

COUNTY OF ST. PAUL NO. 19

Our Mission - To create desirable rural experiences



ADM-36 Access to Information and Protection of Privacy Policy

Department: Administration

POLICY OBJECTIVE:

To ensure the County collects, uses, discloses, protects, disposes, makes decisions and, where appropriate, preserves information gathered and generated in the course of operating the programs and services of the County in a manner that is consistent with the FOIP Act.

1.0 POLICY STATEMENTS:

- 1.1 The County of St. Paul is committed to streamlining services and ensuring that information is available to members of the public, supporting open and transparent government.
- 1.2 The objective of this policy is to provide open access to public records while protecting the privacy of personal information in the custody or control of the County.
- 1.3 When possible, requests for information will be dealt with outside of the formal FOIP request. Formal FOIP requests should be used as a last resort to seek access to records/information.
- 1.4 This policy shall apply to all County employees, departments and all its records.

2.0 DEFINITIONS:

- 2.1 "Access" means the ability to obtain information held by the County by either providing a copy of the record requested or providing a means and opportunity to view the record, whichever is administratively most efficient, as determined by the Department.
- 2.2 "Active Disclosure" means information that is routinely posted to the website, social media, posters, orally, newspapers and publications.
- 2.3 "Applicant" means a person who makes a written information request under the FOIP Act.

- 2.4 “Control” means having the power or authority to manage, restrict, regulate or administer the use or disclosure of a Record.
- 2.5 “County” means the County of St. Paul No. 19.
- 2.6 “Custody” means having physical possession of a Record.
- 2.7 “Employees” means those employed and acting on behalf of the County, regardless of employment status: full-time, part-time, temporary, seasonal, agents and representatives.
- 2.8 “FOIP” means Freedom of Information and Protection of Privacy Act.
- 2.9 “Formal FOIP Request” means a formal request made under the FOIP Act.
- 2.10 “Records” means information in any form including notes, images, audio-visual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers, and other information that is written, photographed, recorded, or stored in any manner, but does not include software or any mechanism that produces records.
- 2.11 “Routine Disclosure” means information that is requested on a regular basis, or material which is publicly available. For a complete listing see Schedule A.
- 2.12 “Third Party” means personal information of a person other than the applicant or scientific, technical, commercial, financial, or labor relations information supplied in confidence by someone other than the applicant.

3.0 PROCEDURE:

- 3.1 Requests made by a law enforcement agency for records containing third party personal information must be forwarded directly to the FOIP Coordinator.
- 3.2 Records identified in Schedule A will be provided or made available to the public or to any requester according to the noted conditions for releasing records by the department responsible for the records.
- 3.3 Access to County records will, wherever possible, be made available to the public via the County website, verbally, news releases, social media, newspapers or in person at the municipal office.
- 3.4 If an individual requests records pertaining to themselves, staff shall confirm their identity by confirming their mailing address, prior to releasing the requested information.
- 3.5 If an individual requests third party information, they shall provide proof they have authority to act for that person (ie guardianship or trusteeship order, power of attorney) prior to the release of records.

- 3.6 No records containing personal information will be disclosed to anyone other than the individual to whom the information pertains unless the record is first severed, or authorized by policy, bylaw or legislation.
- 3.7 Requests for tenders, quotations and proposals results shall only include bid amounts and the names of companies.
- 3.8 All formal FOIP requests shall be directed to the FOIP Coordinator.
- 3.9 Fees shall be charged for the reproduction of records in accordance with the Freedom of Information & Protection of Privacy Regulations. Where the request is deemed voluminous in nature, a deposit may be required prior to the service being performed.
- 3.10 Other than a Formal FOIP request, requests for records made under this policy shall be directed to the responsible department.
- 3.11 Repetitive requests by an individual or organization for significant volumes of records may require the separation of the request into several smaller requests totaling a large volume. Requests made to more than one department or branch related to a specific subject or issue will be centrally coordinated and referred to the FOIP Coordinator or their designate.
- 3.12 If staff receive a request for records and, after consulting Schedule "A" attached to this policy, are unsure of whether the record can be released, they shall contact the FOIP Coordinator for clarification, prior to releasing any information.

4.0 ADMINISTRATION RESPONSIBILITIES

- 4.1 Routine disclosure requests are to be handled by the responsible department.
- 4.2 Each department will utilize Schedule "A" to identify records for routine disclosure.
- 4.3 Responses to requests for records made under this policy will be acknowledged in a reasonable timeframe in accordance with corporate standards. Requests will be completed in a reasonable timeframe as determined by staff workload.
- 4.4 Access requests that are identified as third party, in Schedule "A", shall be forwarded to the FOIP coordinator.

