



CITY POLICY

SECTION: Municipal Government

NO: MU-IN-05

REFERENCE: Information Management

Date: February 6, 2025

**Next Review Date:
February 2027**

TITLE: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

POLICY STATEMENT

The Corporation of The City of Dryden is committed to protecting the privacy and confidentiality of personal information about its employees, customers, contractors, suppliers, business partners and other identifiable individuals. Uniform practices for collecting, using, disclosing, storing, accessing, transferring or otherwise processing such information assists the City to process personal information fairly and consistently, disclosing it and/or transferring it only under appropriate circumstances.

The Corporation of The City of Dryden is also committed to providing the right of access to government held records and information under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All requests will be handled in a timely and efficient manner and in accordance with the Municipality's transparency objectives.

1.0 PURPOSE

Specifically, this policy establishes protocols, criteria and courses of action for:

- 1.1 Protecting personal information of all parties as identified above. Personal information does not include information on an individual who has been deceased for more than 30 years or any type of business identity information (name, title, business contact info or designation).
- 1.2 Granting timely access to information (unless exempt under MFIPPA or FIPPA), as every person has the right of access to a record in the custody or control of the Corporation. Exemptions to access should be limited and specific in nature.
- 1.3 Protecting information that is subject to solicitor-client privilege including giving legal advice or in contemplation of litigation.

- 1.4 Providing notices to affected persons or third parties before granting a request for access to a record.
- 1.5 Providing guidelines on estimating expenses and/or fees related to the request for information in accordance with the Act.
- 1.6 Advising all users within the City of their responsibilities regarding Freedom of Information requests and Protection of Privacy and the management of personal information.

2.0 SCOPE

- 2.1 The following are subject to this policy:
 - (a) All records in custody and control of the City of Dryden;
 - (b) City of Dryden employees (regular, part-time, casual or contract);
 - (c) City of Dryden members of Council;
 - (d) City of Dryden Boards and Agencies (Library Board, Dryden OPP Detachment Board 1, Museum Advisory Board); and,
 - (e) Consultants, Contractors and any custodians of City records.

3.0 DEFINITIONS

Freedom of Information and Protection of Privacy Act (FIPPA): The Act came into effect on January 1, 1988.

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA): The Act came into effect on January 1, 1991.

FIPPA/MFIPPA: The legislation applies to all municipalities in Ontario and to various other "institutions" such as local boards and commissions (e.g., Library, Museum, Dryden OPP Detachment Board 1, etc.). The Acts provide individuals with a right of access to certain records and personal information under the custody and control of institutions covered by these Acts, including records created before the Acts came into force.

Personal Health Information Protection Act (PHIPA): Health information custodians.

Control (of a record): The power or authority to make a decision about the use or disclosure of a record.

Custody (of a record): The keeping, care, watch, preservation or security of a record for a legitimate business purpose. While physical possession of a record may not always constitute custody, it is the best evidence of custody.

Discretionary Exemptions: Permit a head to disclose a record even though an exemption may exist. There is a two step process in determining whether the exemption exists. First, the head must determine whether the facts exist which bring the record within the exemption and second, the head must decide if they are willing to disclose information falling within an exemption (exercise in discretion).

Fee Estimate: In processing a request, the institution can charge for certain costs of time, materials and services. If the cost is going to exceed \$25.00, the requester must be given a fee estimate before access to records is granted. If the cost is estimated to exceed \$100.00, the institution may require the requester to pay a 50% deposit.

FOI Coordinator: Provides advice and guidance on access and privacy issues and manages and responds to FOI requests within the City.

Frivolous and Vexatious Requests: A request meets the definition of frivolous or vexatious if it is made in bad faith, made without any reasonable grounds, is not legitimate and designed to harass, made with the purpose of revisiting an issue previously addressed, or made with contempt or for the nuisance it creates. An institution is not required to proceed with such a request.

Grave Hazard: In relation to a grave environmental, health or safety hazard, grave means serious and likely to produce great harm or danger. Referred to as an override provision.

