors are responsible for:

- a) Forwarding all access requests to the Administrator;
- b) Assisting with the search for responsive records;
- c) Compliance with this policy and related procedures and guidelines.