

1. PURPOSE

- 1.1 To facilitate and improve public access to records that can be regularly and actively disclosed while protecting the integrity and privacy of personal information in the custody or in the control of the Town of Fort Erie.
- 1.2 This policy will establish principles and procedures to support improved transparency while adhering to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act, 1990* (the “Act”).
- 1.3 This policy will assist staff in identifying the records and information that may be requested and disclosed routinely and provide procedures for releasing certain types of non-confidential information to the public in an attempt to improve access and reduce the need of costly and time-consuming disclosure processes of a formal request under the Act.

2. DEFINITIONS

2.1 For the purposes of this policy:

“**Active Dissemination**” means the periodic and proactive release or publication of municipal records and information in the absence of a specific request;

“**Confidential Information**” means any Information that is subject to the exemptions to disclosure found within the Act and that, if disclosed, could result in loss or damage to the Town or could give the persons to whom it is disclosed an advantage. Includes Information received in confidence by the Town;

“**MFIPPA**” means the *Municipal Freedom of Information and Protection of Privacy Act, 1990*, as amended or replaced from time to time;

“**Personal Information**” means recorded information about an identifiable individual as defined in section 2 of the Act, and includes but is not limited to:

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

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- c) any identifying number, symbol or other particular assigned to the individual,
- d) the address, telephone number, fingerprints or blood type of the individual,
- e) the personal opinions or views of the individual except if they relate to another individual,
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- g) the views or opinions of another individual about the individual, and
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

“Record” means any recorded information in any format, such as print, film or electronic means and may include, but is not limited to, written correspondence or memorandum, books, maps, plans, drawings, graphics, photographs, film, microfilm, sound or video recordings, e-mail, machine-readable data or any other documentary material regardless of physical form or copy thereof that documents the Town’s business activities, rights, obligations, or responsibilities, including official records and temporary or transient records;

“Redact(ed)” means the removal of personal information, including words or images from a record prior to making it available to the public;

“Routine Disclosure (RD)” means the routine or automatic release of the Town’s administrative, operational information, or records belonging solely to the person or organization.

“Temporary Record” or **“Transient Record”** mean records that are kept solely for convenience of reference and/or which have limited value in facilitating the planning or implementation of Town business.

“Town” means The Corporation of the Town of Fort Erie.

3. POLICY STATEMENT

3.1 The Town is committed to the values of honesty, trust and integrity and is dedicated to providing streamlined, efficient and effective customer service. By establishing a Routine Disclosure and Active Dissemination Policy, staff can provide the public with access to records and information that can be shared in

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accordance with the Act. This will enable the Town to put into action an approach which increases transparency, proficiency and a continued culture of open government.

4. APPLICATION

- 4.1 This policy applies to all employees of the Town.
- 4.2 This policy applies to records or information within the custody and control of the Town.
- 4.3 In addition to this policy, the Town has the following by-laws and policies which can be used as a reference for related purposes:

12.2.1 XXX-### Records and Information Management Policy

12.2.2 IT-002 Scanning Records Policy

12.2.3 XX-### Naming Conventions Policy

5. BACKGROUND

- 5.1 Due to an increase in public awareness and a heightened demand for access to government-held information, a Routine Disclosure and Active Dissemination Policy will improve public accessibility to various types of records and information without requiring the individual or organization to submit a formal *MFIPPA* request. Additionally, this policy is consistent with the Town’s continued priority to remain transparent and offer enhanced customer service.

6. POLICY

- 6.1 Records or information identified in Appendix “B” will be provided or made available to the public or requester according to the conditions determined for releasing records as set out in that Appendix.
- 6.2 No records containing personal information will be disclosed to anyone other than the individual to whom the information relates unless it is redacted first or an authorization letter was supplied by the individual to whom the information relates. An original, signed authorization letter from the individual to whom the information

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relates is required in the case of a guardian or agent acting on their behalf. Other legislation may apply and will be considered where applicable.

