



*The Corporation of the Municipality of Wawa
Staff Report*

Clerk

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| Prepared For: Council | Report No.: CC 2021-11 |
| Agenda Date: December 14, 2021 | File No.: BL |

Subject

The Municipality of Wawa provides government records and information to the public in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Council and staff recognize that not all requests for information needs to be handled through the formal MFIPPA process. Staff feel it prudent to establish a policy to assist all staff in determining what records may be disclosed as a routine disclosure and to further provide tools and strategies for determining what records would be covered under the policy.

List of Stakeholders

The list of Stakeholders includes:

- The Municipality of Wawa
- All Departments within the Municipality of Wawa
- Mayor and Council

Summary of Recommendation

RESOLVED THAT Council of the Municipality of Wawa hereby:

1. Receive the Clerk's Report as information regarding the new Routine Disclosure and Active Dissemination Policy.
2. Adopt the new Routine Disclosure and Active Dissemination Policy at the next Regular meeting of Council.

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| Respectfully Submitted By: Cathy Cyr Clerk | Reviewed By: Maury O'Neill CAO-Treasurer |
| Name/Signature/Title  | Supervisor's Name/Signature/Title  |

Background

Earlier this year the Municipality of Wawa engaged the Municipal Government Wayfinders firm to provide Council with a municipal transformation study and resulting strategic plan.

Through the course of the transformation review the consultants identified concerns pertaining to routine disclosures and active dissemination of information (Topic AC-05). The consultants identified that access to information pursuant to the Municipal Freedom of Information and Protection of Privacy Act can be draining on staff. The Information and Privacy Commissioner recommends that communities develop a Routine Disclosure (RD) Policy so that front-line staff are aware of the records that are classified as RD or active dissemination.

The Municipality of Wawa is committed to increased transparency in communication throughout a number of means, including the principles of MFIPPA and the Information and Privacy Commissioner. The implementation of a Routine Disclosure and Active Dissemination Policy will assist the Municipality continuing to cultivate such transparency. In order to improve public access to records and information, as well as increase transparency, this policy will establish principles for the release of records and information without requiring the submission of a Freedom of Information (FOI) Request. The Municipality is dedicated to identifying efficient and cost-effective ways to provide the public with greater access to information.

The key to MFIPPA is that information should be available to the public and that necessary exemptions from the right of access should be limited and specific, a principle which is reinforced by the Information and Privacy Commissioner's publication entitled, "Access by Design (Schedule Two)", which encourages access as a default standard.

Analysis

The purpose of this policy is to enhance access to records and information, make the public aware of their rights to access information, simplify access where possible and spend FOI staff time and resources on more complex requests. The Municipality is dedicated to implementing a culture of openness through this policy and is encouraging more open and responsive relationship between the Municipality and the public it serves. By making the public and staff more aware of the types of information that can be routinely disclosed without a formal access request under MFIPPA and ensuring accountability for routine disclosure, it is expected the public will have greater access to Municipal information and in a timely manner and far less formal that a FOI can often provide.

Accessing Records

There are three (3) ways that the public may access records under the custody and control of the Municipality of Wawa, and they are as follows:

1. Active Dissemination
2. Routine Disclosure
3. Freedom of Information Request

What is Active Dissemination?

Active Dissemination is the practice of release of government records in the absence of a request, these types of records are release proactively and usually include general records or statistics. The Municipality of Wawa is very active in their approach and have many such records that are publicly available on its website, through public access on CivicWeb; Council and Committee minutes, agendas, resolutions, reports to Council and Committee, by-laws, budget documents and many other general municipal information.

What is Routine Disclosure?

Routine disclosure is the routine or automatic release of certain types of administrative and operational records in response to informal rather than formal requests under MFIPPA, where sections 6-13 and 15 of MFIPPA would not apply. Having a Routine Disclosure Policy in place ensures that there is a balance between the ease of access to information and the protection of privacy and confidential information. The Municipality of Wawa is committed to and is required to continue its adherence to the requirements of MFIPPA in respect to exemptions to disclosure of Personal Information, Third Party information, and other confidential information. It should noted that Routine Disclosure is not to be used to generate records in order to respond to a request for information and only applies to records that are in the custody and control of the Municipality.

When would a FOI Request Form be required?

Records that do not qualify for Active Dissemination or Routine Disclosure would have to be formally requested through the FOI process and are governed by MFIPPA.

What are the Benefits of a Routine Disclosure Policy?

Having a Routine Disclosure Policy in place is beneficial as it allows the Municipality to:

- Make more of the Municipality's records available to the public and in an easier manner;
- Streamline access to information;
- Provide greater accountability and transparency in its day-to-day operations;
- Ensure a balance between providing greater access to information while at the same time protecting personal and confidential information; and
- Reduce staff time in responding to formal requests for information and the increase of staff involvement it creates, resulting in greater cost efficiencies.

Upon Council's approval of this policy, it will be communicated to the general through the Municipality's website. The Clerk will work with all municipal departments to communicate how this affects individual departments and their subsequent records.

Financial Impact

No financial impact.

Attachments

1. Routine Disclosure and Active Dissemination Policy
2. Access by Design – the 7 Fundamental Principles