

POLICY TITLE	Routine Disclosure
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DEPARTMENT	Corporate Services
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POLICY STATEMENT

One of the key principles of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* is that “information should be available to the public”.

In an effort to engage citizens and become more open and transparent, the City will proactively provide the public with access to the information that matters most to them. The practice of Routine Disclosure is a cost-effective and client friendly way of providing information to the public. The overarching principle in this policy is to advance the view that information held by the City of Cambridge should be made available to the public, and any exceptions to this principle should be limited and specific. The City and its departments will provide greater public access to information by making certain records routinely available in response to informal requests for access or by means of periodically releasing certain records. This Routine Disclosure process will not require the submission of formal access to information requests under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

PURPOSE

This policy identifies the requirement for City departments to develop processes for routinely releasing or automatically making available certain records to the public. In order to ensure that an appropriate balance exists between ease of access to information and protection of privacy and of confidential information, City departments will adhere to the requirements of *MFIPPA* in respect of exemptions to disclose personal information, proprietary third-party information, and other confidential information. *MFIPPA* provides the public a formal right of access to records that are in the City's custody, or under its control, subject to limited and specific exemptions to disclosure. While the City may legitimately require that formal access requests be submitted in respect to certain types of records for a variety of reasons, a practice of providing routine disclosure for "everyday", non-confidential records is beneficial as it allows the City to:

- Make more City records available to the public and ensure that information is easily accessible to the residents of Cambridge;
- Proactively streamline the access to information process;
- Reduce staff time in responding to formal requests for information, resulting in greater cost efficiencies;
- Reduce administrative costs;
- Provide greater accountability and transparency in its day-to-day operations; and
- Ensure a balance between providing greater access to City information while at the same time protecting personal and confidential information.

Routine Disclosure is consistent with the Information and Privacy Commissioner of Ontario's principles and existing City practices to make certain information available to the public, such as the Open Data initiative.

DEFINITIONS

Confidential information: Information that is subject to the exemptions to disclosure found in s. 9 (Relations with Governments), s. 10(Third Party Proprietary Information) and s. 14 (1) (Personal Privacy) of MFIPPA, as well as any other information that the City deems to be confidential, as outlined in the guidelines attached to this policy.

Open Data: A philosophy and practice requiring that certain data are made freely available to the public, in machine readable format without restrictions from copyright, patents or other mechanisms of control. Most commonly, Open Data focuses on no textual material such as geographic data, schedules, statistics, and demographic data.

Personal Information: Information about an identifiable individual as defined in Section 2(1) of MFIPPA.

Routine Disclosure: Routine or automatic release of certain records in response to informal requests under MFIPPA.

AUTHORITY

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended, and includes all regulations passed under it.

The *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* govern the collection, use and disclosure of information by certain institutions in Ontario including municipalities, public library boards, and police services boards. The purpose of *MFIPPA* is to provide a right of access to information in the custody of and under the control of the institutions with the principle that information should be made available to the public and that necessary exemptions from the right of access should be limited and specific. The purpose of *MFIPPA* is also to protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information.

SCOPE

This policy applies to all City staff and all records in the custody and under the control of the City of Cambridge. Personal and constituency records of the City's elected representatives are not considered to be in the custody and control of the City and therefore are not subject to this policy.

POLICY

Every City Department shall establish a routine disclosure process that identifies:

- (1) Official Business Records (OBRs) that are to be disclosed without a requirement for submission of a formal access to information request;
- (2) The method and administrative costs by which the Department will make the records available to the public, either in response to an informal request from the public or a periodic release, as the case may be; and
- (3) All Department routine disclosure processes shall be approved by the Deputy City Clerk/Manager of Information Management & Archives.

The following underlying principles shall guide the development of the routine disclosure process by each Department:

1. The focus on identifying records that are subject to routine disclosure processes should be on records that are of interest to the public, with minimal Confidential Information. Classes of records which are often requested and regularly released ought to be considered for inclusion in the routine disclosure process, with appropriate redaction of personal or otherwise confidential information as required.
2. In determining which records are to be subject to routine disclosure, staff should not consider the identity of requester(s), unless there is a legal implication.
3. Service excellence should always be considered when developing routine disclosure processes, and the method by which the records are provided to the public, to the greatest extent possible, ease of access to the information.

4. New programs and policies should be developed with an understanding of the routine disclosure opportunities, and these should be incorporated into any related staff report and/or the departmental routine disclosure process.
5. The Department shall review and update routine disclosure processes on an annual basis.

The development of a routine disclosure list will follow this policy, and will identify among other things the types of records that are not suitable for routine disclosure, and the specific types of information that must be excluded (severed) within records prior to disclosure. When the Clerk's staff (Deputy City Clerk/Manager of Information & Archives) receive a request under *MFIPPA* that should be released as routine disclosure, staff will direct the request to the responsible department and, where necessary, assist staff in understanding their obligations to release the information.

Responsibilities

All City staff must comply with the Routine Disclosure Policy and with the applicable Department's/Division's routine disclosure processes.

The City Manager and each Deputy City Manager shall develop their own routine disclosure process in respect of records in their offices. Each Deputy City Manager will ensure a routine disclosure process is developed in respect of their Department.