- 6.3 Requests made by a law enforcement agency in Canada for records containing personal information must be forwarded directly to the Manager of Legal and Legislative Services/Clerk.
- 6.4 The Town is not required to restore or recover records that have been destroyed under the authority of the Corporate Recorded Information Management Program (or similar).
- 6.5 The Town is not required to provide information discussed but not recorded. In response to an informal request, the Town is not required to create records which do not otherwise exist.
- 6.6 Access to Town records and information will, wherever possible, be made available to the public by way of the Town’s website, orally, public inspection, electronic format and/or photocopy (according to the Fees and Charges By-law).
- 6.7 All records and information actively disseminated in print or online will exclude information that is personal and confidential in nature.
- 6.8 The Town strives to make every effort in making documents accessible when they are being created, however, upon request, actively disseminated and routinely disclosed records and information will be provided in an alternative accessible format for persons with disabilities. This will be done in consultation with the person making the request and consider the person's accessibility needs.
- 6.9 Records or information not listed in Appendix “B” may be eligible for routine disclosure or active dissemination. Please contact the Manager Legal and Legislative Services/Clerk (or designate) for advice or consideration.

7. Routine Disclosure

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- 7.1 Requests may be verbal or in writing. The Town reserves the right to require the request be submitted in writing when it is unclear or where the information being requested is voluminous or detailed.
- 7.2 Requests for records made under this policy should be directed to the responsible department. The Town also reserves the right, at any time, to have requesters make their request through a single point of contact at the Town.
- 7.3 Repetitive requests by an individual or organization for significant volumes of records, requests made to more than one department or division on a specific issue or the separation of a request into many smaller requests which would equate to a large volume of records, will be referred to and coordinated by the Manager of Legal and Legislative Services/Clerk for determination of processing.
- 7.4 Whenever possible, the record will be disclosed in the format requested if disclosure complies with this policy and any applicable legislation. Should it be unfeasible to provide the records in the requested format, the record will be disclosed in the format which is most resourceful, time-saving, cost-effective and efficient.

8. Active Dissemination

- 8.1 The Town is committed to making public records available on the Town’s website, through media releases, newsletters, notices, pamphlets, newspapers and advertising or for review at the Town’s municipal offices.

9. Responsibilities

- 9.1 Chief Administrative Officer shall;
 - a) Familiarize themselves with the procedures herein; and
 - b) Ensure compliance with respect to this policy is met by staff.
- 9.2 Department Directors, Managers and Supervisors shall;
 - a) Ensure that they and their staff familiarize themselves with the procedures contained in this policy herein;
 - b) Oversee the routine disclosure and/or active dissemination of records and information in their division or department;

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- c) Ensure all requests within their department or division maintain compliance with privacy as set out in legislation; and
- d) Ensure that responses to requests for records made under this policy will be acknowledged and completed in a reasonable timeframe as set out in Appendix “C” and as determined by staff workload.

9.3 The Manager of Legal and Legislative Services/Clerk shall:

- a) Upon consultation, provide guidance to the Chief Administrative Officer, Department Directors and staff as to whether routine disclosure or active dissemination is appropriate for the subject record;
- b) Process those requests that do not fall under this policy; and
- c) Shall undertake periodic reviews of the Routine Disclosure and Active Dissemination Policy and make amendments as required.

9.4 All employees shall;

- a) Familiarize themselves with this policy and refer to the procedures laid out in Appendix “C” to determine what records and information may be released through routine disclosure and active dissemination;
- b) Assist the public with informal requests for records or information;
- c) Protect the personal information to which they have access; and
- d) Consult with the Manager of Legal and Legislative Services/Clerk (or designate) when uncertain about the routine disclosure or active dissemination of records.

