



Statement of Policy and Procedure			
Department:	City Manager	Policy No.	81.3
Section:	City Clerk	Issued:	May 1, 2008
Subject:	Freedom of Information and Access to Information Policy	Effective:	March 6, 2020
Council Resolution # and Date:	Council Resolution No. 0470 dated November 12, 2019		
		Replaces:	Policy No. 81.2
Issued by:	Sherry Person, City Clerk	Dated:	November 12, 2019
Approved by:	Jim Toye, City Manager	Procedure Amendment:	March 6, 2020

1 POLICY

- 1.01 The City of Prince Albert (The City) is accountable and recognizes the right of access by the public to information in records under its custody and control as facilitation of an essential element of our system of democracy.
- 1.02 The City is committed to openness and transparency by respecting both the spirit and requirements of the right of access by the public to their statutory right to inspect and obtain copies of The City's records and information in accordance with *LAFOIP's* regulations through a Formal Freedom of Information (FOI) Access Request or through an Informal Access Request
- 1.03 The City is committed to protecting the privacy and confidentiality of personally identifiable information (PII) collected, accessed, used, and disclosed by The City.
- 1.04 The City is committed to proactively disseminating access to public information through the development and implementation of Open Government, Open Data and Routine Disclosure Programs by all City Departments.

2 PURPOSE

- 2.01 To define and establish legislative and regulatory compliant procedures, guidelines and fee structures for the administration of Informal and Formal (FOI) Access Requests in relation to the collection, use, access and disclosure of information as required of The City's statutory obligations in accordance with *LAFOIP*.
- 2.02 To enhance transparency and accountability in regards to The City's access to information in order to build and maintain public trust and further public engagement and collaboration through Open Government and the Active

Dissemination of Public Information.

- 2.03 To mitigate risk and harm to individuals as a result of non-compliant collection, access, use, disclosure or protection of personal information.

3 SCOPE

- 3.01 Council, all employees, and contracted third parties who collect, use, access and disclose general, personal, sensitive and confidential information on behalf of The City.
- 3.02 All individuals who provide personally identifiable information (PII) to The City for the purposes of conducting City business activities or programs.
- 3.03 The public and any individual who wish to access records and information from The City.

4 RESPONSIBILITY

- 4.01 The City Clerk is designated by the Mayor, as the Head of the Local Authority and is accountable to ensure that the delegation of roles and responsibilities in relation to the Act are legislatively and regulatory compliant.
- 4.02 The City Clerk is responsible for The City's compliance; protection of all personal information held by The City or transferred to a third party for processing; and the development and implementation of policies, procedures, and best practices.
- 4.03 Council, all employees and any third parties that are contracted by The City are responsible for the collection, access, use, disclosure, and protection of personal, confidential, and sensitive information in accordance with *LAFIIP* and must recognize when a request for access to information is a Formal (FOI) Access Request and must be forwarded immediately and in confidence to the City Clerk.
- 4.04 City Department Directors and Managers are responsible for the facilitation, administration, and implementation of Routine Disclosure and Active Dissemination of Public Information to ensure accessible, efficient customer service by promoting The City's Open Government/Open Data Program through innovative solutions and initiatives.
- 4.05 City Departments are responsible for the effective, well-coordinated and proactive management of Informal Access Request procedures and guidelines within their Departments.
- 4.06 Applicants will be required to complete the following:
- (a) A Formal or Informal Access to Information Request and submit the applicable Application Fee.
 - (b) Provide consent either directly as express consent or indirectly as implied consent that is applicable to their specific Application for services.

- 4.07 Any individual who has personal information in the custody and control of The City are responsible to notify The City of any updates, corrections, or revisions of their personal information.

5 DEFINITIONS

- 5.01 See Appendix A

6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

- 6.01 The Local Authority Freedom of Information and Protection of Privacy Act.
The Office of the Saskatchewan Information and Privacy Officer.
The Privacy Commissioner of Canada.
The Ministry of Justice of Saskatchewan Access and Privacy.
The Information Officer for the Government of Canada.
The Cities Act.

