

## ACCESS TO RECORDS POLICY

### **Policy Statement**

The records of the Corporation of the Township of Severn (the “Township”) are public documents, subject to legislative exemptions, and shall be available for review in accordance with established procedures.

### **Purpose**

This policy is designed to ensure fair and equitable access to corporate records in the custody and control of the Township. It is also designed to ensure the accountability and transparency of the operations of the Township.

### **Scope**

This policy applies to all Members of Council, employees and the public and other levels of government, public boards and agencies.

#### **1. Public Access to Records**

##### Purpose

This procedure defines the routine and formal request process for public access to records held in the custody and control of the Township.

##### Procedures

##### ***Routine Requests***

- (a) The Township will endeavor where possible to make records accessible to the public, without the necessity of submitting a Freedom of Information (FOI) request under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
- (b) Requests for access to records may be made by contacting the Clerk’s Department.
- (c) Access to records is subject to payment of applicable fees in accordance with the Fee & Charges By-law as adopted by Council.
- (d) The Department Director or designate contact the Clerk’s Department to determine if the records may be provided as routine disclosure or will require a formal written request to be submitted.

- (e) The right of access to personal, confidential and third party information may be subject to exemptions under *MFIPPA* resulting in the severance of a portion(s) of the record when required.

### ***Formal Requests under MFIPPA***

- (f) When a request for access to records in the custody and control of the Township is denied, the requester may apply to the Clerk's Department for access to the records in accordance with the provisions of *MFIPPA*.
- (g) In accordance with *MFIPPA*, an access request must be made in writing and accompanied by a \$5.00 application fee. A written request should include the requestor's full mailing address, telephone number and names of the specific files or types of records to which access is requested, including specific dates of the records, where possible. In the alternative, the FOI Request Form may be used for that purpose.
- (h) A written response to the requestor will be made by the Township within thirty (30) days from the date a complete request is received. If a time extension is required, the requester will be notified.
- (i) The right to access records is subject to limited and specific exemptions in accordance with *MFIPPA* and any regulations made under this Act.
- (j) An individual given access to their own personal information has the right to request corrections to that information if he/she believes it to be in error or incomplete.
- (k) When access to a record is refused or is only partially granted in the case of a "severed" record, the requester will be notified of the decision and the sections of the *MFIPPA* which justify that decision. The Township will provide the requester with information about the circumstances which formed the basis for the decision to deny access. The requester may appeal the Township's decision.

### ***Access Appeal***

- (l) Upon denial of a request, the requestor will be advised that he/she may appeal the Township's decision under *MFIPPA* to the Information & Privacy Commissioner of Ontario.
- (m) An appeal to the Privacy Commissioner must be made within thirty (30) days of the receipt of the Township's decision letter and must include a copy of the original request for information and a copy of the Township's decision letter.

## **2. Access to Individual Members of Council**

### **Purpose**

This procedure defines a process by which individual Members of Council request records from staff in order to effectively discharge their responsibilities.

### Procedures

- (a) Members of Council should direct all requests for records to the Chief Administrative Officer or designate.
- (b) The Chief Administrative Officer will be responsible to contact the appropriate Department(s) to co-ordinate a response.
- (c) In the event that the Chief Administrative Officer is of the opinion that Council endorsement is required for the release of records, the individual Member of Council shall present his/her request on the next available agenda for Council's decision.
- (d) The Chief Administrative Officer will keep the requesting Member of Council informed about the progress of all requests for records.

### 3. **Access to Records During an Election Period**

#### Purpose

This procedure defines a process by which registered election candidates may access records from the Township during an election period. The election period shall be from Nomination Day to Election Day as determined by the *Municipal Elections Act*.

#### Procedures

- 1. All requests for records to assist a candidate's campaign in a municipal election should be directed to the Clerk or Deputy Clerk.
- 2. Access to records is subject to payment of applicable fees in accordance with the Fee & Charges By-law as adopted by Council.
- 3. All requested records will be provided to the requester and all registered candidates and current Members of Council.
- 4. Where the records requested are not public record, the request will be denied and the requester may determine whether to proceed with a request under the FOI process.