Head: In respect to an institution, head means the individual or body responsible for making decisions under FIPPA/MFIPPA and for overseeing the administration of the Act. For municipalities the head shall be Council unless another person (i.e. Clerk) has been designated to carry out duties under the Act. This designation must be enacted by by-law.

Information & Privacy Commissioner of Ontario (IPC): An independent, oversight body for FIPPA, MFIPPA and PHIPA appointed by the Lieutenant Governor. Responsible for adjudicating and issuing orders related to appeals, investigating privacy complaints, conducting research and conducting public education programs.

Institution: In this case, the Municipality.

Legal Advice: Includes a legal opinion about a legal issue and a recommended course of action based on legal considerations.

Mandatory Exemptions: Imposes a duty on the head of an institution to refuse to disclose a record. In FIPPA there are three mandatory exemptions: (1) cabinet records, (2) third party information, and (3) personal privacy. The three mandatory exemptions for MFIPPA are: (1) relations with other governments, (2) third party information, and (3) personal privacy. On these grounds, the head must refuse access unless a compelling public interest outweighs the purpose of the exemption.

Personal Information: Recorded information about an identifiable individual including information on:

- Race, national or ethnic origin, colour, religion, age, sex, sexual orientation and marital or family status
- Education or the medical, psychiatric, psychological, criminal or employment history
- Any identifying number, symbol or other particular assigned to the individual
- Personal address, telephone number, fingerprints or blood type
- Personal opinions or views
- Private or confidential correspondence
- Views and opinions of another individual about the individual
- Physical description or photograph.

Privacy Breach: An incident involving unauthorized disclosure of personal information, including it being stolen, lost, or accessed by unauthorized persons.

Public Interest: The interest of the general public not of any individual or group of individuals. Compelling Public Interest must clearly outweigh the purpose of the exemption. Referred to as an override provision.

Public Record: Public records of personal information are records to which all members of the public have equal access. An example of a public record is a list of electors or assessment rolls.

Record: A corporate record is information recorded on a tangible medium (paper or electronic are examples) and intentionally retained and managed as evidence of an organization's activities, events or transactions for business, legal, regulatory and/or historical purposes. In addition, records are the memory of the organization, the raw material for decision making and the basis for legal defensibility.

Request for Records: Under the Act, the request must be made in writing, state that the request is being made under MFIPPA and must be accompanied by the appropriate application fee. It must provide sufficient detail to enable an experienced employee of the institution to identify the requested record(s).

Right of Access: Applies to existing records, in whole or in part, that fall within the custody or control of an institution.

Severability: When certain information falls within an exemption and can reasonably be severed, the requester is provided with the remainder of the document. The most common method of severing is to "black out" or "white out" the parts of the document to be severed, then take a photocopy to provide to the requester.

Third Party: Any persons whose interests might be affected by disclosure other than the person making a request for access or the institution.

Time Limits: Time limits to respond to requests are identified under the Act. For general access requests the time limits are 30 calendar days to respond and for third party, the response must be provided in 60 calendar days. The institution can request time extensions, for example, if there is a high volume of records or consultation with another institution is necessary.

Unlawful Act: A contravention of a statute or regulation or a municipal by-law.

4.0 PROTECTION OF PRIVACY & PERSONAL INFORMATION GUIDING PRINCIPLES

The City of Dryden is required to protect privacy and personal information to meet our legislative and corporate obligations. Protecting privacy, including the proper stewardship of the personal information entrusted to us, is fundamental to maintaining the public's trust and confidence. Lost privacy cannot be recovered.

- 4.1 The City of Dryden will collect only personal information that is relevant to and necessary for a particular purpose or to perform job duties and only by those

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individuals who have the authority to do so. When in doubt, err on the side of privacy protection. Always explain the reason for collection to the person you are collecting the information from. Ensure all forms address the collection of personal information.