7 PROCEDURES

7.01 OPEN GOVERNMENT

The City promotes a governing culture of Open Government and Routine Disclosure that recognizes the public has the right to access public documents and proceedings of The City to further optimum transparency, accountability, and increased public engagement. Continued Active Dissemination of Information on The City's website and Social Media will promote The City's Open Government Program and initiatives and the citizens will recognize their rights to the access and protection of their personal information.

7.02 IDENTIFYING PURPOSES

- (1) Purposes for the access, use, collection and disclosure of personally identifiable information must be identified and outlined by each Department in relation to their specific business activities, services, and functions.
- (2) An Applicant must be informed before or at the time of collection why the information is required and how it will be utilized.

7.03 CONSENT

Before personally identifiable information (PII) is utilized for any other purpose than identified at the time of collection, The City must obtain written or express consent from the individual before their personal information can be utilized for any other purpose.

(1) Positive/Opt-in or Express Consent

This form of consent, referred to as "express consent", occurs when The City presents an opportunity for an Applicant to agree or to "opt in" to the access, use, collection, or disclosure of their personally identifiable information (PII). Express consent is unequivocal and does not require any inference on the part of The City when seeking consent.

The City Departments are encouraged to use this form of consent wherever appropriate, taking into consideration the reasonable expectations of the individual. This form of consent is least likely to give rise to misunderstandings and complaints.

(2) Implied Consent

Implied consent arises where consent may reasonably be inferred from the action or inaction of the individual. Where circumstances indicate that an individual has a certain understanding, knowledge, or acceptance, or certain information has been brought to the attention of an individual, consent may be implied.

7.04 LIMITING COLLECTION

Departments shall not collect personal information unless the information is collected for a specific purpose that relates to an existing or proposed program or activity of The City.

7.05 LIMITING USE, DISCLOSURE, AND RETENTION

Personally Identifiable Information shall only be used or disclosed for the purpose for which it was collected, unless the individual consents, or the use or disclosure is authorized by the Act. The City shall only keep personal information for only as long as necessary to satisfy the purposes for which it was collected.

7.06 ACCURACY

When collecting, using, and accessing information ensure accuracy of the information when making a decision about the individual or when disclosing information to third parties.

7.07 SAFEGUARDS

Departments will protect and secure personally identifiable information (PII) regardless of the format in which it is held against loss, theft or breach and safeguard the information from unauthorized access, disclosure, copying, use or modification.

7.08 **OPENNESS**

The City will be transparent to the public and employees about the policies, procedures and best practices for the management of personally identifiable information (PII) by utilizing a Privacy Brochure which will be available in all Departments for public information and reference.

7.09 **INFORMAL ACCESS TO INFORMATION REQUEST**

See Appendix B.

7.10 **LIMITATIONS IN RESPECT OF FORMAT**

If access to a record involves providing a copy of the record, the copy is not required to be provided in the requested format if the record does not exist in that format within The City's Departments.

7.11 **DENIED ACCESS TO INFORMAL REQUEST**

If an Applicant has been denied an Informal Access to Information, the Applicant may formally apply to the City Clerk with a Formal FOI Access Request.

7.12 **FORMAL ACCESS TO INFORMATION REQUESTS**

- (1) If an Applicant has been denied access to an Informal Access to Information, the Applicant to the City Clerk by completing a Formal (FOI) Access Information Request.
- (2) A Formal (FOI) Access to Information Form must be forwarded immediately to the City Clerk's office upon receipt as *LAFOIP* requires adherence to legislated timelines. All information within the form is considered confidential and must be handled appropriately.
- (3) Formal FOI requests are subject to a \$20 Application Fee, pursuant to *LAFOIP*'s regulations, payable at the time of the Application, subject to Section 9 of *LAFOIP*.
- (4) The City Clerk will review the Application and provide written notice to the Applicant within thirty (30) days of receipt.
- (5) If access to the information is denied disclosure, the City Clerk must quote the applicable Sections and provisions of *LAFOIP* verifying legislative exemptions.
- (6) If a portion of a record contains information where the Applicant was denied access, the City Clerk must provide partial disclosure to the remaining portions of the record by severing the denied record portion.

