

TOWN OF WADENA

Policy Title
Freedom of Information
Adopted
December 16, 2014

LOCAL AUTHORITY FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY POLICY

Res #393-14

POLICY #P2014-001

POLICY STATEMENT

The objective of this policy is to prescribe to the *Local Authority Freedom of Information and Protection of Privacy Act* (the Act) which provides members of the public with a right to access records in a local authority while at the same time providing legal privacy protection for the personal information in the custody or control of the local authority.

1. Definitions

Head

- The Mayor of the Town of Wadena (the Town); or
- The individual designated as the Head by the Town.

Personal Information

Personal information about an identifiable individual that is recorded in any form within the meaning of Section 23 of the Act;

- a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry, or place of origin of the individual;
- b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- c) information that relates to health care that has been received by the individual or to the health history of the individual;
- d) any identifying number, symbol, or other particular assigned to the individual;
- e) the home or business address, home or business telephone number, fingerprints, or blood type of the individual;
- f) the personal opinions or views of the individual, except where they are about another individual;
- g) correspondence sent to a local authority by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;
- h) the views or opinions of another individual with respect to the individual;
- i) information that was obtained on a tax return or gathered for the purpose of collecting a tax;
- j) information that describes an individual's finances, assets, liability, net worth, bank balance, financial history or activities, or credit worthiness; or
- k) the name of the individual where:
 - i) it appears with other personal information that relates to the individual; or
 - ii) the disclosure of the name itself would reveal personal information about the individual.

Record

A record of information in any form, including information that is written, photographed, recorded, or stored in any manner, but does not include computer programs or other mechanisms that produce records. Examples of types of records are:

- Documents
- Letters
- Handwritten notes
- Papers
- Draft documents
- E-mails
- Journal books
- Calendars
- Vouchers
- Maps (non-published)
- Drawings
- Photographs

2. Application and Fees

All persons requesting access to records, not normally or regularly provided by the Town, are required to complete an "Access to Information Request Form (see attached Form A), as set out in *The Authority Freedom of Information and Protection of Privacy Regulations*, which shall be accompanied by an application fee of \$20.00.

The Head will ensure that each application pertains to only one subject matter and that additional charges beyond the initial \$20.00 application fee may be levied, as per the Act, where the gathering of requested information takes in excess of one hour to complete. If the amount of the fees is to be in excess of \$50.00, an estimate is required.

When access to the information is provided, the following fees will apply:

- a) \$0.25 per page for copying;
- b) \$0.25 per page for computer printout;
- c) \$15.00 for each half hour, or portion thereof, of the excess time spent locating the requested information.

All fees are collectable before information is given out.

Any person is entitled, at any time during regular business hours, to inspect and obtain copies of approved bylaws, resolutions, and minutes. If copies are wanted, the above fees will apply.

If the individual is requesting access to his/her own records, then Form A is not required. However, copying fees will apply.

3. Administration

The Town's Administrator / Chief Administrative Officer (C.A.O.) shall be appointed as the Head and be accountable for all decisions, duties, and obligations pursuant to the Act.

The central access and privacy office shall be the Town's municipal office.

Whenever possible, appropriate informal disclosure will be encouraged. If a formal application is received, the process outlined in the Act shall be followed.

Exemptions:

The Act recognizes a balance between the right to access and the need to keep certain information confidential. Exemptions are provided in the Act for certain circumstances or types of records where disclosure may not be appropriate. Exemptions shall be considered before access to a record is given.

The Act provides for Mandatory and Discretionary Exemptions.

Mandatory exemptions – the information cannot be disclosed. The Head shall refuse access to:

- Records from other governments obtained in confidence (Sec. 13)
- Certain third-party information (Sec. 18)

Discretionary exemptions – the Head must decide if the information can be disclosed. The Head may refuse access to:

- Information received in confidence from a local authority;
- Information regarding law enforcement and investigations;
- Documents of a local authority such as draft resolutions, bylaws, meetings held in the absence of the public (in-camera);
- Information that is advice from officials (Sec. 16);
- Information regarding economic and other interests (Sec. 17);
- Information regarding testing procedures, tests, and audits (Sec. 19);
- Information that may result in danger to health or safety (Sec. 20);
- Information that is solicitor-client privileged – it is recommended the lawyer be contacted prior to the release of information.

Prior to disclosure, other legislation shall be considered to determine confidentiality provisions; for example, Sections 201(5) & (6), 231, 232 in *The Municipalities Act* (M.A.)

4. Records/Portions of Records Accessible to the Public

Assessment Roll (M.A. Sec. 213)

All – during the thirty (30) days that the roll is open for inspection and appeal; and
All – during the entire year for public inspection, provided it does not contain personal information, such as names, civic or mailing addresses, or home or business phone numbers. All income and expense information is strictly confidential.

Specific Property Tax Information (M.A. Sec. 276)

By tax certificate, tax statement, or by written consent of the property owner (see attached Form B).