- 4.2 Ensure all personal information collected is maintained in a secure manner. Secure sensitive information as soon as possible, avoid taking records off site, do not leave records visible when you are away from your desk, lock your computer when away from it and be aware of who is listening to your conversations.
- 4.3 The City of Dryden will collect and process personal information fairly and lawfully.
- 4.4 The City of Dryden will keep personal information as accurate, complete and up-to-date as is necessary for the purpose for which it was collected.
- 4.5 The City of Dryden will make personal information available internally and externally only in appropriate circumstances (required by law or for a law enforcement purpose) or when consent by the individual has been given.
- 4.6 The City of Dryden will implement appropriate measures to safeguard personal information and instruct third parties processing personal information on behalf of the City, if any, to process it only in a manner that is consistent with City procedures.
- 4.7 The City of Dryden will provide individuals with appropriate access to personal information about themselves.
- 4.8 The City has the responsibility to identify and report all privacy breaches. The response should include responding to and containing the breach, notifying affected parties, investigating and implementing change. If you suspect there may have been a privacy breach, alert your Manager, Director or FOI Coordinator immediately. More information on managing privacy breaches can be found on the Information and Privacy Commissioner of Ontario website (ipc.on.ca).
- 4.9 Be proactive and try to anticipate privacy issues before they become a problem, invasion or a breach. Encourage a culture of privacy by promoting employee privacy awareness training.
- 4.10 When writing letters, reports or other documents it is advisable to avoid names, referring to the person as the "complainant" or "caller". Refer to residential properties by address, not owner's name. Use facts, not judgements, to describe people and do not include personal information in briefing notes or public documents.

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5.0 FREEDOM OF INFORMATION GUIDING PRINCIPLES

- 5.1 The City of Dryden Clerk has responsibility for all Freedom of Information requests and will manage the process appropriately. All staff will provide their full cooperation in locating and providing requested information to the Clerk. All staff must track their hours in regards to searching for records and the locations they searched and provide a summary to the Clerk.
- 5.2 All Freedom of Information requests are CONFIDENTIAL and not to be discussed at any time with persons not directly involved with the request. The identity of the requester must be kept confidential and removed from any documents prior to circulating a request unless it is absolutely necessary to perform the search. This will ensure that the identity of the requester will not influence the processing of the request.
- 5.3 In most cases the Clerk will be the designate for discussions with the IPC or legal counsel. If other staff has been designated to perform this function, all contact and discussions must be documented and forwarded to the Clerk.
- 5.4 All legitimate requests for information or records under MFIPPA will be responded to within 30 calendar days from receipt of the request and fee. Records that are subject to third party consent have an additional 30 days to respond; the third party has 20 calendar days to submit representations and the City has 10 calendar days to review and make its decision.
- 5.5 Fees can be charged for responding to a request but are not meant to be cost recovery. If the fee is over \$25.00 but less than \$100.00, notification to the requester is required. If the cost is estimated to be over \$100.00, then a deposit of 50% may be requested by the City. The time clock stops until the deposit or total fee has been received. All fee estimates should be provided to the requester as soon as possible from the date the request was received. It is recommended to send fee estimates at the same time as time extension notification. The requester does have the right to appeal the fee estimate under the Act. See Appendix "A" for more information.

- 5.6 Time extensions are allowed under two special circumstances; a high volume of records or consultation with outside organizations. See Appendix "A" for more information.
- 5.7 It is very important to review the request thoroughly and only provide the information requested. Do not provide more records than are asked for and ensure you check the date range of records on the request. If the requester wants records outside of the date range or additional records, it is the responsibility of the requester to submit another request for the information.
- 5.8 If the request needs clarifying, the City has the obligation to contact the requester to ask for clarification. Once again, the clock does not start until the request has been clarified. If the request is broad and needs narrowing, the time clock continues while the requester is contacted to see what it is they actually want. It's important to let the requester direct the narrowing to sharpen the focus of the request. It is also recommended to establish a relationship with the requester as soon as possible after the request is received.
- 5.9 If requested information is available on a public domain such as the City website, direct the requester to that source to obtain the records. This will save time and effort on behalf of the City, provide quick results to the requester and reduce the cost of the request.
- 5.10 Ensure searches are conducted by experienced employees in each location where records may exist. Search all media types and document the search (media type, who conducted the search, search results and time spent searching). Look for records in file cabinets, shared drives, personal drives, notebooks, desks, file rooms and storage boxes. Remember that records can be both paper and electronic and that email are also records. If "no records exist" ensure decision letters explain the search steps taken to locate records.
- 5.11 If records include information that falls within an exemption and it can be reasonably severed, then the information needs to "removed" from the document allowing for the remainder of the record to be released. The most common method of severing is to "black out" or "white out" the parts of the document to be severed, then take a photocopy to provide to the requester. A photocopy is taken to ensure that the text beneath the black out or white out cannot be read. This applies to all records, even those that did not originate with the City.
- 5.12 A formal written decision letter is prepared by the FOI Coordinator within 30 calendar days from receipt of the request, unless a time extension has been

