



The Corporation of the Township of Huron-Kinloss

Policy

Section: 5.0 General

Policy: Routine Disclosure/Active Dissemination

By-Law: [Click here to enter text.](#)

Date: [Click here to enter a date.](#)

Revision: [Click here to enter text.](#)

Coverage:

This policy shall apply to all Staff of the Township. It also applies to all Official Records and Records in the Custody and/or under the Control of the Township.

This policy does not apply to Official Records, Records or information that is subject to the exemptions of MFIPPA (Appendix "A").

It should be noted that staff and/or members of Council do not have the right to access personal information by virtue of their employment or office. Use and disclosure of personal information must be directly related to their job duties or office, and in accordance with the reason the information was collected.

Policy Statement:

The Township is committed to streamlining services and provide excellent customer service. This policy identifies Official Records, Records and information that may be disclosed routinely to the public and Staff.

The Township is committed to a culture of open and transparent government and making Official Records, Records and information available through an easy and informal process. In line with this commitment, the Township will work to proactively provide Records and information to the public while simultaneously safeguarding sensitive, private, Confidential and Personal Information through compliance with the Municipal Freedom of Information and Protection of Privacy Act, 1990 (MFIPPA).

Legislative Authority:

Municipal Freedom of Information and Protection of Privacy Act, 1990 (MFIPPA),
Records Retention Policy By-law No. 2019-120

Contents:

1. PURPOSE:

- 1.1 To identify Records and information that may be shared actively in accordance with the principles of the Municipal Act, 2001, and MFIPPA.
- 1.2 To establish procedures for releasing certain types of Records and information without requiring the submission of a formal Freedom of Information (FOI) request, to improve the accessibility and transparency of Official Records, Records and information. Additionally, this policy identifies Records and information that may be requested and disclosed through Routine Disclosure, as well as that which should be regularly shared with the public through Active Dissemination.
- 1.3 To aid all Township Departments in adhering to MFIPPA requirements.
- 1.4 To reduce Staff time and costs in responding to FOI requests.
- 1.5 To identify Official Records and Records that are of interest to the public.
- 1.6 To ensure the protection of sensitive, private and Confidential Information.

2. **DEFINITIONS:**

Active Dissemination means the periodic release or publication of municipal Official Records, Records and information, for example, Official Records and Records posted on the Township website. These Official Records and Records may be provided to requesters informally upon request.

Confidential Information means any information that is not available to the public, that is of a personal nature to individuals or Staff, or information that if disclosed, could result in loss or damage to the Township or could give the persons to whom it is disclosed an advantage.

Control means contents of the Official Record or Record as it relates to Township business and the Township's power or authority to make a decision about the use or disclosure of its Official Records and Records.

Custody means the storage, preservation, or security of an Official Record or Record for a legitimate business purpose, wherein the Township could obtain a copy of the Official Records or Records upon request. While physical possession of a Record may not always constitute Custody, it is the best evidence of Custody.

Manager of Legislative Services/Clerk means the individual, or designate, authorized to act on behalf of the Township for the overall governance of Records and information management, and to delegate authority to implement specific Records and information management procedures.

Freedom of Information (FOI) Request means a formal request made under MFIPPA.

MFIPPA means Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

Official Record means recorded information in any format or medium that documents the Township's business activities, rights, obligations, or responsibilities or recorded information that was created, received, distributed or maintained by the Township.

Personal Information shall have the same definition as defined in the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

Record means any recorded information, however recorded, whether in printed form, on film, by electronic means or otherwise, including, but not limited to, correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film, microfilm, microfiche, sound Records, videotapes, e-mail, machine readable Records, and any other documentary material regardless of physical form or characteristics, and includes Official Records and Transitory Records.

Subject to the regulations under MFIPPA, any document that is capable of being produced from a machine-readable Record under the Control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

Records Retention By-law means the By-law passed by Township Council to standardize the classification of Records of the municipality, and to authorize their disposition following specified retention periods.