The routine disclosure process shall be developed using this policy and description above and in consultation with the Deputy City Clerk/Manager of Information & Archives. More than one (1) routine disclosure process may be developed for each Department.

Senior Management will be responsible for promoting compliance with this policy and ensuring processes are developed in consultation with the Clerk's Office. Senior Management will also ensure that a review of the processes as it relates to their respective area occurs once a year. Managers are responsible for identifying records suitable for routine disclosure in their own respective areas. Program Managers and Managers shall provide to the Clerk's Office modifications to the processes with respect to their area as new classes of records are created, existing classes are deleted, or as



otherwise needed. The Clerk's Office shall work with all Departments to identify types of records suitable for routine disclosure and be responsible for approving all departmental/divisional processes to ensure compliance with *MFIPPA*. The Deputy City Clerk/Manager of Information & Archives shall also be responsible for developing and updating the process and routine disclosure guidelines.

Monitoring

The City Clerk or designate and City Solicitor shall be responsible for receiving complaints or concerns related to this policy.

POLICY COMMUNICATION

In addition to e-mail correspondence, there will be mandatory training session for staff who are situated in the service areas that must deal with information requests and information will also be posted internally on the City's SharePoint site.

RELATED PROCEDURES

Private Policy

RELATED DOCUMENTS/LEGISLATION

MFIPPA

Routine Disclosure Guidelines

Corporate Services and Finance Department

Routine disclosures:

- Council and Committee agendas, minutes, reports, decisions and by-laws including any personal information of individuals contained therein;
- Information on the buying and selling of land
- Bid amounts, if read at the public openings of the tenders;
- Names of submissions for Requests for Proposals, if read at the public openings
- Classification salary range and benefits or employment responsibilities of an individual who is or was an officer or employee
- Financial or other details of a contract for personal services between an individual and the City (if third party approves the release)
- Employee records are available to the employee subject to severance of personal information and complying with Human Resources Legislation;
- Annual budgets
- Expenditures incurred by the Mayor and elected officials
- Financial statements
- Tax certificates for an established fee
- Assessment rolls are available for public viewing in accordance with the Assessment Act but will not be duplicated or provided by City staff
- Fire incident and building inspection reports after all personal information has been severed
- Statistics related to by-law enforcement, parking control and canine control, dollar values, number of occurrences, fines levied and yearly comparisons.

Not Disclosed:

- Closed session agendas, minutes and reports unless it is determined by Council that they can be released
- Negotiations for the buying or selling of land are handled in closed session
- Unit prices and other proprietary information contained in tenders and bids without the permission of the bidders
- Personal information about an identifiable individual who is not a business or company

- Any information subject to solicitor client privilege or otherwise protected by MFIPPA
- By-law Enforcement Department (processes etc.)
- Identity or any other personal information about a complainant regarding a by-law enforcement matter

Planning Division

Routine Disclosures:

The land use planning process is considered a public process and all material on file can usually be viewed by the public and copies will be provided in accordance with a fee schedule (determined by the Planning Department) including personal information provided by any person commenting on an application, comments from agencies, and financial and servicing agreements.

Not Disclosed:

- Closed session agendas, minutes and reports unless it is determined by Council that they can be released
- Reports not yet considered by Council
- Any information subject to solicitor client privilege or otherwise protected by MFIPPA

Building Division

Routine Disclosures:

- Residential Building Plans being architectural, structural and mechanical (plumbing, HVAC and fire safety systems) drawings in connection with applications for reviews and permits shall be permitted only between the date of building permit issuance and three months following the date the permit file is closed.
- Building inspection reports, departmental memoranda related to building inspections shall be permitted only after the date of building permit issuance
- All building plans, inspection reports, departmental memoranda related to building inspections are provided only to requesters who can prove that they are the owner of the property, or authorized agent of the property owner or a person who has the written consent of the property owner
- Statistics related to building, number of occurrences, fines levied and yearly comparisons

Not Disclosed:

- Closed session agendas, minutes and reports in accordance with the Municipal Act
- Personal information about an identifiable individual who is not a business or company
- Any information subject to solicitor client privilege or otherwise protected by MFIPPA

Recreation, Parks and Culture Division

Routine Disclosures:

- Parks and recreation programs and events
- Information related to renting and associated fees at recreational facilities
- Information regarding activities within the municipality
- Facility rental rates

Not Disclosed:

- Closed session agendas, minutes and reports in accordance with the Municipal Act
- Personal information for participants of recreation programs
- Any information subject to solicitor client privilege or otherwise protected by MFIPPA

Public Works Department

Routine Disclosure:

- Water rates
- Purchase price of water meters
- Locations of water lines
- Water and sanitary permit inquiries
- Water usage, billing and account information is provided to the owners and tenants of property, to an authorized agent of an owner or tenant of property, or with the written permission of the owner or tenant
- Approximate range of water usage at identified properties
- Locations and scheduling of road maintenance and construction
- Fleet statistics

- Properties on municipal services

Not Disclosed:

- Water and sanitary permits applications
- Personal information about an identifiable individual
- Any information subject to solicitor client privilege or otherwise protected by MFIPPA