

COMMITTEE OF THE WHOLE (WORKING SESSION) – FEBRUARY 13, 2007

POLICY – RESPONSE BY CITY STAFF TO REQUESTS FOR INFORMATION FROM THE PUBLIC

Recommendation

The City Manager, in consultation with the Senior Management Team, recommends that:

1. The draft Policy, “Response by City Staff to Requests for Information from the Public”, forming Attachment No. 1 to this report, BE ADOPTED as City Policy and added to the City of Vaughan Policy Manual under Department: Administrative, immediately following Policy No. 03.01.

Economic Impact

No new funding will be required as a result of the approval of this report.

Purpose

To obtain approval for a new City Policy to establish guidelines for City staff in responding to information requests or inquiries made by the public and to provide the public with clear procedures for various types of information requests or inquiries.

Background and Options

I. Origin

Questions have been recently raised over how the City responds to inquiries from the public. This report will review current practices and identify any protocols or guidelines needed to clarify, improve or enhance the City’s existing policies and procedures in support of the principles of transparency and openness identified and emphasized in the recent amendments to the *Municipal Act, 2001* through Bill 130, the *Municipal Statute Law Amendment Act, 2006*.

II. Current Policies

Municipalities provide an array of services and facilities that affect people’s lives on a day-to-day basis. It is normal to receive inquiries from the public on an extensive number of subjects, ranging from the simple to the complex, and spanning all functions under the City’s mandate. Providing the public with timely replies to its questions is an obligation of good government to which the City of Vaughan has assigned a high priority. Municipal government is the most accessible level of government.

The City has in place a number of policies and procedures designed to meet the information needs of the public, which are set out in the following paragraphs. Any person may make a deputation to Council in accordance with the procedure set out in the Procedural By-law. Regular Committee of the Whole meetings are held bi-weekly and deputations can be scheduled through the City Clerk’s Office.

In January 2006, the City established *Access Vaughan*. This service is designed to ensure that inquiries and complaints are answered promptly by trained Citizen Service Representatives who have access to a computerized database of public information. In the year following the launch of this service, *Access Vaughan* answered a total of 174,682 calls. On average, the service answers 15,770 calls per month. This ranges from between 700 to 850 calls per day.

As part of its normal business, the City provides responses to numerous requests for information and complaints which fall under the day-to-day operating mandates of individual Departments. These departmental response functions deal primarily with site-specific, property-specific or individual specific matters like zoning inquiries, compliance letters, tax status, building inquiries, environmental inquiries, etc. They are of a routine nature and are processed expeditiously. They generally take the form of written responses originating with written correspondence from a member of the public or consultant.

In addition, the City has in place a Corporate Policy dealing with Media Relations for City Staff. The intent of this Policy is to develop and maintain effective communications with representatives of the print and broadcast media to facilitate the flow of information between the corporation and the public. Its purpose is to communicate consistent corporate messages in a timely and accurate manner and to respond appropriately to all enquiries in an open and professional manner to build an understanding of the work carried out by the City.

Also, for a number of years, the City has had in place a process for responding to inquiries made under the *Municipal Freedom of Information and Protection of Privacy Act* (“*MFIPPA*”). The City Clerk’s Department processes and responds to all written requests (“FOI” requests) by individuals, firms, the media and others for copies of records, documents or other information in the possession of the City. This process also is responsible for ensuring that personal information and other information and records which are protected from release under the *MFIPPA* legislation are not provided to any persons or entities not entitled to receive such information.

III. Responding to Non-Routine Inquiries

It is appropriate to build on these foundations by adopting a Policy which will provide further clarification and assistance to both the public and City staff in processes and procedures for responding to all questions, including those that are not routine or do not fall under the umbrella of any current processes, policies or procedures, such as Access Vaughan, Departmental operational functions or *MFIPPA* requests. These non-routine types of requests are most often received in the form of written correspondence, either as hard copy or electronically by e-mail.

E-mail, while a useful communications medium, is not considered to be an appropriate tool for requests of this type. E-mails are primarily a messaging device and are not generally considered to be the norm for formal business communications. Since the City is being expected to provide full responses, possibly after much research, it is in the interests of the municipality to treat requests for information as normal business correspondence, i.e. a response by way of a signed hardcopy letter. It is reasonable to expect that such a response would be initiated by way of a letter in a hardcopy format.

