

COMMITTEE OF THE WHOLE – MARCH 26, 2007

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

Recommendation

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

1. The Policy, "Response by City Staff to Requests from the Public", forming Attachment No. 1 to this report, BE ADOPTED by Council.

Economic Impact

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

Communications Plan

All City staff will be notified of the Policy and a copy will be posted on the City's Website and VIBE.

Purpose

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

Background and Options

I. Origin

At the Committee of the Whole (Working Session) of February 13, 2007, Council considered this matter and on February 26 Council directed "That staff provide a further report to a future Committee of the Whole meeting incorporating the comments expressed by Members of Council". This report reviews current practices and recommends the adoption of a Policy to clarify and codify the City's 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 Practices

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 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.

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

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

IV. Principles Guiding the Preparation of the Policy

In developing the Policy, the following principles were taken into account:

1. Inquiries are made by telephone call (including voice mail) and by correspondence (including correspondence received through the mail, fax, hand-delivered or e-mail inquiries). Where the initiator of the request has not provided his or her full name and mailing address, the initiator may be requested to provide a name and mailing address so a response may be provided by hard copy letter, sent by regular mail or for pickup on arrangement with City staff.

2. The Policy does not preclude providing a quick verbal or e-mail response, where this will suffice.

3. The request 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. 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 the City Clerk's Department (which is responsible for *MFIPPA* requests) to submit a request on the required form.

4. The objective is to provide a response within 5 working days from the date of receipt of the request by the responding Department. Where a response will require additional time, a response will be provided within 10 working days or, where applicable, advice provided to the requestor on a more appropriate process for obtaining the desired response, e.g. through an *MFIPPA* request, through contact with the appropriate operational Department, or by making a deputation to Council, etc.

5. Where an inquiry requires the photocopying or reproduction of materials, fees may be charged in accordance with the Fees and Charges By-law.

6. All inquiries and responses are considered to be matters of public record, unless personal information or other protected information is included in an inquiry or response. 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. 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 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 not be possible for staff to respond within the proposed time frame and it would be inappropriate for staff to allocate the time to preparing a response to the correspondent, without Council first directing the reprioritization of the City's staff resources to preparation of a response to an individual requestor. The correspondent would be directed to make a deputation to Council outlining the request.

- The inquiry may involve a response to a situation that has application or importance across the municipality or could have city-wide implications rather than affecting an individual site, property, business or person. In such cases, direction from Council would be required to proceed with the necessary review and, if required, further study. The correspondent would be directed to make a deputation to Council outlining the request and seeking Council's directions to staff to undertake the required review and/or further study. 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 a report or study that may have City-wide implications, similarly should 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 source(s) or due to the nature of the inquiry itself (such as a threatening or harassing inquiry(s)). In such cases, prior to response the request will be forwarded to the City Manager and/or Council to determine the merits of the request, including whether it is frivolous, vexatious or an abuse of City staff or processes (evidence of a threat or harassment), and the City Manager and/or Council will be requested to provide further directions to City staff regarding the request. If a request is considered harassing or threatening, it may be forwarded to the appropriate authorities for further investigation.

In all such instances, an acknowledgment of the inquiry or request will be provided and confirmation of the appropriate process to be followed by the requestor or by the City.

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."

Regional Implications

None

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, where appropriate, by redirection of the correspondent to the Clerk's Office to schedule 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 (e.g. *MFIPPA*, City Manager or Council determination whether request is frivolous or vexatious, etc.). 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.

Attachments

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

Report prepared by:

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Respectfully submitted,

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CITY OF VAUGHAN
POLICY MANUAL

SECTION: ADMINISTRATION	POLICY NO. 03.
DEPARTMENT: ADMINISTRATIVE	SUBJECT: RESPONSE BY CITY STAFF TO REQUESTS 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:

Requests received by telephone or e-mail may be requested to provide a name and mailing address in order for a response to be forwarded in writing. This Policy does not preclude a response by telephone or e-mail.

Time For Responses:

Subject to the following, requests for information will be acknowledged or responded to within **5** business days:

- Requests more appropriately dealt with under *MFIPPA* will be redirected to the Clerk's Department for response.
- Requests more appropriately handled through *Access Vaughan* will be redirected to *Access Vaughan* for response.
- Requests of a *site specific, property specific or individual specific nature* will be redirected to the appropriate City Department(s) for response.
- Requests which may be more complicated or involve further research, multi-department review, or otherwise will be responded to within **10** business days.
- Requests of a *general nature or on a matter of common or general interest or application* which may involve significant staff review or research, may be required to be the subject matter of a deputation by the requestor, so that Council is given the opportunity to determine the priority and timing of response.
- Requests which are considered *frivolous, vexatious or abusive* will not be responded to by City staff but instead forwarded to the City Manager and/or Council for directions.

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, but to Council and City Departments.

Fees:

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

General:

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

Policy_Response by City Staff to Requests from the Public-02-2007-jap.cps.doc