Approved by

Chris McQueen
Chief Administrative Officer

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Appendix “A” - Record Requests to be Referred to Manager of Legal and Legislative Services/Clerk (or Designate)

Below is a list of the mandatory and discretionary exemptions that are applied by the Manager of Legal and Legislative Services/Clerk (as the Head), prior to the release of information under the *Act*. Mandatory exemptions require that the Town, through the Head, refuse to disclose certain kinds of information which fit the criteria. Discretionary exemptions allow the Town, through the Head, to decide whether or not to disclose certain records or parts of records which meet the conditions. The below listing serves as a guideline for records specific to this type of information and, where applicable, shall be directed to the Manager of Legal and Legislative Services/Clerk (or designate) for appropriate guidance, action or processing.

Section of MFIPPA and Type	General Description of Exemption Applied
6 - Mandatory	Draft By-laws, Records of Closed Meetings
7 - Discretionary	Advice or Recommendations
8 - Discretionary	Law Enforcement
9 - Mandatory	Relations with Government
10 - Mandatory	Third Party Information
11- Discretionary	Economic or Other Interests
12- Discretionary	Solicitor-Client Privilege
13- Discretionary	Danger to Safety or Health

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14- Discretionary	Personal Privacy
15 - Discretionary	Information Soon to Be Published

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Appendix “B” - Schedule of Records/Information for Routine Disclosure and/or Active Dissemination

Office of the Chief Administrative Officer

Record Type	RD or AD	Conditions on Release	Legislation Governing Access
Multi-Year Accessibility Plan	AD	Available on Town’s Website. Hard copies can be viewed, copied and released upon request.	Accessibility for Ontarians with Disabilities Act, 2005, c.11, s. 14(2).
Policies and Procedures	AD – public policies RD – internal policies	Policies directly affecting the Public are available on the Town’s website. All other policies can be viewed, copied and released upon request. Excludes drafts or working documents.	
Strategic Plans	AD	Available on the Town’s website. Hard copies can be viewed, copied and released upon request.	

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Corporate Services – Financial Services

Record Type	RD or AD	Conditions on Release	Legislation Governing Access
Assessment Rolls	RD	<p>Available upon request at Town Hall for in person viewing.</p> <p>Information and details contained on assessment rolls are not to be discussed over the telephone, printed, photocopied, or emailed. Hand written notes are permitted.</p> <p>Information can be provided to other governments or law enforcement with satisfactory identification provided.</p>	<i>Assessment Act, R.S.O. 1990, c. A. 31, s. 39.</i>
Bids and Tendering (results, call documents and names of bidders)	RD/AD	<p>Excludes proprietary information.</p> <p>Unofficial and official bids results released on request. In some cases, bid or tender information is released in public</p>	

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		<p>reports to Council, where required.</p> <p>Most information is public information announced publicly at bid or tender openings.</p> <p>Bid opportunities are posted online. A summary of results can be released.</p> <p>For further information refer to the Manager of Procurement and Finance.</p>	
Financial Statements (audited) – Town	RD	Available on Town’s website.	Municipal Act, 2001, S.O. 2001 c. 25, s. 295
Operating and Capital Budgets	RD/AD	<p>Excludes drafts or working papers.</p> <p>Provided via report to Council and on Town’s website.</p>	
Tax Bill or Tax Account History - Owner	RD	Tax bill can be reprinted for owner of the property at the fee set in the Fees and Charges By-law.	

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		Tax certificates can be provided at the established fee set in Fees and Charges By-law.	
Tax and Water Certificate	RD	Certificates can be provided at the established fee set in Fees and Charges By-law.	

Corporate Services - Employment Services and Payroll

Record Type	RD or AD	Conditions on Release	Legislation Governing Access
Employment Agreements and Contracts	RD/AD	<p>Classification, salary range and benefits, or employee responsibilities of an individual who is or was an officer or employee of an institution can be released.</p> <p>Specific salary or hourly rate for an individual is not to be released. Band range can be released.</p> <p>Labour relations/negotiation information is not to be released.</p>	

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		Councillor remuneration is publicly provided in a report to Council and on Town's website (via report to Council) or upon request.	
Job Openings	RD	Posted as applicable on Town's Website. Hard copies can be provided upon request, subject to retention.	
Corporate Organizational Chart	RD/AD	Can be provided upon request. Exclude personal contact information.	

