

Staff Report to Council

Title: Routine Disclosure and Active Dissemination Policy

Report Number: Legislative Services-2024-14

Director: Corporate Services

Manager: Legislative Services

Meeting Date:
Wednesday, June 26, 2024

Date to be considered by Council:
Wednesday, June 26, 2024

Recommendation:

That Council adopt the Routine Disclosure and Active Dissemination Policy.

Executive Summary:

The implementation of the Routine Disclosure and Active Dissemination Policy will assist Council, staff, and the public in understanding what records may be disclosed as routine disclosure upon request and what ones will be actively disseminated through various means such as the website and local news outlets on a regular basis. Overall, this will assist the Municipality to improve information about public access to records as well as increase transparency.

Strategic Priorities:

D.15-Serve, communicate, collaborate and engage with the community to build trust and confidence in municipal services, Council and staff

Financial Considerations:

There are no new financial considerations with this draft policy, as the consideration and determination of records for active dissemination will be taken on within the existing staff complement.

Policy:

Municipal Freedom of Information and Protection of Privacy Act

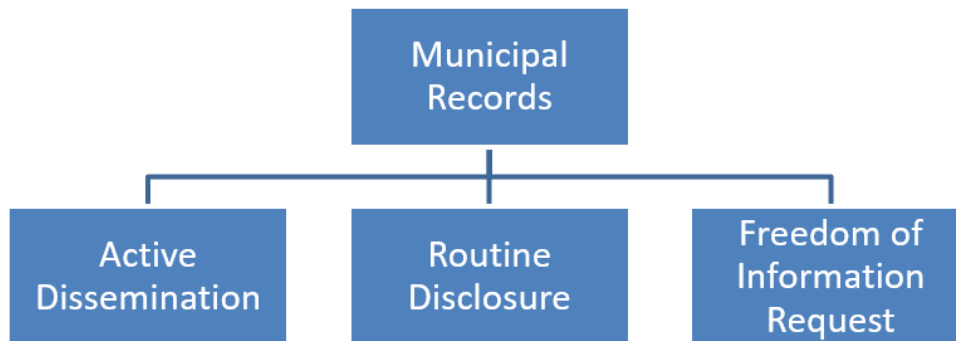
Context and Background Information:

Adhering to the principles of the MFIPPA and the Information and Privacy Commissioner of Ontario, the Municipality of Kincardine is committed to increased openness and transparency.

Daily, municipal staff disseminate information through active dissemination, routine disclosure, and freedom of information requests.

The purpose of this policy is to codify and enhance Council, staff and the public's understanding and awareness of their rights to access information, simplify access where possible, and to increase transparency.

There are three (3) ways that the public may access records under the custody and control of the Municipality of Kincardine.



Active Dissemination

Active dissemination is the practice of releasing on a routine basis municipal records in the absence of a request. These types of records are released proactively and usually include general records or statistics. The Municipality of Kincardine is very active in their approach and have many such records that are publicly available on our website, social media, local news outlets, etc. Examples of items that are routinely disclosed are Council and Committee agendas and minutes, resolutions, reports to Council, by-laws, and general municipal information.

The Municipality has recently added a [Municipality of Kincardine By-law Directory](#) to our website. Council and the Public and can view current and historic by-laws online.

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 request under MFIPPA, where the exemptions of MFIPPA would not apply. Having this policy in place ensures that there is a balance between the ease of access to information and the protection of privacy and confidential information. Routine disclosure is not used to generate records and only applies to records that are in the custody and control of the Municipality. They may also be restricted to who can view the documents (e.g. to protect personal information and privacy), when the documents can be viewed, and certain fees that may be applied.

To ensure we protect personal information, if an individual requests records or information pertaining to themselves or their property through routine disclosure, Staff shall confirm their identity through government issued photo identification prior to releasing the records.

Freedom of Information Request (FOI)

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. Form more

information regarding the Municipality's FOI process please visit:
<https://www.kincardine.ca/our-services/freedom-of-information/>

Benefits

Although the Municipality currently discloses and disseminates information as laid out in this policy, having a written policy will help to:

- demonstrate that the Municipality's records are available to the public in a simplified manner;
- assist in streamlining access to information;
- provide greater accountability and transparency in the municipality's day to day operations;
- ensure a balance between providing access to information while at the same time protecting personal and confidential information; and
- potential reduction in staff time in responding to formal requests for information.

Consultation Overview:

All departments were consulted in creating the policy. Staff also consulted with the other municipalities and information from the Information and Privacy Commissioner of Ontario.

There has been a desire to see additional details regarding by-law enforcement orders published. This policy reflects current procedures until a more detailed review of the MFIPPA requirements of by-law enforcement records is completed.

Origin:

Staff initiative.

Implementation Considerations:

Upon Council's approval of this policy, it will be communicated to the public through the Municipality's website. The Manager of Legislative Services/Clerk and Records Management Clerk will work with Municipal Departments to communicate how this affects individual departments and Municipal records.

Risk Analysis:

The Municipality is responsible, through its Records and Information Management Policy, for facilitating good management of records under their custody and control throughout their life cycle. The risk of not codifying how records may be disseminated to the public would be that the Municipality will inadvertently disclose personal or confidential information and create a privacy breach that would be investigated by the Information and Privacy Commissioner of Ontario.

Attachments: Routine Disclosure and Active Dissemination Policy

Prepared by: Jennifer Lawrie, Manager of Legislative Services/Clerk

Submitted by: Jennifer Lawrie, Manager of Legislative Services/Clerk