

CORPORATE POLICY



Policy Title: **Routine Disclosure and Active Dissemination of City Records**
Policy Category: **Administration Policy**
Policy No.: A-040
Department: Corporate Services
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Author: Kevin Gerlach
Attachments:
Related Documents/Legislation:
Municipal Freedom of Information and Protection of Privacy Act
R.S.O. 1990, c. M.56
Confidential Information Policy
Records Management Policy
Retention By-law
City of Waterloo Museum Research Policy
Privacy Protection Framework Policy

Key Word(s): active dissemination, confidentiality, personal information, privacy, record, routine disclosure

POLICY STATEMENT:

It is the policy of the City to provide information to the public proactively where it is in the public interest and promotes open, transparent, and accountable government. Where records are routinely requested by residents or businesses, the City will provide access through processes that are simple to navigate, subject to the need to protect personal and/or confidential information.

PURPOSE:

The City of Waterloo has established the Routine Disclosure and Active Dissemination Policy to meet the following goals:

- Assist the community in effectively engaging with the City by actively sharing information;
- Streamline the process for accessing certain categories of commonly requested records;
- Redirect freedom of information requests into routine disclosure processes, and

Mandatory Policy, *Municipal Act*: No

Policy Administration Team, Review Date May 11, 2023

Corporate Management Team, Review Date May 17, 2023

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- Ensure that personal and confidential information is protected from improper disclosure.

The Routine Disclosure and Active Dissemination Policy will:

- Establish criteria to determine whether records are eligible for active dissemination or routine disclosure;
- Form guidelines for the approval of disclosure plans establishing which records are eligible for active dissemination or routine disclosure and how these records may be accessed;
- Provide a framework for establishing processes for routine disclosure requests;
- Identify the roles and responsibilities of staff; and
- Ensure that appropriate processes and practices are in place for the protection of personal and/or confidential information in records being considered for active dissemination or routine disclosure.

DEFINITIONS:

Active Dissemination: The periodic release or publication of records in the absence of a request through posting on the City website, social media, the Open Data Catalogue, or any other means.

AODA: The *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11

City: the Corporation of the City of Waterloo

Clerk: the City Clerk of the Corporation of the City of Waterloo

Disclosure Plan: A catalogue of record types managed by a division noting which records series will be released through active dissemination, routine disclosure, or formal access requests under MFIPPA.

Employee: is a person who performs work (also known as worker) or supplies services for monetary compensation (as defined under the Occupational Health and Safety Act (OHSA)). It also includes all secondary or post-secondary students who perform work or supply services for monetary compensation or for monetary compensation under a work experience program operated by or approved by a secondary or post-secondary institution.

MFIPPA: The *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended.

Personal Information:	<p>Recorded information about an identifiable individual, such as (but not limited to):</p> <ul style="list-style-type: none">• Names• Residential street addresses• Telephone numbers• Email addresses• Gender identifiers (use of pronouns, collection of gender based data)• Marital/relationship/family status• Views and opinions• Opinions of others about the individual• Descriptions of activities/location of person/use of property• Images of persons• Images of use of property (e.g. photos of the inside of homes)• Financial activities (payments and purchases)• Medical information (e.g. medical history, health status, description of injuries, diagnosis, and treatment)
Record:	<p>Information created, received and maintained as evidence and information in the transaction of business or the pursuance of legal obligations. A record may be recorded or stored in printed form, on film, by electronic means or otherwise, and includes correspondence, memorandums, handwritten notes/notebooks, books, plans, maps, drawings, diagrams, pictorial or graphic works, photographs, films, microfilms, sound recordings, videotapes, machine readable records, any other documentary material, regardless of physical form or characteristics, and any copy thereof.</p>
Records Series:	<p>A group of identical or related documents/records that are arranged under a single filing system or kept together as a unit because they relate to the same subject, result from the same activity, or document the same transaction, and which, because of any of these common characteristics, may be treated as a unit for retention and disposition purposes.</p>
Responsible Director:	<p>The Director of the division responsible for creating and maintaining the records series.</p>
Routine Disclosure:	<p>The disclosure of records requested by a member of the public, a business, or any other non-government organization, through means other than a freedom of information request under MFIPPA.</p>

SCOPE:

This policy applies to all departments of the City and all records in the custody or under the control of the City.