Corporate Services – Land and Legal Matters

Record Type	RD or AD	Conditions of Release	Legislation Governing Access
Agreements of Purchase and Sale, Site Plan Agreements, Section 37 Agreements, etc.	RD	Draft Agreements cannot be viewed, copied or released.	



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Insurance Claims/Matters from the Town's Insurer	RD	<p>Details regarding claims provided to insurance companies as permitted/required.</p> <p>Additional information related to claims to be vetted through the <i>MFIPPA</i> process.</p>	
Land Sales and Acquisitions	AD	<p>General information provided in the required reports/by-laws passed by Council (via Town's website).</p> <p>Hard copies can be provided and released upon request.</p>	

Community Services - Customer Service & Communications

Record Type	RD or AD	Conditions on Release	Legislation Governing Access
Property Information Status Reports (PISRs)	RD	Available via the set fee in the Fees and Charges By-law.	

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Public Notices and Information Releases	AD	Available on website and/or other media sources.	
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Community Services – Legal and Legislative Services/Clerk’s Office

Record Type	RD or AD	Conditions on Release	Legislation Governing Access
Agendas and Minutes of Council,	AD	Posted on Town’s website. Excludes Closed Session materials.	<i>Municipal Act, 2001, s. 253(1).</i> Municipal Freedom of Information and Protection of Privacy Act, R.S.O. c. M. 56, s. 6.
Declared Pecuniary Interests of Councillors	AD	Every municipality and local board shall establish and maintain a registry in which shall be kept a copy of each statement filed under section 5.1 or 5.3; and a copy of each declaration recorded under section 6. 2017, c. 10, Sched. 3, s. 5; 2022, c. 18, Sched. 3, s. 3.	<i>Municipal Conflict of Interest Act, 1990, s. 6.1(2)</i>

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		The registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine	
Minutes of Boards and Committees (posted with Agenda)	AD	Posted with Agenda on website.	<i>Municipal Act, 2001, s. 253(1).</i>
Agreements and Contracts (includes Subdivision, Site Plan, Encroachment, Lease, Facility Rental, Services)	RD	Excludes draft, unsigned or confidential agreements. Agreements passed by by-law can be viewed copied and released by responsible/relevant departments. Facility Rental copies are only to be provided to signing parties. All others should be vetted through the MFIPPA process.	
By-laws	AD	Posted on Town's website. Hard copies can be viewed, copied and released upon request.	<i>Municipal Act, 2001, s. 253(1).</i> Municipal Freedom of Information and Protection of

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		<p>Certified copies available upon request.</p> <p>Excludes drafts or working documents.</p>	<p>Privacy Act, R.S.O. c. M. 56, s. 6(4).</p>
Heritage Register	RD	<p>Can be released viewed, copied and released upon request via Legislative Services Department in coordination with the Planning and Development Services Department.</p>	<p><i>Ontario Heritage Act</i>, R.S.O. 1990, c. O. 18.</p>

Economic Development & Tourism/Licensing

Record Type	RD or AD	Conditions on Release	Legislation Governing Access
Business Licences and Short-Term Rental Licences	RD/AD	<p>Personal information does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity. This also applies if an individual carries out business, professional or official responsibilities from their dwelling and the contact</p>	<p>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. c. M. 56, s. 2.1 and 2.2.</p>

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		<p>information relates to that dwelling.</p> <p>Business Licence is provided to approved applicant for public posting at location. Short-Term Rental Licence is provided to the owner/operator to post on premises/dwelling.</p> <p>Business Licence and Short-Term Rental Licence Application information requested by anyone who is not the applicant is to be vetted through MFIPPA.</p>	
List of Short-Term Rental locations in Town	AD	On Town's website.	

Fire and Emergency Services

Record Type	RD or AD	Conditions on Release	Legislation Governing Access
Emergency Plan	RD/AD	Excludes confidential information or details which could jeopardize security/safety within the plan (if applicable).	