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granted. This letter should contain all locations that were searched, name and position of decision maker, appeal information and fee waiver information as well as an index outlining: a description of the records, the number of pages, the records where access has been granted, the records where exemptions have been applied, quoting the applicable sections of the Act and including detailed explanations as to the reasons the exemptions apply.

- 5.13 If the City does not have custody or control over records identified in the request but believes another institution may, the City must forward the request to that party. Forwarding of the request also applies in circumstances where the City may hold some records but additional records may be held by another institution (i.e. agent on our behalf). If the City believes that another institution has a greater interest in the request (the City only played a small part) then the City can transfer the request including any records in our custody. The transfer must take place within 15 calendar days after the request was received and the clock does not re-set. The City must provide written notification to the requester informing them of either of these actions.
- 5.14 If the FOI Coordinator is of the opinion on reasonable grounds that the request for access is frivolous or vexatious, the City does not have to proceed with the request or provide the requested records. However, the City still has the obligation to respond and issue a decision letter providing the reasons for declaring the request frivolous and vexatious.
- 5.15 If the FOI Coordinator believes the record may contain information on any persons (third party) whose interests might be affected by disclosure (other than the requester or the City) then written notice must be given to that party and the record may be exempt from disclosure. For the third party exemption to apply, all of the following three tests must be met:
1. the information must fit within one of the specified categories of third party information as identified in section 10 of MFIPPA;
 2. the information must have been supplied by the third party in confidence, implicitly or explicitly; and,
 3. the disclosure of the information could reasonably be expected to cause certain harms as identified in section 10 of MFIPPA.

The notice shall contain a statement that the City intends on releasing a record that may affect the interests of that person, a description of the record and notice that the third party has 20 calendar days to respond (make representation). The identity of the requester must remain confidential but the City may indicate the category the requester falls into (i.e. competitor, media,

law firm). It is recommended to contact the third party by telephone to explain the process. The third party needs to provide evidence that harm would come to their business if the record were released. The third party does have the right to appeal to the IPC if the City decides to disclose records and the third party objects. The third party has 30 days in which to file an appeal with the IPC. Any records that are not included in the appeal can be disclosed to the requester at this point. As well, any representations can be shared with the requester if they are not of a confidential nature or reveal information about a record being withheld. If the third party consents to the disclosure, ask for the consent in writing. If a third party does not respond to the notice, the City will make the decision with no input from them.

- 5.16 There are two types of exemptions under MFIPPA that can be exercised to withhold records. The first exemption is mandatory (must not disclose) and the second is discretionary (may disclose a record even though an exemption exists). See Appendix "A" for a breakdown on exemptions.
- 5.17 Records excluded from MFIPPA include most employment and labour relations related records in which the City has an interest. This includes records relating to court or tribunal hearings, negotiations, meetings, consultations and/or communications about labour relations related matters. Records that are covered by the Act are agreements (such as those between the City and a trade union) and employee expense accounts.
- 5.18 The FOI Coordinator has an obligation to disclose information or records where there is a grave environmental, health or safety hazard or if there is a compelling public interest to do so. This is called an override provision. For grave environmental, health or safety hazards, the record must be disclosed as soon as possible and there is no requirement that a request must be made under that Act prior to releasing the record. The FOI Coordinator must give notice to any persons whose interests may be affected by the disclosure. Due to the urgency of the circumstances, the prescribed wait period does not apply. Notice can be given by telephone in these cases.
- For compelling public interest, if the disclosure clearly outweighs the purpose of the exemption, then the record must be disclosed. This provision applies to the following exemptions:
- Advice or recommendations;
 - Relations with governments;
 - Third Party Information;
 - Economic and other interests;
 - Danger to health & safety of an individual; and,
 - Personal privacy.