Although all records are within the scope of the policy, not all records will be deemed appropriate for routine disclosure or active dissemination. Records not selected for active dissemination or routine disclosure may be asked for through an access request under MFIPPA and subject to its provisions.

POLICY COMMUNICATION:

This policy will be made available to the public through the City Website and for staff will be posted on the employee Intranet.

POLICY:

1. ELIGIBILITY

- 1.1 All records series will be reviewed by the Responsible Director, in consultation with the Clerk, for eligibility for active dissemination or routine disclosure. After review, all records series will be classified by the Responsible Director, at their discretion, as either:
 - a) eligible for active dissemination,
 - b) eligible for routine disclosure, or
 - c) only available through an access request under MFIPPA

- 1.2 A records series may be eligible for active dissemination if the Responsible Director, in consultation with the Clerk, determines that any or all of the following factors apply to the records in the series:
 - They are of interest to the general public
 - They have value to historical researchers or other research interests
 - They provide information on the City's service delivery, finances, governance, or infrastructure
 - They consist of routine information on properties in Waterloo
 - They are records related to meetings of Council or other public meetings and events
 - They are required to be made publically available under applicable provincial or federal statutes
 - They have historically been provided by the City to the public and, on review, have been found to contain no confidential or personal information
 - They have low costs associated with records management and disclosure
 - They are at minimal risk of containing personal or confidential information, or this information has been removed

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- 1.3 The Responsible Director, in consultation with the Clerk, will consider the following factors when determining whether a records series is eligible for routine disclosure (subject to any limitation prescribed by MFIPPA and other applicable legislation):
- They are identified by staff as being frequently requested
 - They are generally required on a shorter timeline than would be expected through an access request under MFIPPA and there are no concerns related to privacy or confidentiality of information provided by third parties
 - They contain information that should only be disclosed to specific persons, such as property records available to individual property owners
 - They are records required to apply for any permit or license from the City
 - They are records where it is appropriate for the requester to pay a fee for access, due to the costs associated with maintaining the records series and preparing the records for disclosure
 - They contain personal or confidential information, but this information is not central to the purpose of the record and can be routinely removed before disclosure (e.g. individual's address and other contact information)
- 1.4 A records series may be considered to be only available through an access request under MFIPPA if the Responsible Director determines that either of the following factors apply to the records in the series.
- They are identified by staff as being infrequently requested and not of interest to the general public
 - They contain confidential and/or personal information that would be difficult or impossible to remove, or the confidential or personal information is central to the purpose of the record and cannot be removed (e.g. witness statements, legal opinions)

2. DISCLOSURE PLANS

- 2.1 All divisions will prepare a disclosure plan for the records series they maintain which will contain the following information for each series:
- the nature and description of the records contained in the series,
 - whether the records series is accessible through active dissemination or routine disclosure, and,
 - directions on where a member of the public can find the information or apply for routine disclosure of records.
- 2.2 Each disclosure plan and all subsequent amendments must be approved by the City Clerk and the Responsible Director.
- 2.3 All disclosure plans will be made available to the public on the City website.

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- 2.4 If a request is made for a record which is not contained in a records series in a disclosure plan, the Responsible Director may determine the appropriate response.

3. ACTIVE DISSEMINATION

- 3.1 Any records series approved for active dissemination will be published in any format and by any means determined to be appropriate by the Responsible Director.