- (7) Requests which exceed an hour of processing time which is included with the \$20 Formal Access to Information Application Fee will require a fee estimate provided to the Applicant before processing. Fees will be administered in accordance with *LAFOIP* regulations.

7.13 **EXEMPTIONS**

Part III of LAFOIP provides that certain types of records are or may be protected and not released to the public. There are several mandatory and discretionary provisions under *LAFOIP* authorizing the City Clerk to refuse to disclose records, and, in some cases, the existence of records, in response to a Formal FOI Access Request.

7.14 **INDIVIDUAL ACCESS**

1. An individual who has been provided access to a record that contains their personal information is entitled to request correction of their personal information if the individual believes that there is an error or omission within the record.
2. A request for access to personal information shall be made by completing a Formal Access to Personal Information Request Form in respect of the following:
 - a) each personal information bank that is the subject of the request, or
 - b) each class of personal information that is not contained in a personal information bank.
3. An individual who makes a request for access to personal information shall provide adequate identification to the City Clerk prior to access to their information and may be required to present themselves in person.

7.15 **PROVIDE RECOURSE**

- (1) An Applicant who is not satisfied with The City's Informal or Formal FOI Access Request response may apply to the OIPC for a review of the matter.
- (2) The City is obligated to cooperate and collaborate with the OIPC, the Applicant and any third parties to further an amenable result wherever possible in the conduct of the access to information review.
- (3) The City Clerk 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 and mandate of The City and the principles of Open Government.
- (4) If the Applicant and/or third party are not satisfied with the City Clerk's decision to comply or not comply with the recommendation of the OIPC, they may appeal that decision to the court, where the court's decision will be binding.

7.16 OFFENCES AND SANCTIONS

- (1) Section 56(1) of *LAFOIP* outlines the offences and sanctions for those persons, who knowingly access, collect, use and disclose personal information in contravention of LAFOIP'S or its Regulations.
- (2) Section 56(3) of *LAFOIP* outlines the offences and sanctions for any person who, without lawful justification, wilfully obstructs, hinders or resists any person of power, or, refuses or wilfully fails to comply with any lawful requirement, or wilfully makes any false statement or misleads any person of power.
- (3) The City shall have the ability to exercise its power as the employer for employees within The City, and through an investigative procedure, if it is deemed that an employee has displayed wilfully, negative actions as indicated, then The City may use their discretion to deal with any disciplinary action as each case may require.

Appendix A – FOI and Access to Information Policy

Definitions:

LAFOIP – The Provincial Local Authority Freedom of Information and Privacy Protection Act that regulates the access, collection, disclosure, and protection of personally identifiable information.

Head – means:

- (i) in the case of a municipality, the mayor, reeve or chairperson of the local advisory committee, as the case may be; or
- (ii) in the case of any other local authority:
 - (a) the chairperson of the governing body of the local authority; or
 - (b) the individual designated as the head by the governing body of the local authority;

Applicant – any individual who submits Informal or Formal FOI Access Requests to The City, and any individual who submits an Application providing express or implied consent for a service provided by The City.

Contractor – an individual or company hired to work on behalf of The City.

Third Party – means a person, including an unincorporated entity, other than an Applicant or a Local Authority.

Exemption – a mandatory or discretionary provision under LAFOIP that authorizes the Head of The City to refuse or disclose records, or, in some cases, acknowledge the existence of records, in response to a request.

FOI – Freedom of Information Request which is the formal process by which an individual may request access to The City’s information under the provisions of LAFOIP.

Personal Information – 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 or telephone number. Personal Information may also include the views or opinions of someone about that person or Information about the physical or mental condition

of an individual.

Privacy – is the protection and security of personal, confidential, sensitive, and third party information.

Property Owner – An individual or agency who is the legal, registered owner(s).

Record – means 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.

OIPC – Office of the Saskatchewan Information and Privacy Commissioner.

Informal Access Request – A written request that is made subject to *The Cities Act* pertaining to information specific to a business department area that does not contain personally identifiable, sensitive or confidential information and may be subject to processing or copying fees at the discretion of that Department.