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		Posted on the Town's website.	
Emergency Service Reports	RD	Reports may be provided to affected property owner and/or owners' insurance company upon request and payment of fee as set in Fees and Charges By-law.	
Fire Inspection Report	RD	Available upon request to registered owner or authorized agent and payment of fee as set in Fees and Charges By-law. All other requesters to be vetted through MFIPPA.	
Fire Incident Reports	RD	General reports available upon request. Access to reports with personal information to be vetted through MFIPPA.	

Infrastructure Services

Record Type	RD or AD	Conditions on Release	Legislation Governing Access
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<p>Drawings/Plans (as constructed, profiles, construction specifications, road/sewer/ watermain/bridge drawings, etc.)</p>	<p>RD</p>	<p>Can be viewed, copied and released upon request.</p> <p>Use “<i>Copyright Act</i> applies” stamp to drawings and plans as applicable.</p>	
<p>Site Servicing/Grading</p>	<p>RD</p>	<p>Can be viewed, copied and released upon request.</p> <p>Use “<i>Copyright Act</i> applies” stamp to drawings and plans as applicable.</p>	

Planning and Development Services

Record Type	RD or AD	Conditions on Release	Legislation Governing Access
<p>Building Drawings/Plans (architectural, mechanical, structural, etc.)</p>	<p>RD</p>	<p>Can be viewed, copied and released to registered owner or authorized agent.</p> <p>Previous owner information (if contained on drawing/plan) is to be redacted prior to release.</p>	<p><i>Planning Act</i>, R.S.O. 1990, c. P. 13.</p> <p>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. c. M. 56., s. 14(1).</p>

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		<p>All other requesters should be vetted through MFIPPA.</p> <p>Use “<i>Copyright Act</i> applies” stamp to drawings and plans as applicable.</p>	
Building Inspections, etc.	RD	<p>Can be viewed, copied and released to registered owner or authorized agent.</p> <p>All other requesters should be vetted through MFIPPA.</p>	
By-law/Property Standards Inspections	RD	<p>Photos and inspection reports can be viewed, copied and released to the registered owner or authorized agent.</p> <p>All other requesters should be vetted through MFIPPA.</p>	Municipal Freedom of Information and Protection of Privacy Act, R.S.O. c. M. 56.
Committee of Adjustment Notices and Decisions.	RD/AD	<p>Can be viewed, copied and released according to the requirements of the <i>Planning Act</i>.</p> <p>Agendas and notices are posted on the Town’s website.</p>	<i>Planning Act</i> , R.S.O. 1990, c. P. 13., s. 44.

Emails/letters from or to Residents Regarding Planning or Development Projects	RD	If correspondence is from the public, it is part of public record and can be viewed, copied and released.	<i>Planning Act</i> , R.S.O. 1990, c. P. 13.
Environmental Impact Assessments	RD	If provided as part of a Planning application, record can be viewed, copied and released. If not provided as part of a Planning Application, should be vetted through MFIPPA (third party / affected party notice).	<i>Planning Act</i> , R.S.O. 1990, c. P. 13., s 1.0.1. Municipal Freedom of Information and Protection of Privacy Act, R.S.O. c. M. 56., s. 10, s. 20.
Heritage Properties Register/List	AD RD	Available on the Town's website Hard copy can be viewed, copied and released to the public upon request.	<i>Ontario Heritage Act</i> , R.S.O. 1990, c. O. 18.
Consultation & Public Meeting Records (excluding Community Meeting Sign-In Sheets)	RD	Public meeting records (excluding the sign-in sheets) can be viewed, copied and released to the public or may be published on the Town's website or websites built to support individual projects.	<i>Planning Act</i> , R.S.O. 1990, c. P. 13.