Responsible Department means the department, branch, or service area which holds Custody and Control of the original Records for the length of time required under the retention schedule; as defined in the Township's Records Retention By-law.

Retention Period means the period of time during which Records must be kept by the Township before they may be disposed of in accordance with the Township's current Record Retention By-law.

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

Staff means all persons employed by the Township, including those employed full-time, part-time, temporary or on a contract basis (commonly referred to as employees), but not including Members of Council.

Third Party information means the 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 Township.

Township means The Corporation of the Township of Huron-Kinloss.

Transitory Record means a Record kept solely for convenience of reference and of limited value in documenting the planning or implementation of Township policy or programs, such as:

- Copies of miscellaneous notices or memoranda concerning routine administrative matters or other minor issues;
- Information copies of widely distributed materials, such as minutes, agendas, and newsletters, unless the information copy has been annotated to reflect significant input or for other program purposes;
- Preliminary drafts of letters, memoranda or reports and other informal notes which do not represent significant steps in the preparation of a final document and which do not record decisions;
- Duplicate copies of documents in the same medium which are retained only for convenience or future distribution;
- Voicemail and/or instant messages that have not been appended to a corporate file in keeping with the Township's current Record Retention Schedule;
- E-mail messages and other communications that do not relate to Township business;
- Copies of publications, such as, published reports, administration manuals, telephone directories, catalogues, pamphlets or periodicals;
- Duplicate stocks of obsolete publications, pamphlets or blank forms; and
- Unsolicited advertising materials, including brochures, company profiles and price lists.

3. ADMINISTRATION:

- 3.1 Departments may release certain Official Records, Records and information routinely and automatically, provided the requested Official Records, Records or information do not fall into one of the mandatory or discretionary exemptions under MFIPPA. Staff are encouraged to respond

to Active Dissemination and Routine Disclosure access requests, but should exercise caution in certain circumstances (e.g., Personal or Confidential Information). Questions regarding the disclosure of Records should be directed to the Manager of Legislative Services/Clerk.

- 3.2 Official Records, Records or information identified for Routine Disclosure and/or Active Dissemination (Appendix "B") may be provided to the public directly by the Responsible Department for those Records, in accordance with the conditions outlined in this Policy and any applicable legislation. Records containing Personal or Confidential information will not be disclosed to anyone other than the party to whom the information pertains unless authorized by Policy, by-law or legislation.
- 3.3 Official Records and Records may be provided upon receipt of a Routine Disclosure access request form or actively disseminated, as appropriate. Access to Records and information should be through Routine Disclosure or Active Dissemination whenever possible. FOI requests made under MFIPPA must be processed by the Manager of Legislative Services/Clerk in accordance with applicable legislation.
- 3.4 The Township may require that Routine Disclosure access request forms be submitted for requests, as it helps to reinforce clarity, enhance the focus of searches, and identify when the information being requested is of a personal, detailed, or sizeable nature.
- 3.5 For any requests that are voluminous in nature, or which require retrieval of Official Records and/or Records from archived records storage, the request shall be reviewed by the Responsible Department Head or designate, and authorized by the Manager of Legislative Services/Clerk as required.
- 3.6 The Manager of Legislative Services/Clerk will review retention schedules of Official Records, Records and/or the Records Retention By-law with the assistance of the Responsible Department to determine which Records or information may be classified for Routine Disclosure or Active Dissemination.
- 3.7 Requests made by a law enforcement agency for Records containing Personal Information must be forwarded directly to the Manager of Legislative Services/Clerk.
- 3.8 Official Records, Records or information identified in Appendix "A" do not apply to this policy, as they are subject to the exemptions identified in the respective sections of MFIPPA.