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This does not apply to exemptions dealing with records of closed meetings, law enforcement, solicitor-client privilege or published information. In these cases, the FOI Coordinator and the IPC will determine if the compelling public interest provision will be applied to the disclosure of the record.

- 5.19 If the requester files an appeal with the IPC on any aspect of the decision letter including the fee which is not dismissed by the IPC, the file will proceed to mediation. If an agreement between the two parties cannot be reached at the mediation stage, the appeal will go to adjudication. The benefits of settling at the mediation stage versus the adjudication stage are:
- (a) Both parties are given the opportunity to explain their respective positions;
 - (b) Opportunity for clarification, options, negotiations and discussion;
 - (c) Builds trust and open communication;
 - (d) Quicker results and less costly;
 - (e) Win/win situation; and,
 - (f) The outcome is controlled by us.

See Appendix "B" for Tips for a Successful Appeal at Mediation

- 5.20 The FOI Coordinator must submit an annual statistical compliance report to the IPC summarizing:
- (a) The number of requests;
 - (b) Processing time;
 - (c) Number of times information was withheld or denied and what exemptions were applied;
 - (d) Fees collected; and,
 - (e) Number of personal information correction requests.

6.0 ROLES & RESPONSIBILITIES

- 6.1 The City of Dryden Clerk has responsibility for all Freedom of Information and Protection of Privacy activities and has been designated the Freedom of Information Coordinator by Head of Council (delegation of authority). This role requires a good working knowledge of MFIPPA. The Clerk/FOI Coordinator will receive all FOI requests and manage the process appropriately, as well as provide advice and guidance on access and privacy issues. The responsibilities of the FOI Coordinator include:

- (a) Developing and monitoring policies and procedures for administering the Act including tracking requests, statistical reporting and adherence to legislative requirements;
- (b) Adhering to time limits and notification requirements;
- (c) Considering representation from third parties;
- (d) Providing a response to access requests;
- (e) Determining the method of disclosure;
- (f) Responding to requests for correction of personal information;
- (g) Calculating and collecting fees;
- (h) Providing public access to manuals and guidelines prepared by the City;
- (i) Where necessary, defending decisions made under the Act at an appeal;
- (j) Administering the privacy protection provisions of the Act;
- (k) Identifying and reporting all privacy breaches. The response should include responding to and containing the breach, notifying affected parties, investigating and implementing change; and,
- (l) Staff training and orientation including Council and Board Members.

6.2 The Records and Legislative Coordinator will assist the FOI Coordinator with any of the Freedom of Information or Protection of Privacy activities listed above and as required. The Records and Legislative Coordinator will ensure that:

- (a) All records are retained or disposed of in accordance with the approved retention schedule;
- (b) All records that are subject to disclosure under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) will be properly retained (legal hold) until no longer required;
- (c) The Electronic Document Records Management System and other records management systems are properly maintained to allow for the easy retrieval of records; and,
- (d) All personal information is protected against unauthorized access.

6.3 The Senior Management Team and Department Managers shall be responsible for becoming familiar with this policy and guidelines and assist in the FOI request process as required. Managers shall enhance accountability and transparency by ensuring sound records management practices are implemented and maintained. Managers will lead by example and ensure all their staff is aware of their responsibilities and obligations in regards to Freedom of Information, the Protection of Privacy and collection of personal information. Senior Management and Department Managers shall ensure compliance with this policy, address non-compliance and report any suspected privacy breaches to the Clerk/FOI Coordinator immediately.

