

## **COMMITTEE OF THE WHOLE APRIL 8, 2002**

### **ANNUAL REPORT – 2001**

### **MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

#### **Recommendation**

The City Clerk recommends:

That this report be received for information purposes.

#### **Purpose**

This report provides a general up-date for the year 2001 concerning the City of Vaughan's experience under the Municipal Freedom of Information and Protection of Privacy Act (the Act).

#### **Background - Analysis and Options**

The Municipal Freedom of Information and Protection of Privacy Act applies to all municipalities, local boards and commissions. This legislation is based on the principles that information held by the City should be available to the public, necessary exemptions from this right of access should be limited and specific, decisions on the disclosure of information should be open to independent review, and the City must protect personal information under its custody and control and provide individuals with a right of access to that information. Only when someone is denied access to a record should a request in writing be submitted under the Act. When this occurs, the provisions of the Act will come into play and certain procedures must then be followed.

The City must respond to a request within 30 days. A \$5.00 access fee must be paid with each formal freedom of information access request to obtain general records or records contained within a personal information bank. The City may charge fees to locate and prepare records for disclosure. Recorded information includes hard copy records, electronic records, sound recordings, video tapes, etc.

The public has a right of access to records held by the City of Vaughan. Exemptions to this right of access should be limited and specific. Refusal to disclose a record may result in an investigation by the Office of the Information and Privacy Commissioner/Ontario. The record must be disclosed unless the Act specifically states that disclosure can be refused. In the event that portions of a record are exempted from disclosure, the City must make a reasonable effort to extract those portions and disclose the remainder of the record as requested. There are two types of exemptions, mandatory and discretionary. When the exemption is mandatory, the City shall not disclose the record. Mandatory exemptions include relations with other government agencies, third party information and personal information. When the exemption is discretionary, the City may disclose the record. Discretionary exemptions include draft by-laws, record of closed meetings, advice or recommendations, law enforcement, economic and other interests, solicitor/client privilege, danger to safety or health and information soon to be published.

Personal information must be retained as prescribed by the Act to permit the individual to whom the information relates access to it. City staff shall not disclose personal information under its custody and control unless the Act specifically authorizes the disclosure. Section 36 of the Act provides that a person has a right of access to their personal information under the City's custody and control and the right to correct the information where the individual believes there is an error or omission.

Every City employee has been made aware of the basic principles of the Act. Training sessions have been held with staff to determine which records should be routinely disclosed and which

records can only be disclosed through a formal access request. The Records Management Coordinator is available to assist staff in this regard.

THE CITY OF VAUGHAN EXPERIENCE FOR 2001.

The City of Vaughan received twenty-nine formal access requests for information under the Act. Information was requested on a variety of topics including building permits and inspections, by-law enforcement investigations, fire inspections, various City prosecutions, etc. Twenty-eight access requests were received for access to general records. One request was received for records contained within a personal information bank. This request was for an employee personnel file. The number of requests is consistent with the number of requests received during the past five years as shown in Figure 1.

Figure 1

Year	1997	1998	1999	2000	2001
Number of General Requests	22	10	13	24	28
Number of Personal Information Requests	1	1	0	2	1
Total Number of Access Requests	23	11	13	26	29

Most requests were received from individuals. Ninety percent of the requests were processed within 30 days. An extension of time was required in a few instances due to the volume of records requested, the complexity of the request or it was necessary to consult with some outside of the organization prior to making a disclosure decision. There were two appeals to the Office of the Information and Privacy Commissioner/Ontario. These appeals have not been resolved. The City of Vaughan collected \$395.00 in fees pursuant to the Act. In 2001, the Records Management Coordinator allocated about twenty percent of his time to perform necessary duties under the Act at an annual cost of about \$12,000.00.

**Conclusion**

The City of Vaughan received 28 access requests in 2001. This is normal volume. We continue to respond successfully to the formal access requests that we receive under the Municipal Freedom of Information and Protection of Privacy Act.

**Attachments**

A copy of the Information and Privacy Commissioner/Ontario 2001 Annual Report for the City of Vaughan is attached for information purposes.

**Report prepared by:**

Ray Barber  
Records Management Coordinator

Respectfully submitted,

John D. Leach  
City Clerk



The City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
Canada L6A 1T1  
Tel (905) 832-2281

January 25, 2002

Ms. Cavoukian, Ph.D.  
Commissioner  
Office of the Information and Privacy Commissioner/Ontario  
80 Bloor Street West  
Suite 1700  
Toronto, Ontario  
M5S 2V1

Dear Ms. Cavoukian:

Please find enclosed the Corporation of the City of Vaughan's 2001 year-end "Statistical Report for the Information and Privacy Commissioner/Ontario." This report was prepared by Ray Barber, the City of Vaughan's Municipal Freedom of Information and Protection of Privacy Coordinator.

Please contact Ray Barber at (905) 832-2281, extension 6142 if you have any questions or require additional information in this regard.