5.0 FOIP COORDINATOR RESPONSIBILITIES

- 5.1 Uphold the duties as required by the FOIP Act.
- 5.2 Assist the Applicant in defining or clarifying information included in a Formal FOIP request application, including the timeframe and scope for the records requested.
- 5.3 Determine if a fee estimate for the records is applicable, based on the application's scope and timeframe.
- 5.4 Notify third parties, when necessary.

- 5.5 Comply with the 30-day time limit and request a time extension, when necessary.
- 5.6 Coordinate the search of responsive records.
- 5.7 Undertake a line-by-line review of responsive records and redact information in accordance with the FOIP Act.
- 5.8 In accordance with the FOIP Act, determine whether the applicant will receive full access, partial access, or refuse access to the requested records.

6.0 MANAGEMENT AND PROTECTION OF PERSONAL INFORMATION

- 6.1 Personal Information under the Custody or Control of the County shall be managed by all County departments in a manner that protects the privacy of individuals.
- 6.2 Disclosure of Personal Information shall only be used for the purposes in which it was collected or compiled, or for a use consistent with that purpose.
- 6.3 Disposal of Personal Information shall be completed ensuring the safe and secure disposal of all Personal Information is carried out in accordance with the County's Records Retention Bylaw.

Council Approval: September 11, 2012
Amended: July 23, 2024

Schedule “A”

AD = Active Disclosure – Posted on Website

FOIP = Formal FOIP Request Form must be completed. Referred to FOIP Coordinator

RD = Routine Disclosure – Information that is made available to the public without written FOIP request and can be routinely available for release to the public, following the conditions listed in the chart below

Record Type	Access Method	Responsible Dept.	AD RD FOIP	Condition of Release
Agendas and Minutes of Council, Boards and Committees	Website	Admin	AD	Direct to website. <i>Excludes Closed Session material.</i>
Agreements/Contracts - Development - Easement - Right of Way - Encroachment - Lease(s)	County Office	All	RD FOIP	Only owner gets a copy. <i>Excludes draft or unsigned Agreements.</i>
Appointments to Committees and Board	Website	Admin	AD	Names can be released after the member is appointed. <i>Excludes personal information, unless member provides consent.</i>
Assessment Roll	County Office	Tax	RD	Property information (without names) can be viewed upon request. Info is provided freely to government officials.
Audited Financial Statements	Website	Finance	AD	Direct to website.
Bids & Tenders Results	County Office	All	RD FOIP	Direct to responsible dept. Only bidder names and summary results can be released.
Budget	Website	Finance	AD	Direct to website. Excludes working documents

Bylaws	Website	Corp. Ser.	AD	Direct to website. <i>Excludes working documents</i>
Census	Website	Corp. Ser.	AD	Direct to website.
Council Remuneration	Website	Payroll	RD	Direct to website.
Election Results	Website	Corp. Ser.	AD	Direct to website.
Job Descriptions	County Office	Corp. Ser.	RD	Direct to Payroll. <i>Excludes employee names.</i>
Legal or other information subject to solicitor-client privilege or otherwise protected by FOIP	County Office	FOIP Coordinator	FOIP	Direct to FOIP Coordinator. <i>Subject to FOIP exclusions redaction of information/non-disclosure.</i>
Media Relations - Advertisements - Notices - Publications	Website	All Depts.	AD	Direct to website or responsible department.
Permits - Development - Building - Gas/Plumbing/Electrical	County Office	P & D	RD FOIP	Information can be released to the property owner. Third party requests limited to name and nature of permit.
Planning Applications - Public Hearing	Website	P & D	AD RD	Applications and discussion during public meetings are public information. Included in Council minutes.
Planning Documents - Statutory Plans - Zoning Bylaws	Website/ County Office	P & D	AD	Direct to website. <i>Excludes drafts and working documents.</i>
Plans and Studies - Strategic Plans - Area Structure Plans - Municipal Development Plan	Website	All Depts.	AD	<i>Excludes draft and working documents</i>
Policies & Procedures	Website	Corp. Ser.	AD	Direct to Website. <i>Excludes draft or working documents and internal policies and procedures.</i>

Property/Land Files - Compliance Certificates	County Office	P & D FOIP Coordinator	RD FOIP	Owner or authorized agent may review redacted file. Refer to FOIP Coordinator if requested by third party.
Property Taxes - Roll Numbers - Landowner's Name - Legal Description - Tax Rates - Statement of Taxes Paid	Website RD Website County Office	Tax All Depts. Tax	AD RD	Direct to WebMap. Provided if requestor has legal description. Cannot be provided if requestor only has landowner's name. Direct to website. Only provided to property owner or authorized agent.
Receipts	County Office	Corp. Ser.	RD	Receipts are provided to payee or account holder only.
Utility Rates	Website	Utilities	AD	Direct to website.