

**Town of Raymond**  
**Bylaw 877-99**

***Freedom of Information and Protection of Privacy Bylaw***

WHEREAS, in accordance with the Municipal Government Act, S.A. 1994, Chapter M-26.1, as amended and the Freedom of Information and Privacy Protection Act, S.A. 1994, F-18.5, an Applicant has the right to access their own personal information and other municipal records, unless there is a reason why the information should not be disclosed; and

WHEREAS, in accordance with the said Act, upon request of any person information in the possession of the municipality must be provided within a reasonable time and on payment of a reasonable fee established by bylaw; and

WHEREAS, in accordance with the said Act, a written appeal may be made to the Town Council;

NOW THEREFORE, the Council of the Town of Raymond in the Province of Alberta, in council duly assembled hereby enacts as follows:

**Bylaw Title**

1. This Bylaw shall be cited as the "Freedom of Information and Protection of Privacy Bylaw"

**Purpose of Bylaw**

1. The purpose of this bylaw is to facilitate access to information in the possession of the Town and to ensure personal information is protected from unauthorized collection, use of disclosure.
2. The Town acknowledges that:
  - a) information has value and can also be a marketable asset managed by the Town; and
  - b) it is the responsibility of the Town, to considered provision of information routinely requested via Active Dissemination or Routine Disclosure
  - c) it is the responsibility of the City, through its employees, to respond to persons requesting information as quickly and conveniently as possible, unless there are clear and reasonable grounds to withhold the information based on the Record classification.

**Definitions**

1. **Active Dissemination:** routine disclosure of information by the municipality in bulk quantities. Records the municipality provides for the public on a regular basis.

2. **Appeal:** the process available to an Applicant when information requested is not provided or refused or rejected. See the section on Appeals.
3. **Applicant:** the individual making a request for information in accordance with this bylaw
4. **Chief Administrative Officer:** the Town of Raymond Manager, as appointed pursuant to the Municipal Government Act.
5. **Town** if the Town of Raymond
6. **Council:** the Council of Raymond
7. **Error:** mistaken or wrong information, or information not reflecting the truth.
8. **Exempt Information:** as defined in PART VII of this Bylaw
9. **Formal Requests:** see "Requests"
10. **Freedom of Information and Privacy Coordinator:** is the Town Manager for the purposes of the Freedom of Information and Protection of Privacy Act (pursuant to Section 89). The Town Manager may delegate the duties for the Freedom of Information and Privacy Act.
11. **Informal Request:** se "Requests"
12. **MASH Sector:** the sectors of public bodies under the Freedom of Information and Privacy of Protection Act, which will be affected by the Act before the year 2000
13. **Omission:** information in a record which is incomplete or missing or has been overlooked.
14. **Record:** the information recorded in any form, including books, documents, maps, drawings, photographs, letter, vouchers and papers, and any other information that is written,, photographed, recorded or stored in any manner, but does not include software or any other mechanism that produces records, except as this term may otherwise be defined in the Freedom of Information and Protection of Privacy Act from time to time.
15. **Refusal:** an information request which is rejected for one of the reasons permitted for rejection in this bylaw as determined by the Freedom of Information and Privacy Coordinator.
16. **Rejection:** an information request which is rejected for one of the reasons permitted for rejection in this bylaw as determined by the Freedom of Information and Privacy Coordinator.
17. **Requests:** Formal Requests relate to information not routinely provided. These types of requests require the completion of a "Request for Access to Information" form, prior to release of the information.  
Informal Requests are requests for information, which the municipality routinely discloses or provides via Active Dissemination. Informal requests do not require the completion of a "Request for Access to Information" form.
19. **Routine Disclosure:** release of specific information on a regular basis, without the requirement of completion of a "Request for Access to Information" form
20. **Third Party Information Requests:** a request for information relating to a person group or persons, or an organization other than the applicant or the Town. This information may directly impact, involve, or belong to the originating party, and cannot not be released without the originating party's permission.