In addition, there are certain limitations in e-mail technology that also cause concerns. Systems are not necessarily secure. It is possible that an e-mail response by the City could be manipulated and forwarded on to other recipients. Alternatively, the source of an e-mail inquiry may not be readily verifiable, given incomplete e-mail sender names and addresses, the possibility of e-mail requests being delivered by someone other than the named author, the possibility of responses being picked up on the requestor’s computer by a person other than the requestor, etc.

Its ease of use also predisposes e-mail to abuse, particularly in the form of “e-mail harassment”. This could result in the City being inundated with inquiries, which have no valid purpose other than frivolously encumbering and disrupting operations of the City or in rapidly composed, unclear questions that might benefit from additional consideration.

The City's Policies should be based on both the City and the inquiring party proceeding on the basis of formal business practice, using hardcopy correspondence.

Developing a comprehensive Policy will enhance the accountability as well as the transparency of the services available to the public and will clarify procedures for City staff.

IV. Principles Guiding the Preparation of the Policy

The draft Policy, entitled "Responses by City Staff to Requests for Information from the Public", forms Attachment No. 1 to this report. In developing the attached Policy, the following principles were taken into account:

1. Only written inquires, signed and dated and including a reply address, will be acknowledged for response. Written inquiries include hard copy letters (mail, hand delivery, fax) and letters forming a PDF attachment (with an electronic signature) to an e-mail. Telephone (including voicemail) and e-mail requests will not result in a response to the inquiry. The initiator of the request will be advised of this Policy and will be requested to resubmit the request in writing.
2. The City's response will be by hard copy letter, sent by regular mail or for pickup on arrangement with City staff.
3. The process for responding to requests includes the following elements:
 - **Proper Assignment of the Inquiry:** The original correspondence should be sent to the appropriate department head. Should it be determined upon consultation that the response should be directed to a different City Department, then it will be redirected for preparation of a response.
 - **Appropriate Process:** If it is determined that the appropriate process for obtaining the requested information is the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, the correspondent will be redirected to submit the request to the City Clerk's Department, which is responsible for reviewing and processing all *MFIPPA* requests.
 - **Prompt Response:** The objective is to provide a response within 10 working days from the date of receipt of the request by the responding Department. Where a response will require additional time, receipt will be acknowledged and an estimate of the timing of the response will be provided or, where applicable, advice on a more appropriate process for obtaining the desired response, e.g. through an *MFIPPA* request, contact with the operational Department, by making a deputation to Council, etc.
 - **Accurate Record Keeping:** The correspondence will be receipt dated by the relevant City Department and the original correspondence and copy of the response, if applicable, will be maintained by the responding Department, including a record of the disposition of the inquiry where no response has been given.
4. Where an inquiry requires the photocopying or reproduction of materials, fees will be charged in accordance with the Fees and Charges By-law.

5. All inquiries and responses are considered to be matters of public record, unless personal information or other protected information is included.

6. Responses to inquiries may be copied to the City's Senior Management Team, relevant City staff and the Mayor and Members of Council, as deemed necessary.

7. Only factual information will be provided, defined as information that is already a matter of public record and subject to release to the public.

8. There are limitations on the range of responses. While it is the objective to provide prompt responses to all questions from the public, there are circumstances where providing a response within the proposed time-frame may be inappropriate or unreasonable. Such circumstances may include:

- The extent of the inquiry may be of a general nature or application, but of such magnitude that it would be inappropriate for staff to allocate the time to preparing a response without Council first directing the reprioritization of resources to an individual requestor. The correspondent would be directed to make a deputation to Council on the request.
- The inquiry may involve a response to a situation that has general application or importance across the municipality, which would have city-wide implications rather than solely affecting an individual site, property, business or person. In such cases, direction from Council would be required to proceed with a study. The correspondent would be directed to make a deputation to Council to direct that such a study be undertaken. It should be noted that current City policy does not permit individual Councillors to direct Staff to prepare reports on a Councillor's sole request, but rather these must be directed by Council. A request from the public of this nature, which requires report or study, should also be a matter for Council's consideration and direction.
- The request(s) may be frivolous or vexatious, or submitted for the purpose of disrupting the operations of the City. This may be due to the frequency of submission of requests from the same or similar sources or due to the nature of the inquiry (such as a threatening or harassing inquiry(s)). In the former case, the City Manager and/or Council should be requested to first determine the merits of the request, including whether it is frivolous or an abuse of City processes, and direct City staff accordingly. In the latter case, the letter may be forwarded to the appropriate authorities for further investigation.