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- 6.4 Employees shall familiarize themselves and comply with this policy and any related policies and procedures. Employees will collect only personal information that is relevant to and necessary for a particular purpose and/or in order to perform their job duties. Only individuals who have the authority to do so will collect personal information. Employees will assist with any FOI requests as required, ensuring confidentiality is maintained at all times. If in doubt about any FOI request or collection of personal information activity, employees must contact their supervisor. If an employee suspects a privacy breach, they shall alert their supervisor or manager immediately, who will notify the FOI Coordinator.

7.0 ACCESS AND SECURITY

- 7.1 Personal information shall at all times be protected against unauthorized access, loss, theft, inadvertent destruction or damage. Security measures should include administrative, technical and physical safeguards. Safeguards include:
- clean desk policies
 - desks with locks are locked if unattended
 - lock computers when away from desk
 - lock filing cabinets or drawers
 - utilize central filing systems
 - coded file labels rather than descriptive text
 - limit circulation of records of a personal nature to staff on a need-to-know basis
 - restrictions on the making of copies
 - log out and log in procedures for files
 - instruction on what types of information should not be faxed or sent electronically
 - security provisions in contract with outside providers of storage or disposal services
- 7.2 No employee shall remove records that are not available in the public domain from the premises of The City of Dryden without the explicit permission of their manager, the City Clerk or CAO.
- 7.3 No employee shall provide information and records that are not in the public domain to the public without explicit permission from the City Clerk (Municipal Freedom of Information Coordinator).

- 7.4 No employee shall disclose personal information of any City of Dryden employee or customer, associate or any other person whatsoever. Be aware of your surroundings when discussing confidential matters.
- 7.5 Personal information must be disposed of in a secure manner and a record kept of the destruction. See Records Disposition Procedure.

8.0 COMPLIANCE AND VIOLATIONS

- 8.1 Compliance with this policy will ensure that City of Dryden information is shared in an appropriate manner, protected as required and in compliance with the Municipal Act, 2001, the Municipal Freedom of Information and Protection of Privacy Act, all other applicable legislation and the City's By-laws, Policies and Procedures.
- 8.2 Employees found to be acting in contravention to this policy shall be dealt with in accordance with the City's Code of Conduct Policy (HR-CO-01) and (HR-DI-01) Discipline Policy.

9.0 RELATED DOCUMENTS / SYSTEMS:

- 9.1 Documents related to the Freedom of Information & Protection of Privacy Policy:
- (a) Corporate Records and Information Management Policy
 - (b) Records Retention By-law and Schedule
 - (c) Records Disposition Procedure & Forms
 - (d) Paper Records Management Procedure & Forms
 - (e) Social Media Policy
 - (f) Appendix "A", "B" and "C" attached

History			
Draft Date:	November 2011	Final Draft Date:	May 2012
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Amendment Date:	February 6, 2025	Approved by:	CAO

Appendix "A"

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Time Extensions and Fees:

Time extensions for voluminous records:

Pages From:	To:	Number of additional calendar days
250	500	30 days
501	1,000	60 days
1,001	1,500	90 days
1,501	2,000	120 days
2,001	5,000	150 days
5,001	10,000	180 days
10,001 +		270 days

Fees:

The fees charged for responding to a request are not meant to be cost recovery. If the fee is over \$25.00 but less than \$100.00, notification to the requester is required. If the cost is estimated to be over \$100.00, then a deposit of 50% may be requested by the City. All fee estimates must be provided within 30 calendar days of receiving the request. The purpose of the fee estimate is to provide the requester with sufficient information so they can make an informed decision on proceeding with the request and to prevent the institution from investing too much time and effort on a request that may be abandoned.