## Right to Information

On request pursuant to "Requests" of this bylaw, provided the Applicant pays the applicable fees as set out in the Fees and Charges Schedule, each applicant has a right to:

- a) access a Record that is in the possession of the Town;
- b) view a Record in the possession of the Town;
- c) request copies of a Record that is in the possession of the Town;
- d) request corrections to personal information maintained by the Town; and
- e) received a copy of a Record maintained by the Town in a format that is reasonably available, unless the Record is Exempt information pursuant to this bylaw.

## Requests

1. There are various types of requests regarding information and depending on the request, there are various forms that may be required
  - a) If the requested formation may be obtained by Information Request, any individual may request information by telephoning, writing or by visiting (in person), the department, office or organization where the Record is kept, and sufficient detail must be provided in the description to identify the Record required.
  - b) If the requested information must be obtained by Formal Request or, if the City must determine if the requested information may be obtained by Formal Request or Informal Request or to enable the city to proved an estimate of the fees which will be required to obtain the Record, an Applicant will be require to complete a "Request for Access to Information" form.
  - c) Any applicant has the right to request information relating to a person, group or organization other than the Applicant or the City, by completing a "Request for Third Party Information" form.
  - d) Any applicant who believes there is an Error or omission in their own personal information held by the municipality, may request a change to the personal information by completing a "Request for Correction of Personal Information" form as prescribed.
2. All formal requests to access Records held by the municipality, will be identified and tracked by the City's Freedom of Information and Privacy Coordinator, and will be responded to within 30 days of receipt of the request.
3. Any questions or concerns regarding the release or access to information held by the Town or, an agent acting on behalf of the City, or completion of a request form, may be directed to the Town's Freedom of Information and Privacy Coordinator.

## Response to Requests

1. The Freedom of Information and Privacy Coordinator shall appoint one or more Town employees in each department shall determine if the request is an informal or formal request as these terms are defined in this bylaw. If the appointed employee determines that the request for information is a formal request, then the appointed employee shall require the applicant to complete a Request for Access to Information Form as prescribed.
2. Provided the record requested is not for exempt information, if an employee is able to access the Record, within 30 days the applicant will be:
  - a) provided with a written estimate of any fees that will be charged;
  - b) allowed to view the record; and
  - c) if the record is reasonably capable of being copied, provided with a copy of the record requested, subject to payment of the applicable fee.
3. If the requested record cannot reasonably be accessed within 30 days of the date of receipt of the request, the applicant must be told where, when and how a copy of the record will be provided.
4. Pursuant to section 13(1) of the Freedom of Information and Protection of Privacy Act, the head of a public body may extend the time for responding to a request up to 30 days or, with the Freedom of Information and Protection of Privacy Commissioner's permissions for a longer period.
5. If the application is refused or rejected, the City shall provide the Applicant:
  - a) written notification as to the reasons for the refusal or rejection and the provision on which the refusal is based.
  - b) An explanation of the appeal process
  - c) The name, title, business address and business telephone number of an officer or employee of the Town who can answer any questions the applicant may have about the refusal.

Notwithstanding the foregoing the Freedom of Information and Privacy Coordinator may refuse to confirm or deny the existence of a Record containing information described in Section 17 or Section 19 of the Freedom of Information and Protection of Privacy Act or a record containing personal information about a third party if disclosing the existence of the information would be an unreasonable invasion of the third party's personal privacy.

6. The Town must respond in writing within 30 days of receiving a "Request for Correction of Personal Information" form stating:
  - a) a correction has been made; or

- b) an annotation of linkage has been attached to the information linking the information with the correction that was requested and not made.

7. Applications may be:

- a) refused on the basis that:
  - i) the request did not meet the technical requirements as set out in this bylaw
- b) rejected is:
  - i) the completed form or request was illegible;
  - ii) the information request is exempt information;
  - iii) the request was considered vexatious or frivolous; or
  - iv) for any other reason provided for in the Freedom of Information and Protection of Privacy Act.

