



# The Corporation of the Township of Huron-Kinloss

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## Staff Report

**Report Title: Active Dissemination/ Routine Disclosure Policy**

**Date: Nov. 4, 2024**

**Report Number: CLK-2024-11-45**

**Department:** Legislative Services

**File Number:** C11 CLK 24

**Prepared By:** Jennifer White, Manager of Legislative Services/Clerk

**Attachments:** Access by Design (IPC), Draft Active Dissemination/Routine Disclosure Policy, Appendix "A", Appendix "B"

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### **Recommendation:**

THAT the Township of Huron-Kinloss Committee of the Whole receive Report CLK2024-11-45 prepared by Jennifer White, Manager of Legislative Services/Clerk;

AND FURTHER authorizes the appropriate by-law to come forward to adopt the policy.

### **Background:**

The Township of Huron-Kinloss is committed to increased transparency in communication and access to records and information. The Blueprint for the Future 2023-2033 Strategic Plan identifies Open and Transparent as one of the 6 guiding principles supporting Council and Staff in their daily performance of duties.

A key principle of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is that information should be available to the public and that necessary exemptions from the right of access should be limited and specific. The Information and Privacy Commissioner's encourages access as the default standard, as noted in the attached document entitled Access by Design.

To improve public access to records and information, as well as increase transparency, the proposed policy establishes principles for the release of records and information without requiring the submission of a Freedom of Information (FOI) request. The Township is dedicated to identifying efficient and cost-effective ways to provide the public with greater access to information.

### **Discussion/Analysis/Overview:**

The Township provides records and information to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, (MFIPPA) as amended.

Staff and Council acknowledge that a fundamental principle of good governance is open and transparent decision making. When citizens have access to the documents and information that inform these decisions, they can actively question actions and

engage meaningfully in policy discussions. This accessibility fosters a culture of government transparency and accountability to the public it serves.

In developing this policy, Staff reviewed relevant legislation, information briefs from the Office of the Information and Privacy Commissioner, best practice documentation from municipal government professional associations, and policies from other municipalities of varying sizes, and demographic composition. Staff additionally identified documents that were being disclosed currently in the absence of a formal policy.

The intention of this policy is to establish consistent procedures to provide greater access to the public, and a more informal process to request records and information than through an FOI request, while meeting legislative requirements and protecting sensitive, private and Confidential information.

There are three (3) ways that the public may access records of the Township of Huron-Kinloss, and they are:

- 1) Active Dissemination
- 2) Routine Disclosure
- 3) Freedom of Information Request

### **What is Active Dissemination?**

**Active Dissemination (AD)** means the periodic release or publication of municipal Official Records, Records and information, for example, Official Records and Records posted on the Township website.

The Township routinely uses active dissemination currently for records such as minutes and agendas of Council and Committee meetings, news and notices, planning applications, corporate policies, budgets, frequently requested By-laws, and to fulfill statutory obligations and specific reporting requirements.

Active dissemination are records released in the absence of a formal or informal request from the public.

### **What is Routine Disclosure?**

**Routine Disclosure (RD)** means the routine or automatic release of certain Official Records, Records and information in response to a submitted request.

Having a routine disclosure policy in place assists staff to achieve a balance between making information readily available to the public and protecting privacy and confidential information as required by MFIPPA legislation.

Records that are requested frequently through Routine Disclosure, or which are time consuming to prepare for, may be transitioned to Active Dissemination where the release is planned for in advance.

Routine disclosure includes records that are released in response to an informal request for information.

### **When would a Formal FOI Request be required?**

A formal Freedom of Information request is required for records of the Township which do not qualify for Active Dissemination or Routine Disclosure. An FOI request may be made for any request for Routine Disclosure which has been denied. The FOI request process would apply to documents listed in Appendix "A" to the policy.

A Freedom of Information request will always follow the formal process identified in MFIPPA legislation. Where a request is made as an FOI, but may be satisfied through routine disclosure, the applicant will be notified, and permitted to retract the formal request in favor of using the more efficient informal process if applicable.

### **Benefits of a Routine Disclosure Policy**

While the key purpose of an Active Dissemination/Routine Disclosure Policy is to create and support a culture of open and transparent government, additional benefits include:

- Municipal records are more accessible to the public;
- Streamlines access to information;
- Records may be contextualized when disclosed;
- Increased accountability and transparency in day-to-day operations;
- Automating some disclosure operations to free up staff time for other duties;
- Permits monitoring and tracking of documents accessed to assist in evaluating disclosure opportunities;
- Consistent application of what records are released where, by whom and how often;
- Reduces staff time in responding to formal MFIPPA requests; and
- Manages the flow of information to the permit staff time to prepare for potential questions.

### **Essential sections of the Policy for Council Awareness**

- Appendix "A" lists records that do not apply to the policy, as they are subject to the exemptions identified in the respective sections of MFIPPA.
- Appendix "B" lists records that will be provided or made available according to the noted conditions for releasing Records.
- The Township will not disclose Personal Information through Routine Disclosure. All requests for any Record that may contain Personal Information must be submitted formally under the MFIPPA process
- In response to a request, the Township is not required to create records which do not otherwise exist.
- The Manager of Legislative Services will be responsible for periodic reviews and will have the authority to make amendments to ensure continued technical and legislative compliance as required.

### **Communication**

Upon Council's approval of the policy, the Legislative Services department has developed a strategy to communicate the policy and how it will be implemented to Township staff and the general public.

**Financial Impacts:**

It is expected that there will be a reduction in staff time and costs in responding to FOI requests. AD and RD will use existing resources and is not anticipated to have a financial impact on current operating budgets.

**Performance Measurement:**

- # of documents actively disseminated and engagement metrics
- Frequency of request and timeliness of release of informal requests for information
- reduction in number of formal FOI requests

**Strategic Area:**

- |   |  |
|---|--|
| <input type="checkbox"/> Embrace a thriving rural lifestyle | <input checked="" type="checkbox"/> Enhance Municipal Service Delivery |
| <input type="checkbox"/> Prepare for Inclusive Growth       | <input type="checkbox"/> Ensure Financial Stability                    |

**Strategic Goal: Encourage strong communication and community engagement**  
**Encourage citizen first delivery**  
**Strive for continuous improvement and increased efficiency**

**Respectfully Submitted By:**

Jennifer White, Manager of Legislative Services/Clerk

**Report Approved By:**

Jodi MacArthur, Chief Administrative Officer