



Statement of Policy and Procedure			
Department:	City Manager	Policy No.	<b>81.4</b>
Section:	City Clerk	Issued:	May 1, 2008
Subject:	<b>Access to Information Policy</b>	Effective:	January 23, 2023
Council Resolution # and Date:	Council Resolution No. 0017 dated January 23, 2023		
		Replaces:	Policy No. 81.3
Issued by:	Wenda Atkinson, Corporate Information Manager	Dated:	
Approved by:	Terri Mercier, City Clerk	Procedure Amendment:	

## 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 *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIP) and *Regulations* through a Formal Freedom of Information Access Request (FOI) or through an Informal Access Request
- 1.03 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 FOI Access Requests in relation to the 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.

### **3 SCOPE**

- 3.01 Council, all employees, and contracted third parties who disclose general, personal, sensitive and confidential information on behalf of The City.
- 3.02 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 LAFOIP and is accountable to ensure that the administration of the Act is legislatively and regulatory compliant.
- 4.02 Council, all employees and any third parties that are contracted by The City are responsible for the protection of personal, confidential, and sensitive information in accordance with *LAFOIP* and must recognize when a request for access to information is a FOI and must be forwarded immediately and in confidence to the City Clerk.
- 4.03 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.
- 4.04 City Departments are responsible for the effective, well-coordinated and proactive management of Informal Access Request procedures and guidelines within their Departments.
- 4.05 Applicants will be required to complete a FOI or Informal Access to Information Request form and submit the applicable Application Fee.
- 4.06 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 **Active Dissemination-** The periodic release of government records in the absence of a request.
- 5.02 **Applicant** – any individual who submits Informal or Formal Access Requests for information contained in a record to The City.
- 5.03 **Contractor** – an individual or company hired to work on behalf of The City.

- 5.04 **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;
- 5.05 **Public 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.
- 5.06 **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.
- 5.07 **FOI** – Freedom of Information Request is the formal process by which an individual may request access to The City’s information under the provisions of *LAFOIP*.
- 5.08 **Formal Access Request** - A completed Formal Access to Information Request (FOI) pursuant to *LAFOIP* and its Regulations.
- 5.09 **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 personal or confidential information and may be subject to processing or copying fees at the discretion of that Department.
- 5.10 **IPC** – The Saskatchewan Information and Privacy Commissioner Office.
- 5.11 **LAFOIP** – means *Local Authority Freedom of Information and Privacy Protection Act*.
- 5.12 **Open Data** - Structured data that is machine-readable, freely shared, used and built on without restrictions.
- 5.13 **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.

- 5.14 **Personal Information** – may include but is not limited to information about an identifiable 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.
- 5.15 **Privacy** – is the protection and security of personal, confidential, and third party information.
- 5.16 **Property Owner** – An individual or agency who is the legal, registered owner(s).
- 5.17 **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.
- 5.18 **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 FOI Access Request.
- 5.19 **Third Party** – means a person, including an unincorporated entity, other than an Applicant or a Local Authority.

## **6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE**

- 6.01 *The Local Authority Freedom of Information and Protection of Privacy Act.*  
*The Local Authority Freedom of Information and Protection of Privacy Regulations*  
*The Cities Act.*  
Privacy and Confidentiality Policy  
The Saskatchewan Information and Privacy Commissioner.  
The Ministry of Justice of Saskatchewan Access and Privacy.

## **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 INFORMAL ACCESS TO INFORMATION REQUEST**

The Informal Access to Information Request Form can be obtained on the City of Prince Albert's website.

### 7.03 **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.

### 7.04 **FORMAL ACCESS TO INFORMATION REQUESTS**

1. If an Applicant has been denied access to an Informal Access to Information, the Applicant can request a formal request to the City Clerk by completing a FOI form.
2. A FOI 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 with security and confidentiality.
3. 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.

### 7.05 **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 information contained in records, and, in some cases, the existence of records, in response to a FOI Access Request.

### 7.06 **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 FOI 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.

#### 7.07 **PROVIDE RECOURSE**

1. An Applicant who is not satisfied with The City's Informal or FOI Access Request response may apply to the IPC for a review of the matter.
2. The City is obligated to cooperate and collaborate with the IPC, 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 IPC 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 IPC, they may appeal that decision to the King's Bench Court, where the Court's decision will be binding.

#### 7.08 **NON- COMPLIANCE AND SANCTIONS**

1. Non-compliance with this policy or related procedures may result in disciplinary actions up to and including termination of employment and/or access to software and data privileges.
2. Further sanctions may be imposed if any person is found guilty under *LAFOIP*, including a fine, imprisonment or both. The sanctions may be imposed on an employee of The City or an Information Management Service Provider under contract.

## **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 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 3<sup>rd</sup> 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.