Sincerely,

Jean D. Leach  
City Clerk/Head  
JDL/eh  
Enclosures  
Copy: Ray Barber  
ref: letters 12-2002



## Section 1: Identification

1. Name of institution: CORPORATION OF THE CITY OF VANUATU  
 Phone No. (0)54 232 2221 (extension, if any) Fax No. (905) 832 8333  
 Mailing Address: 2/11 MAJOR MALDEN DRIVE  
ROCKLAND, ONTARIO Post Code L4R 1T1  
 Contact Person: RAY BURTON, MANAGER, LEGAL & INFORMATION  
PROTECTION OF PERSONAL INFORMATION  
 Date Report Completed: 01 / 25 / 2002

1.2 Your institution is (check one)

- |                       |                                     |                    |                          |   |                          |
|-----------------------|-------------------------------------|--------------------|--------------------------|---|--------------------------|
| Municipal Corporation | <input checked="" type="checkbox"/> | Business           | <input type="checkbox"/> | Commission, Tribunal or<br>Regulatory Authority | <input type="checkbox"/> |
| Other                 | <input type="checkbox"/>            | Education          | <input type="checkbox"/> | Full-time<br>University                         | <input type="checkbox"/> |
| <u>Special</u>        | <input type="checkbox"/>            | Health             | <input type="checkbox"/> | Bank  | <input type="checkbox"/> |
|                       |                                     | Media              | <input type="checkbox"/> | Insurance                                       | <input type="checkbox"/> |
|                       |                                     | Financial Services | <input type="checkbox"/> | Other   | <input type="checkbox"/> |
|                       |                                     | Other              | <input type="checkbox"/> |   |                          |

1.3 The total number of full-time employees (or equivalent) in your institution is:

- |                              |                          |            |                                     |
|------------------------------|--------------------------|------------|-------------------------------------|
| Not a completion requirement | <input type="checkbox"/> | 10,001     | <input checked="" type="checkbox"/> |
| 1-10                         | <input type="checkbox"/> | 1001-10000 | <input type="checkbox"/>            |
| 11-100                       | <input type="checkbox"/> | <500       | <input type="checkbox"/>            |

## Section 2: Inconsistent Use of Personal Information

2.1 Whenever your institution uses or collects personal information in a way that differs from the way the information is normally used or disclosed (an inconsistent use), you must attach a record or notice of the inconsistent use to the affected information. How many such records or notices does your institution attach, if any?

None

- If your institution received:
- Requests for access to information → please return 3.1
  - Requests for correction of personal information → please complete Section 3 at the back of the report
  - Notices regarding access to information → please complete and return only this page. This page will be filed with your institution (416) 414-8100

3.6

## Section 3: Number of Requests Completed

Enter the number of requests that fall into each category:

	Personal Information	General Records
3.1 New requests received during reporting year	1	27
3.2 Requests transferred in from other institution	-	-
3.3 Requests carried over from previous year	-	1
3.4 Total (3.1 + 3.2 + 3.3) = Tot.	1	28

3.5 Total copy by 3.4

Personal Information	General Records
1	27

	Personal Information	General Records
3.6 Requests transferred out to other institution	-	-
3.7 Requests carried over to next year	-	1
3.8 Total (3.6 + 3.7) = 3.9	-	1

3.9 Total copy by 3.8

Personal Information	General Records
-	1

3.10 Total Requests Completed (3.5 - 3.9) = 170

Personal Information	General Records
1	21

# 3.8

## Section 6: Compliance with the Act including: Notice of Extensions – s. 20(1) and Notice to Affected Person – s. 21(1)

	General Information	General Results
6.1 How many requests were processed within the statutory time frame no extension was utilized?	1	14
6.2 How many requests were processed in excess of the statutory time frame no extension was utilized?	-	-
6.3 How many requests were extended pursuant to s. 20(1)?	-	3
6.4 How many requests were processed within the extended time frame?	-	3
6.5 Number of requests which exceeded the extended time frame pursuant to s. 20(1)?	-	-
6.6 How many days after the expiry of the extended time limit did the requester respond?		
0 - 30 days	-	-
31 - 60 days	-	-
61 - 90 days	-	-
> 90 days	-	-
Total number of requests in excess of the extended time limit (must equal 6.5)?	-	-
6.7 How many requests were processed by issuing a Notice to Affected Person pursuant to s. 21(1)?	-	1
6.8 How many requests were processed within the Notice to Affected Person time frame?	-	1
6.9 Number of requests processed which exceeded the Notice to Affected Person time frame (6.7 - 6.8 = 0)?	-	-
6.10 How many days after the expiry of the Notice to Affected Person did a take to respond?		
0 - 30 days	-	-
31 - 60 days	-	-
61 - 90 days	-	-
> 90 days	-	-
Total number of requests which exceeded the Notice to Affected Person time frame pursuant to s. 21(1) (6.9 - 6.10)?	-	-

## Section 6a: Contributing Factors

The following information is being provided to assist you in identifying the contributing factors:

1. All requests under this request were received on 11/11/2014. The following information includes details of these requests:

- **REF TO REQUEST WITH EXTENSIVE RECORDS LIST - 2 (Administrative and Financial)**
- **REF TO REQUEST WITH EXTENSIVE RECORDS LIST**