Formal FOI Access Request - A completed Formal Access to Information Request pursuant to *LAFOIP* and its regulations.

Routine Disclosure - The routine or automatic release of certain types of administrative and operational records publically available in response to an Informal rather than a Formal FOI Access Request.

Active Dissemination- The periodic release of government records in the absence of a request.

Open Government - A governing culture that holds that the public has the right to access the documents and proceedings of government to allow for greater openness, accountability, and engagement.

Open Data - Structured data that is machine-readable, freely shared, used and built on without restrictions.

Open Engagement - provides the public with ease of access to Information as well as a platform for open dialogue. Open Engagement tools, including social media such as Twitter and Facebook, enhance and encourage public engagement and participation.

Positive/Opt-in (Express) Consent - occurs when The City presents an opportunity for an individual to express positive agreement to the stated purpose or the individual takes action to "opt in" to the purpose.

Negative/Opt-out Consent - occurs when an individual is given the opportunity to express non-agreement to an identified purpose. An individual takes the

action to “opt out” of the purpose or say “no”. The individual should be clearly informed that the failure to "opt out" will mean that the individual is consenting to the proposed use or disclosure of the specified information.

Implied Consent - arises when consent may reasonably be inferred from the action or inaction of an individual and that an individual has a certain understanding, knowledge, or acceptance, of when their consent might be implied.

Appendix B - Freedom of Information and Access to Information Policy

Informal Access Request Guidelines and Fee Structure

1. Informal Access Requests shall be in the following manner:
 - a. General Information:
 - i. The Applicant is required to fill out an Informal Access Request Form, identified as Appendix C, requesting the information they require. The Applicant must provide sufficient detail to enable the Department to identify the request. Once the information has been identified as public information and does not impose LAFOIP Exemptions, it will be reviewed by the pertinent Department.
 - ii. The Department will charge an application fee of \$5.00. Where time in excess of one hour is spent searching, an additional fee of \$15.00 for each half hour or portion of a half hour in excess will apply. This fee may be waived at the discretion of the Department Head.
 - iii. If there is any question as to whether a request should be processed through a Formal FOI Access Request, the request shall be forwarded immediately to the City Clerk for review.

b. Third Party and Personal Information regarding Property Information:

Property Owners: Proof of ownership will be required along with a complete legal description and civic address of the property. Personal identification will be required as proof of ownership.

Non-Property Owners: If the person requesting the information is not the owner, written consent from the owner(s) will be required along with a complete legal description and civic address of the property. Staff, at its discretion, may confirm the written consent of the owner(s). If written consent is not provided, the information will not be provided.

Third Party: If third party information is in question, the Department Head will be notified and he/she will decide if the information will be forwarded immediately to the City Clerk as a Formal FOI Access Request.

2. Custom Research/Report:

Development and production of a Custom Report based on the customer's specifications, along with any further/additional request for modification or additional data input within the custom report will be charged the following:

\$150 per hour and actual cost incurred from a 3rd Party (ie. Software Provider).

3. Drawings and Maps:

Requests for drawings and maps for civic addresses, zoning, transit, tourism, traffic counts, underground services or similar drawings or maps, will be charged the following:

Up to 11"x17" - \$5

Up to 24"x36" - \$10 (black & white); \$15 (color)

Up to 36"x48" - \$15 (black & white); \$18 (color)

Over 36"x48" – Custom fees will apply

For custom drawings and maps, the fee is \$50 for the first ½ hour, and for each hour, the rate is \$100/hour

4. Printing, Photocopying and Other Fees:

There will be a cost of \$0.25 plus GST per page for photocopies or computer printouts. Any documents protected by copyright, will not be provided.

Information provided as follows will include the appropriate fees indicated:

Regular Mail - \$5

Registered Mail - \$10 plus postage

Courier Actual Costs

Facsimile - \$5

Save to Digital Media - \$5, plus actual cost of media

Email - \$5

Map Roll - \$12

All fees can be waived at the discretion of the Department Head.