Fees that are chargeable are as follows:

- Examining file indices, file plans or listing of records
- Key word searches of computer databases including email accounts
- Locating files in storage or archives
- Examining contents of records of files to identify records that meet search criteria

Fees that are not chargeable:

- Time spent photocopying the record
- Preparing a decision letter
- Identifying records that require severing or third party notice
- Reviewing records to determine access decisions
- Removing staples or paperclips or re-filing records
- Travel time to visit off-site storage
- Calling the courier

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Fee Description:	Fee Amount:
Application Fee	\$5.00 per request
Search Time	\$7.50 per 15 minute interval or \$30.00 per hour
Photocopying	\$0.20 per copy
Computer Programming	\$15.00 per 15 minute interval or \$60.00 per hour
DVD/CD	\$10.00 per disk
Preparation Time	\$7.50 per 15 minute interval or \$30.00 per hour
Chargeback Fees	As billed
Delivery by Courier	As billed
Deposits for Amounts over \$100.00	50% of estimate

Note: Fee estimates can be appealed by the requester.

Exemptions under MFIPPA:

Mandatory – must not disclose:

Relations with Other Governments (s.9)

Third Party Information (s.10)

Personal Privacy (s.14)

Discretionary – may disclose even though an exemption exists:

Advice or recommendations

Interference with a law enforcement matter

Defense of Canada

Economic and competitive interests

Solicitor – client privilege

Danger to health or safety

Fish and wildlife species at risk

Publicly available information

Appendix "B"

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Checklist for Processing a Request

1) A request is received

- a. Is the request in writing?
- b. Does it mention MFIPPA/FIPPA?
- c. Does it include the \$5.00 application fee?
- d. Does it provide sufficient detail to enable an experienced employee to identify the requested record(s)?
- e. Date stamp the request.
- f. Open a file, assign it a number and prepare a tracking/recording form for all dates (received, responded, sent to 3rd party, etc.).
- g. Provide a form for individuals/departments to track where they looked for records and how long it took them (forward to Clerk).

2) Do the Requested Records Exist?

- a. Check to verify the requested records exist; if not, notify the requester that the records do not exist.
- b. Do we have custody or control of the records? If not, make reasonable inquiries to determine where to forward the request and forward it within 15 calendar days of receipt. Notify the requester that the request was forwarded.
- c. If you do not know where to forward the request, notify the requester that the records do not exist and that the requester can appeal to the IPC.
- d. If the City and another institution both have copies of the records, determine which institution has a greater interest in the record and if appropriate, transfer the request to the other institution within 15 days of receipt of the request. Notify the requester of the transfer.

3) Locating and Reviewing the Records

- a. Gather the records or a sample of the records and review them. Remember to search all locations and media types.
- b. Will some of the exemptions apply?
- c. Do you need more time to process the request?
- d. Will there be a cost for processing the request? Notify the requester.
- e. Is a time extension required? If so, notify the requester.
- f. Do the records affect the interests of third parties? If it appears you will be granting access to these records, send notices and give third parties an opportunity to make representations about the disclosure of records that affect them. This will affect the deadline for responding to the request.
- g. Will there be a cost for processing the request? If the cost will be greater than \$25.00, the requester must be given a fee estimate. If over \$100.00 a 50% deposit may be requested.
- h. Notify the requester of the fee estimate, any time extensions or 3rd party as soon as possible after receiving the request. In some cases the requester may decide not to proceed. Note in your letter that if the requester does not respond within 30 days, the file will be closed.

4) Processing the Request

- a. Retrieve the records.
- b. Determine what exemptions apply.
- c. Determine if the override provisions apply.
- d. If required, sever exempt material from the records.
- e. Determine what the final fee will be and if the fees will be waived.

5) Granting or Denying Access to the Records

- a. If access to a record or part of a record is granted, determine method of access (copy or original).
- b. If access is granted, give the requester notice regarding access.

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- c. If an affected third party is involved, give notice regarding access to third party and requester.
- d. Collect fee where applicable and provide record. Use the Index of Records form to list records and access decision and/or exemptions where applicable.

OR

- e. Give the requester a notice of refusal if (1) the record does not exist, (2) all or part of the record is exempt from disclosure, or (3) the City is refusing to confirm or deny the existence of the record.
- f. Use the Index of Records to list records and access decisions including records exempt for disclosure outlining what exemption applies. Ensure the section in the Act(s) are referenced.