## Section 7: Disposition of Requests

When a request is received, it is assigned to the request's assigned Reviewer on the number of days as indicated in the following table:

	Personal Information	General Records	
7.1 All requests received	1	11	
7.2 1) with participant involvement	-	8	
7.3 2) processed under no record review	-	-	
7.4 Nothing is recorded fully exempt	-	4	
7.5 Nothing is recorded as no record exists or records are exempt	-	1	
7.6 Request withdrawn or not numbered	-	2	
7.7 1) not included with a request or no response	-	1	
7.8 Term Requests with Exempt 7.2) (1) - (1) - (1) - (1) -	1	21	Box 7.1 of 21 records is being copied to Box 7.17
7.9 Term Requests with Exempt 7.2) (1) - (1) -	-	12	Box 7.1 of 12 records is being copied to Box 7.16



3.10

## Section 8: Exemptions & Exclusions Applied

For the Total Requesters with Exemptions/Exclusions/Exclusions or Exclusions Request (Box 7.9) - 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

	Personal Information	Confidential Records
8.1 Section 6 – Draft Records**	-	2
8.2 Section 7 – Advisory Recommendations	-	-
8.3 Section 8 – Law Enforcement*	-	5
8.4 Section 8.5 – Request to Confirm or Deny	-	-
8.5 Section 9 – Relations with Government	-	-
8.6 Section 10 – Third Party Information	-	1
8.7 Section 11 – Economic or Other Interests	-	-
8.8 Section 12 – Solicitor-Client Privilege	-	6
8.9 Section 13 – Danger to Safety or Health	-	-
8.10 Section 14 – Personal Privacy (Third Party)**	5, 6	8
8.11 Section 14.5 – Request to Confirm or Deny	-	-
8.12 Section 15 – Information Sources or Published	-	2
8.13 Section 17.1 – Exemptions/Exclusions	-	1
8.14 Section 18 – Personal Information (Exemptions)	-	12
8.15 Section 51.1 – Act Does Not Apply	-	-
8.16 Section 52.3 – Labour Relations & Employment Related Records***	-	-
8.17 Section 53.1 – Other Acts	-	-
8.18 Total Exemptions	-	25

\* See also, Section 11  
 \*\* See also, Section 14.5  
 \*\*\* See also, Section 52.3

Box 8.18 must fit within this space. TO BOX 7.9

### Section 9: Fees

Detail the number of requests that were required to request and the fee category for each request.

	Request Category	Number of Requests	Fee
9.1	Number of requests where additional fees were collected <i>Box 9.1 is the sum of the fees in rows 9.2.1 through 9.2.3</i>	1	2
9.2.1	Application fees collected	\$ 5.00	\$ 10.00
9.2.2	Additional fees collected	\$ 50.00	\$ 200.00
9.2.3	Total Fees <i>Box 9.2.3 is the sum of Box 9.2.1 + 9.2.2</i>	\$ 55.00	\$ 210.00
9.3	Number of requests where fees were waived - small	-	13
9.4	Number of requests where fees were waived - small	-	-
9.5	Total Number of Requests where Fees were Waived = 9.3 + 9.4	-	13
9.6	Total Amount of Fees Waived	\$ -	\$ 21.25

### Section 10: Reasons for Additional Fee Collection

Enter the number of requests for which your institution collected additional fees that apply to each category.

	Request Category	Number of Requests	Fee
10.1	Search Costs	NA	-
10.2	Reproduction	1	2
10.3	Preparation	NA	-
10.4	Shipping	NA	-
10.5	Computer Fees	-	-
10.6	Total Number of Requests where an additional fee was collected	NA	1
10.7	Total Amount of Fees Collected	1	2

*Box 10.7 is the sum of the fees in rows 10.1 through 10.6*

3.12

## Section 11: Corrections and Statements of Disagreement

Did your institution receive any requests to correct personal information?

	Amount/Information	
11.1 Correction requests received	—	
11.2 Corrections carried forward from the previous year	—	
11.3 Corrections carried over to next year	—	
11.4 Total Corrections (Amount) (11.1 + 11.2 + 11.3 + 11.4)	None	Box 11.1 is equal to Box 11.4

What course of action did your institution take regarding the requests to correct personal information that were received?

	Amount/Information	
11.5 Corrections made in whole	—	
11.6 Corrections made in part	—	
11.7 Corrections not refused	—	
11.8 Corrections withdrawn by requester	—	
11.9 Total (11.5 + 11.6 + 11.7 + 11.8 + 11.9)	None	Box 11.9 is equal to Box 11.4

In cases where corrections were denied, in part or in full, were any statements of disagreement attached to the affected personal information?

11.10 Number of statements of disagreement attached	None
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If your institution received any requests to correct personal information, the Act requires that you inform persons who had access to that information in the previous year (publication of either corrections or the statement of disagreement). Enter the number of notifications sent, if applicable.

11.11 Number of notifications sent	None
------------------------------------	------

Thank you for your co-operation.