5. Procedure for Processing Requests:

- a. Applicant fills out and signs an Informal Access Request Form. The processing of the request will only commence when the Form is returned and the Applicant requesting the information has signed off on the conditions. In the case of a request placed over the telephone or fax, the Form is to be faxed or emailed to the customer. The Form will indicate all of the information contained in the policy and fees payable.
- b. Staff will inform the Applicant that at least 48 hours must be allowed to complete a request and requests of especially large files may require more time than the initial 48 hours and the Applicant will be notified regarding necessary prioritization and any additional fee estimates. An estimate shall be provided if research will take more than an hour. It should also be discussed that if the information requested is not available, The City is not responsible
- c. Original documents or complete Department files are not to be directly provided to the Applicant.
- d. Once research is completed, the Applicant will be contacted and the information will be provided once the full payment has been received by The City.
- e. The Department shall retain the right to prioritize any request and notify the Applicant when the request can be completed.



Appendix C

Informal Access Request Form

Last Name: _____ First Name: _____

Address: _____ City/Town: _____ Province: _____

Postal Code: _____ Telephone(Home): _____ Telephone (Work): _____ Fax: _____

Email: _____

- Assessed and/or registered owner
- Authorized Agent with Written Consent from Owner

Details of Requested Information

Legal Description: _____ Civic Address: _____

Detailed Description of Record

Type of Request:

Only the City Clerk will decide on the release of third party information or if the request involves a third party. The Department will refer the issue to the City Clerk if there are any questions on the matter.

INFORMAL ACCESS REQUEST:

General File Search

A. General File Search Fee:

If the person requesting the information is not the owner, written consent from the owner(s), will be required along with the complete legal description and civic addresses of the property. Staff, at its discretion, may confirm the written consent of the owner(s). If written consent is not provided, the Applicant may make a request under LAFOIP. Third Party information and use of personal information will be forwarded to the City Clerk.

The Department will charge an application fee of \$5. Where time in excess of one hour is spent searching, a fee of \$15 for each half hour or portion of a half hour in excess of one hour shall apply. This fee may be waived at the discretion of the Department Head and only in extenuating circumstances.

B. Property Owners:

Property files will be made available free of charge to registered owner(s), who are requesting a file search from their specific property files, except for searches that take more than one hour to complete, in which case, the general file search fee shall apply.

Proof of ownership will be required along with a complete legal description and civic address of property. Personal identification will be required as proof of ownership. Failure to provide proof of ownership will automatically result in the application of fees.

Custom Research and Report

Development and production of a Custom Report based on the customer's specifications, along with any further/additional request for modification or additional data input within the custom report will be charged \$150 per hour and actual cost incurred from a 3rd party, if utilized.

Informal Access Request

A request is made by filling out and signing an Informal Access Request Form. A request will only be commenced when the form is returned and the Applicant requesting the information has signed off on the conditions.

The Applicant must specify in detail the information they require so that staff can efficiently retrieve the information. The City is not responsible for locating information that is expected to be available but is not located.

Original documents or complete Department files will not be directly provided to an Applicant.

Applicants must allow at least 48 hours to complete a request. Requests of especially a large amount may require more time than the initial 48 hours and the Applicant will be notified and provided with a cost estimate. The Department shall retain the right to prioritize any request and notify the Applicant when the work can be completed.

PRINTING, PHOTOCOPYING AND OTHER FEES

There will be a cost of \$0.25 per page plus GST, for photocopies or computer print-outs. Any documents protected by copyright, will not be provided.

Costs for providing information will be: Regular Mail - \$5; Registered Mail - \$10 plus postage; Courier – Actual Costs; Facsimile - \$5; E-mail – \$5; and, Saved to Digital Media - \$5, plus actual cost of media.

I have read and understood the aforementioned conditions and that prior to receiving access to the records that I have requested, I am required to pay the fee.

Signature of Applicant _____ Date: _____

For Office Use Only

Date Received:	Application No.
<input type="checkbox"/> Application Payment Made <input type="checkbox"/> Final Payment Made	<input type="checkbox"/> Proof of Ownership(personal Identification) <input type="checkbox"/> Written consent from the landowner
Date Reviewed:	Signature:
Date Information Issued:	Receipt No.
Amount of Time Spent: _____ Actual Cost: \$ _____	Account No.