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.

and D. Leach ity Clerk/Head

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Cop#: Ray Barber ref: letters 12-2002



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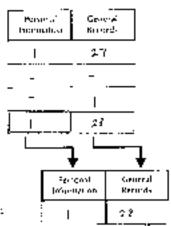
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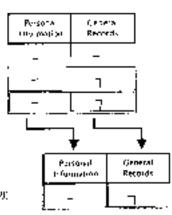
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