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Permits (including Building, Driveway, Septic, Pool, etc.)	RD	Building Permit application forms (or alike permit) can be viewed, copied and released to the registered property owner or authorized agent (if they or their authorized agent completed the application form).	
Planning Act Notice Mailing List maps (for circulation of Notices under the Planning Act)	RD	Maps outlining the area of circulation or mailing lists for notices specified under the Planning Act, if available, can be viewed, copied and released.	<i>Planning Act</i> , R.S.O. 1990, c. P. 13.
Planning Agreements (Subdivision, Site Plan, Encroachment)	RD	Excludes draft agreements. Signed and approved agreements can be viewed, copied and released.	<i>Planning Act</i> , R.S.O. 1990, c. P. 13.
Planning Application Correspondence	RD	Correspondence and documentation submitted by the applicant used in assessing the application	<i>Planning Act</i> , R.S.O. 1990, c. P. 13.

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from Application Proponent		and forming a planning opinion can be viewed, copied and released.	
Planning Application Drawings	RD	Can be viewed, copied and released upon request. Use “ <i>Copyright Act</i> applies” stamp to drawings and plans as applicable.	<i>Planning Act</i> , R.S.O. 1990, c. P. 13., s 1.0.1.
Planning Applications and Supporting Materials	RD	Formal comments from internal departments or external agencies can be provided upon request.	<i>Planning Act</i> , R.S.O. 1990, c. P. 13., s 1.0.1.
Planning Application Comments	RD	Can be viewed, copied and released upon request.	<i>Planning Act</i> , R.S.O. 1990, c. P. 13., s 1.0.1.
Planning Policy Documents (Official Plan, Secondary Plan, Zoning By-law Amendments, etc.)	RD	Related background information may be provided upon request. No correspondence with other members of the public are to be released.	<i>Planning Act</i> , R.S.O. 1990, c. P. 13.

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<p>Site Plan Applications</p>	<p>RD/AD</p>	<p>Site Plans and materials for institutional, commercial and industrial properties can be viewed, copied and released upon request.</p> <p>No correspondence with other members of the public are to be released.</p> <p>Posted on Town's website.</p>	<p><i>Planning Act, R.S.O. 1990, c. P. 13.</i></p>
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Appendix “C” - Procedures for Requests for Routine Disclosure Records or Information

1. If someone is seeking records, they may complete the form supplied by Legal and Legislative Services and submit it to the applicable department(s).
2. Confirm the identity of requester (ex: check a driver’s licence) at the time of receipt of the request. Staff may accept an authorization letter or power of attorney.
3. Once the request has been received and understood and the requester has been confirmed, responsible staff are to refer to the table laid out in Appendix “B” herein. The table outlines whether routine disclosure or active dissemination applies and appropriate action shall be taken. If a record or information is not identified in Appendix “B”, staff shall consult with the Manager of Legal and Legislative Services/Clerk (or designate).
4. A staff member must be present at all times when a requester is viewing an original record.
5. The Town is not required to create a new record(s) in response to a request, except where the record is electronic and it would not interfere with the operations of the Corporation.
6. Fees and charges in accordance with the Town’s Fees and Charges By-law applies.
7. The Manager of Legal and Legislative Services/Clerk shall have the authority to waive the payment of all or part of the fee if it is considered fair and equitable to do so. If staff receive such requests, they shall contact the Manager of Legal and Legislative Services/Clerk (or designate). Circumstances which may validate the claim for a fee waiver shall exhibit the cause of financial hardship and/or necessity for the person requesting the records or information. The Manager of Legal and Legislative Services/Clerk may require the requester to provide additional information for verification purposes to support their claim.
8. Every effort will be made to process a request within 10 calendar-days, with an upward limit of 30 calendar-days. If the complexity and volume of the request necessitates otherwise, the requester will be informed of the delay and of the projected processing time/fee for approval before proceeding. All responses will comply with the Town’s service standards and values.

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Appendix “D” - Routine Disclosure Record(s) Request Form

Please Print

Date:

Name:

Company/Association:

Address:

Telephone/Cell:

Email:

Record(s) Requested:

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Signature of Requester:

FOR OFFICE USE ONLY

Department/Responding Employee(s): _____

Time: _____

Cost: _____

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