In such instances, responses will generally not be provided, but instead confirmation will be provided as to the appropriate process and the correspondence will be referred to the appropriate authority for review or other directions or actions.

Relationship to Vaughan Vision 2007

Adoption of the proposed Policy is consistent with the Vaughan Vision 2007 objective of "*Citizens first through service excellence*", including:

- 1.2 Establish and communicate service level standards that are affordable and sustainable.
 - 1.2.2. Review current customer service practices and implement enhanced and consistent customer service standards.
 - 1.2.3. Communicate established service levels to the community.
- 1.3 Provide effective and efficient delivery of services.

Conclusion

Providing the public with timely and accurate responses to requests for information, inquiries or complaints is an important ongoing function of municipal government. The City of Vaughan has already established processes for dealing with a number of types of inquiries, through *Access Vaughan*, individual operating departments respecting site specific, property specific or individual specific requests for information, inquiries or complaints, and through the *MFIPPA* process for FOI requests. These processes operate well for routine inquiries. However, there are circumstances where questions will require more research and preparation time for response. For this reason it is recommended that Council adopt the attached proposed Policy to address these additional types of requests for information that extend beyond routine requests, by setting a time-frame of 10 working days for response or by redirection of the correspondent to scheduling a deputation to Council for further direction to be provided to City staff.

It is intended that the Policy provide guidance to staff in identifying and processing such inquiries and the corporate expectations regarding standard response time-lines. The Policy also provides direction as to when a response would not be appropriate but requires redirection to another more appropriate process (eg. *MFIPPA*). This Policy will also assist the public by providing clear information as how to submit an inquiry and how it will be processed upon receipt.

The proposed Policy will further enhance the City's ability to respond fully and promptly to public inquiries and will build on the foundation established by *Access Vaughan*, the current policies and processes and the *MFIPPA* process. Therefore, the draft Policy in Attachment No. 1 to this report is recommended by City staff.

Attachments

1. Draft City of Vaughan Policy: Response by City Staff to Requests for Information from the Public.

Report prepared by:

Janice Atwood-Petkovski, Commissioner of Legal & Administrative Services
 Carolyn Stobo, Solicitor/Special Services
 Roy McQuillin, Manager of Corporate Policy

Respectfully submitted,

Michael DeAngelis
 City Manager

ATTACHMENT NO. 1CITY OF VAUGHAN
POLICY MANUAL

SECTION: ADMINISTRATION	POLICY NO. 03.____
DEPARTMENT: ADMINISTRATIVE	SUBJECT: RESPONSE BY CITY STAFF TO REQUESTS FOR INFORMATION FROM THE PUBLIC

PURPOSE

This Policy has been developed to clarify the City's processes in responding to the needs of the community for information in a timely and effective manner. In addition, it will clarify the roles and expectations of staff in processing individual requests for information, while supporting a highly effective working environment.

POLICY

This Policy will guide staff in responding to inquiries received from the public. It is recognized that inquiries made by the public directly to Members of Council may be referred to appropriate staff to respond in accordance with this policy.

Form of Request:

Only **written inquiries**, dated and signed (*hard copy by mail, fax or hand delivery or a PDF document electronically signed*) will be acknowledged for response pursuant to this Policy.

Processes:

Subject to the following, requests for information will be responded to within **10** business days:

- Requests more appropriately dealt with under **MFIPPA** will be redirected to the Clerk's Department.
- Requests more appropriately handled through **Access Vaughan** will be redirected to **Access Vaughan**.
- Requests of a **site specific, property specific or individual specific nature** will be redirected to the appropriate City Department.
- Requests of a **general nature or on a matter of common or general interest or application**, which may require staff research or review, may be required to be the subject matter of a deputation, so that Council may determine the priority of such responses.
- Requests which are deemed **frivolous, vexatious or abusive** will not be responded to by City staff.

Factual Information Only:

As a general rule, only factual information will be provided. City staff does not provide opinions or advice to members of the public.

Fees:

Photocopying or reproduction of materials, or any other costs, will be charged in accordance with the Fees and Charges By-law.

General:

Inquiries and responses unless otherwise indicated are not treated as confidential.