8. At any time, if information requested is scheduled for destruction, a copy of the written request, initialed by the Chief Administrative Officer, must be given to the Records Management Coordinator, who on receipt of the written request must delay the destruction of that information, until such time as;

- a) the request has been granted;
- b) the time for appeal under this bylaw has expired; or
- c) any appeal or review permitted pursuant to this bylaw or the Freedom of Information and Protection of Privacy Act is refused or rejected.

### Exempt Information

1. Exempt Information is information

- a) which may:
  - i) be an unreasonable invasion of personal privacy;
  - ii) cause financial harm;
  - iii) threaten anyone else's safety of mental or physical health;
  - iv) interfere with public safety; or
  - v) harm law enforcement efforts.
- b) which is otherwise information which the Freedom of Information and Privacy Coordinator may refuse or be required to refuse to disclose pursuant to the provisions of the Freedom of Information and Protection of Privacy Act.

2. Advice or information given and deliberations or directions made at a private meeting or a private meeting or Council, or a private meeting of a Council Committee, draft reports, draft resolutions or draft bylaws or other legal instruments unless they have been considered at a Council or Committee meeting open to the public or unless the record has been in existence for fifteen (15) years or more, are exempt information.

3. Information about assessments and taxes is exempt information, unless disclosure of such information is required or permitted under the Freedom of Information and Protection of Privacy Act or any other statute.

### Appeals

1. An Applicant may appeal to Council from a refusal to provide a record or a rejection of an application by serving to the city Clerk a written notice in the form prescribed
  - a) within 15 days of receiving a written notice of delay, Refusal or Rejection of the application; or
  - b) within 60 days of requesting the Record if no written notice of delay, refusal or rejection is received.
2. Grounds for an appeal are:
  - a) that the released record was not complete; or
  - b) that the record was withheld without reason being stated; or
  - c) that the reason for withholding the record if no written was insufficient or wrong.
3. Council may only consider an appeal if:
  - a) the persons to whom the information relates and the persons who would be affected by the release of the information have been notified; or
  - b) all possible attempts have been made to notify the applicants of the appeal.
4. Appeals filed that meet the requirements of this section, will be heard at a regularly scheduled meeting of Council with 60 days after receipt by the Town.
5. Any applicant filling an appeal will be notified of the hearing, any may be asked to make a presentation or to respond to questions from Council.
6. If an individual who received notice of the hearing cannot attend, they may authorize, in writing, someone else as agent to attend on their behalf.
7. Council may decide to hear presentations and ask questions of each presenter separately and in private.
8. Council may proceed with the hearing in the absence of the Applicant of any other person who has received notice of the hearing if Council determines that all reasonable attempts have been made by the Town to notify the applicant or any other individual of the hearing.

## Decisions of Council

1. At the appeal hearing, Council may:
  - a) hear the applicant and any other person that Council determines has relevant information for the hearing; and
  - b) determine that all or part of the Record requested shall be made available, and in what format; and
  - c) permit the designated officer a further 30 days to make the Record available; or
  - d) determine that the Record shall not be disclosed; or
  - e) make any other decision that it considers reasonable and justifiable in the circumstances, including refund of appeal fees.
2. Subject to the right to review by the Commissioner as set out in Freedom of Information and Protection of Privacy Act, Council's decision is final, and shall be written in the official minutes of the meeting. The decision shall be available from the Office of the Town Clerk within 30 working days after the hearing is completed.

### Fees:

1. Administrative fees as established in the "Fees and Charges Schedule", shall be charged before an applicant is entitled to receive the requested information.


THIS bylaw shall come into force and effect upon the date of the passing of the third and final reading and signing thereof.

Read a first time in council this 7<sup>th</sup> day of September 1999

Read a second time in council this 21<sup>st</sup> day of September 1999.

Read a third time in council and finally passed this 21<sup>st</sup> day of September 1999.

  
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Mayor Bill Brooks

  
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Chief Administrative Officer – J. Scott Barton