6) Correcting Personal Information

- a. If an individual requests the correction of personal information, verify the information to be corrected, correct the personal information or permit a statement of disagreement to be filed.
- b. If requested, notify recent users of the personal information of the correction or statement of disagreement.

7) Complete the File

- a. Document the request and all actions taken.
- b. Close the file, unless an appeal is commenced.

Tips for a Successful Appeal at Mediation

- a. Commit to the process;
- b. Respond to the mediator in a timely fashion;
- c. Be open minded, creative and innovative;
- d. Make an effort to really understand the request;
- e. Recognize the power imbalance;
- f. Be prepared to discuss the reasons the records are being withheld; and,
- g. Remember that mediation gives the parties the ability to control the outcome.

Appendix "C"

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY FORMS



Municipal Freedom of Information Time and Volume Estimate Log

February 2025

File Number:	
Date Request Received:	
Department:	
Contact Person:	
Return to Clerk By:	

Only an estimate of the time it will take to retrieve the applicable records and an estimate on the volume of records is required at this time.

Estimated Search Time			
Type	Number	Estimated search time per file, box, directory, database etc.	Total Estimated Time (hours)
Physical Files			
Directories			
Databases			
Boxes			
Consultation with Staff			

Estimated Volume			
Type	Number		Total Estimated Volume (pages)
Inches of paper		1 inch = 250 pages	
Directories		electronic copies	
Databases		pages generated	
Drawings/maps/photos			

Note: Please remember to search all media types and locations where information could exist (i.e. paper, electronic, photos, on computers, laptops, cell phones, in shared directories, email, "P" drives, in file cabinets, boxes, etc.)

This policy is subject to any specific provisions of the Municipal Act, or other relevant legislation or Union agreement.



Freedom of Information Search/Time Log

February 2025

File Number:	
Date Request Received:	
Department:	
Contact Person:	
Return to Clerk by:	

Note: Please remember to search all media types and locations where information could exist (ie. Paper, electronic, photos, on computers, laptops, cell phones, in shared directories, email, "P" drives, in cabinets, boxes, etc.)

Date	Time Start	Time End	Minutes/ Hours Worked	Name of Person Conducting Search	Details/ Actions/ Location	Chargeable Time
		Total:	0		Total:	0

This policy is subject to any specific provisions of the Municipal Act, or other relevant legislation or Union agreement.

**Municipal Freedom of Information Affidavit**

In the matter of FOI Appeal Number _____ under the Municipal Freedom of Information and Protection of Privacy Act;

AFFIDAVIT of _____

I, _____, of the Corporation of the City of Dryden in the District of Kenora make oath and say:

1. I am (job title) _____ for the Corporation of the City of Dryden. Because of my involvement in the City's response to FOI Request _____, I have personal knowledge of the facts as set out in this affidavit.

2. I performed the following activities:

- a. reviewed all documents provided by _____;
- b. reviewed all documents provided by _____;
- c. reviewed all documents provided by _____;
- d. severed documents for duplication, repetitive email strings, personal information and other information exempt under the Act;
- e. created both an electronic and paper file of documents by question as outlined in the request;
- f. assisted the Clerk with the completion of the index of records.

3. This affidavit is made for the purpose of supporting the Corporation of the City of Dryden's decision and for no other purpose.

Sworn before me at the Corporation of The City of Dryden in the District of Kenora this _____ day of _____ 20_____.

Commissioner for Taking Affidavits: _____

Index of Records**City of Dryden****File Number:** **FOI #** _____

Date Request Received:
FOI Request Fee:
Deposit Received
Time Extension:
Deadline:
Appeal - Time Extension:

Request # ____:**Details of Request:**

Document #	Description	Number of Pages	Release Yes/No	Section(s) Applied	Explanation
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

This policy is subject to any specific provisions of the Municipal Act, or other relevant legislation or Union agreement.