- 3.9 Official Records, Records or information identified in Appendix "B" will be provided or made available to the public or to any requester according to the noted conditions for releasing Records. Records can be provided on request or actively disseminated as appropriate.
- 3.10 To protect individual privacy, MFIPPA places restrictions on the collection, use, disclosure, retention and disposal of Personal Information. These privacy protection standards are always in effect and all Staff are individually responsible for meeting all privacy requirements about an identifiable individual as set out in Section 2 of MFIPPA.
- 3.11 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 by submitting a formal FOI access request with the applicable forms and fees to the Manager of Legislative Services/Clerk. For a Routine Disclosure access request that contains Personal Information that is not information privy to the requester, the information may be redacted or the release of the information may be denied.
- 3.12 Fees will be charged for the search and reproduction of Records in accordance with the Township's current Fees and Charges By-law. Where the request is deemed voluminous in nature, a deposit of fees may be required prior to the service being performed.
- 3.13 Requests for Records made under this policy should be directed to the Responsible Department. Notwithstanding, the Township reserves the right to require at any time that requesters make their requests through a single point of contact to be determined by the Township.
- 3.14 Any requests for viewing of building, planning or engineered drawings should be reviewed by the Responsible Department Head or designate, or in consultation with the Manager of Legislative Services/Clerk, prior to the disclosure due to copyright and privacy protection laws. Verification of property ownership must be provided.
- 3.15 For repetitive requests by an individual or organization for significant volumes of Official Records and/or Records, a request separate into several small requests totaling a large volume, or requests made to more than one Responsible Department related to a specific subject or issue will be centrally coordinated and referred to the Manager of Legislative Services/Clerk.

4. ACTIVE DISSEMINATION

- 4.1 Official Records, Records and information that are to be published will be made available in the appropriate formats and determined by the Responsible Department Head or designate.

5. DENIED ROUTINE DISCLOSURE REQUEST

- 5.1 Where a request is deemed by the Manager of Legislative Services/Clerk to be frivolous and vexatious in that it abuses the right of access, interferes with the operations of the institution, is made in bad faith, or is made for a purpose other than to gain access, the request shall be denied.
- 5.2 The Manager of Legislative Services/Clerk has the authority to deny a request for Routine Disclosure, as well as edit certain portions of any documents that are being disclosed as indicated by MFIPPA. If a request for Routine Disclosure is denied, then a request under the Township of Huron-Kinloss's formal process for FOI can be made through MFIPPA.

6. RESPONSIBILITY:

- 6.1 Routine Disclosure access requests are handled by the Responsible Department.
- 6.2 Each Responsible Department will utilize Appendix "B" to identify Records for Routine Disclosure or Active Dissemination.
- 6.3 Responses to requests for Official Records and/or Records made under this policy will be acknowledged and will be completed in a reasonable timeframe as determined by Staff workload.
- 6.4 Any questions or concerns while handling a request should be directed to the Responsible Department Head or designate, or the Manager of Legislative Services/Clerk.

7. AVAILABILITY AND EXISTENCE OF RECORDS

- 7.1 In response to a request, the Township is not required to create records which do not otherwise exist.
- 7.2 The Township is not required to collect new information or reorganize information in a record in response to a request.
- 7.3 The Township is not required to restore or recreate records which have been destroyed in accordance with the Township's Records Management and Retention Policy, as amended.

- 7.4 Reproductions (digital or paper) of records may be provided at the discretion of the Responsible Department.
- 7.5 Records stored off-site or archived may not be immediately available and may require extra time to fulfill the request.

8. DELEGATED AUTHORITY:

- 8.1 The Manager of Legislative Services/Clerk shall undertake periodic reviews of the Routine Disclosure/Active Dissemination Policy in conjunction with the Records Retention By-law and make amendments to the policy and attached appendices to ensure continued technical and legislative compliance, as required.
- 8.2 The Manager of Legislative Services/Clerk will facilitate implementation of a form to process requests, along with updates to the form as required.

9. REVIEW:

- 9.1 This policy shall be reviewed by the Manager of Legislative Services/Clerk in consultation with Township departments on an as-needed basis, or when significant changes are made to the Retention Schedule in the Records Retention By-law during annual Records Retention analysis.

10. APPENDICES:

- Appendix A: Exemptions Under MFIPPA
- Appendix B: Schedule of Records/Information for Routines Disclosure (RD) and/or Active Dissemination (AD)