Names of Property Owners and Legal Descriptions

May be disclosed because the information is available from Information Services Corporation (ISC) and is considered to be public information. This information shall not include civic and/or mailing addresses.

Building Permits

The details of a license, permit, or similar discretionary benefit are accessible. However, the personal information provided to support the application is not accessible.

Accounts Paid

All accounts paid and all contracts, bylaws, or resolutions approved (M.A. Sec. 117).

Tape or Video Recording

Council may allow or prohibit the electronic recording of meetings. However, any record of an image or voice of an identifiable individual is a record of personal information, and the use of the recording may be limited accordingly. When taping is allowed, the attendee should be made aware that the session is being taped.

Tenders

Tenders are opened at a meeting which is open to the public. However, the tender documents may contain third-party information which may be exempt from disclosure. Any report or schedule recreated, containing the bids themselves, is accessible by the public after the report has been submitted to the Town Council (M.A. Sec. 117).

Written Complaints

The Head may refuse to provide access if the release could be injurious to the enforcement of a resolution or bylaw (Sec. 14). However, the Head may disclose portions of the written complaint that do not include personal information (the personal information may be severed.)

Petitions

Portions of petitions are open to the public. However, information such as name, address, and signature of the petitioner and address of the witness are considered to be personal information and should be severed.

Salaries / Expense Claims / Other Financial Records

Any account paid by the Council is open to public inspection and is accessible by any person (Sec. 117).

5. Privacy Practices

Personal information is almost always severed before disclosure.

Personal information includes home and business phone numbers, civic address, mailing address, birthdate, social insurance number, family members' names or information, pension plan information, health card number.

Employee classification, salary, benefits, or responsibilities are not classified as personal information.

The Town has the authority to collect personal information pursuant to specific legal obligations. The Town shall inform the individual of the purpose for the collection of the information, and shall collect only necessary information. Reasonable steps must be taken to ensure the information collected is accurate and complete. The information collected and maintained in the Town's possession or control can only be used for the purpose for which it was collected.

Personal information can only be disclosed with written consent of the individual to whom the information pertains; or, without consent, by a subpoena or warrant issued by a Court, to legal counsel, to comply with an Act or regulation, or to protect the mental or physical health of an individual (Sec. 28).

Individuals have the right to access records containing their own personal information with limited exceptions (Sec. 30). Individuals have the right to request the correction of their personal information. If the request for change is reasonable, the correction shall be made. If the request is not reasonable, an objection to the change shall be noted on the file.

Personal information shall be safeguarded as follows:

- The files shall be stored in locked file cabinets, the vault, or other secured area;
- Access to the records shall be restricted to the Administrator / C.A.O., Assistant Administrator, Office Assistant; Director of Recreation & Community Development; and the Director of Public Works and Utilities;
- Access to the computer server shall be restricted to the Administrator / C.A.O., Assistant Administrator, Office Assistant; Director of Recreation & Community Development; and the Director of Public Works and Utilities;
- Access to the Town's municipal office shall be restricted to the Administrator / C.A.O., Assistant Administrator, Office Assistant, Director of Recreation and Community Development, Director of Public Works and Utilities, and the janitors.
- Employment records shall be maintained pursuant to the Town's record retention policy.

6. Forms

Form A: Access to Information Request Form

Form B: Property Tax / Assessment Information Consent Form

This policy was approved on December 16, 2014.

Form A

FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY



Government of Saskatchewan Freedom of Information

PART II
Form A
[Section 5]
Access to Information Request Form

Note: Please direct the request to the appropriate government institution for response.

Access to Information Request Form

(Please Print)

Applicant Information

Last Name		First Name	
Address		City or Town	Province
Postal Code	Telephone (Residence)	Telephone (Work)	Facsimile

Details of Requested Information

General Information Request <input type="checkbox"/>	Personal Information Request <input type="checkbox"/>
Provincial Government Institution	
Name of Record (if known)	
Detailed Description of Record: _____ _____ _____	

I understand that there may be a fee to process this request and that, prior to receiving access to the records that I have requested, I am required to pay that fee unless it is waived.

Check if requesting waiver of fees:

I request that payment of fees related to this request be waived because payment will cause me substantial financial hardship. Details are as follows: (Use reverse of form if additional space is required.)

Signature of Applicant

For Office Use Only	
Date Received _____	Application No. _____
Expiry Date _____	

Town of Wadena
Property Tax / Assessment Information Consent Form

To: Town of Wadena
Box 730
Wadena, SK
S0A 4J0

Permission is hereby granted to _____
(Name of person)
of _____
(Address of person) to obtain property tax and/or
assessment information regarding the following property:

Legal Description: Lot _____, Block _____, Plan _____,

Civic Address: _____

in Wadena, Saskatchewan.

(Name of Property Owner, printed)

(Signature of Property Owner)

(Name of Property Owner, printed)

(Signature of Property Owner)

(Date)