4. ROUTINE DISCLOSURE

- 4.1 Requests for routine disclosure may be made in writing or orally. The City may require requests for any specific records series or any specific record in a series to be made in writing.
- 4.2 The City may establish procedures for requests for routine disclosure with respect to:
- the process of submitting applications,
 - timeframes for processing requests,
 - limiting access to specific categories of persons or organizations based on their connection with the records being requested (e.g. property owners requesting records related to their property),
 - establishing fees under the Fees and Charges By-law,
 - determining the individual(s) authorized to disclose records,
 - safeguarding against the improper disclosure of personal and confidential information,
 - determining the format in which the records are provided,
 - any other matters that are required for the processing of requests for routine disclosure.
- 4.3 All procedures for routine disclosure will be developed in coordination with the Clerk. The Responsible Director will approve all procedures established for routine disclosure.
- 4.4 Any procedures established for the disclosure of records containing personal information must incorporate appropriate controls as defined by the Protection of Privacy Program Framework Policy and related procedures in order to prevent improper disclosure.
- 4.5 The City may disclose personal information to the individual to whom the information pertains. The City may also disclose personal information to a third party, with the advance written consent of the person to whom the information pertains, or where otherwise permitted or required by law.
- 4.6 The City is not required to create new records, collect new information, or reorganize information in a record in response to a request.

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- 4.7 The City will endeavor to provide records in alternate formats on request, where reasonable. The City may charge fees to convert records to an alternate format, except where the request is to provide accommodation under the AODA.
 - 4.8 The City may provide access to records or information by having the requester inspect City records during normal business hours.
 - 4.9 Requests for routine disclosure will be processed expeditiously within a reasonable timeframe.
 - 4.10 Fees for photocopying or printing copies of records will be charged in accordance with the Fees and Charges By-law.
 - 4.11 The City may refuse to provide any record requested through routine disclosure. The City may remove personal and confidential information from records requested through routine disclosure.
 - 4.12 Where a request for routine disclosure is refused, or where personal and confidential information has been removed from a record requested through routine disclosure, the requester may make a request for access under MFIPPA by contacting the Clerk and any requests will be subject to the provisions of MFIPPA.

5. RESEARCH REQUESTS

- 5.1 Any request or series of requests which are for a large number of records, or where the requester seeks records containing personal information for research purposes, shall be directed to the Clerk who will coordinate the response with the Responsible Director(s).
- 5.2 Prior to disclosure of records in response to a research request, the City may require the execution of a research agreement in a form satisfactory to the Clerk and, if applicable, subject to the terms and conditions for disclosure of personal information for research purposes as established by MFIPPA and its regulations.
- 5.3 Requests for records kept in the collections and archives of the City of Waterloo Museum will be made in accordance with the City of Waterloo Museum Research Policy or successor policy thereto.

6. ROLES AND RESPONSIBILITIES

Where this policy identifies individuals, their duties may be delegated to staff in their respective divisions, where appropriate, except that the Clerk and the Responsible Director shall approve all disclosure plans.

Clerk

- Provide advice on establishing procedures for routine disclosure and active dissemination
- Assist divisions in the preparation of disclosure plans
- Review and approve disclosure plans and all subsequent amendments
- Assess the risk of improper disclosure of personal information for any new process of routine disclosure or active dissemination and provide appropriate advice to the Responsible Director
- Coordinate any response to a request which involves a large number of City records or a research request for records containing personal information

Responsible Director

- In coordination with the Clerk:
 - Review records series for eligibility for routine disclosure or active dissemination
 - Prepare and approve disclosure plans in accordance with this Policy
 - Establish procedures for the publication of information eligible for active dissemination in accordance with this Policy
 - Establish procedures for the provision of records through routine disclosure in accordance with this Policy
 - Monitor routine disclosure and active dissemination processes

City Employees

- Respond to all requests for routine disclosure made in accordance with procedures approved under this Policy
- Actively assist members of the public in accessing disclosure plans and direct them to the associated sources of information and records
- Review all records approved for release under this Policy for personal or confidential information not authorized for disclosure and if any is identified, to not release the record and take appropriate action, including notifying the Responsible Director, if necessary.

REVIEW:

This policy will be reviewed and updated by staff as required.

COMPLIANCE:

In cases of policy violation, the City may investigate and determine appropriate corrective action.