

## OPERATIONAL POLICY

<b>Policy Title:</b>	<b>Applies to:</b>	<b>Reference #</b>
Access to Information	All employees and contractors	2015-OCCOP-P0002
<b>Approved by:</b>	<b>Dates:</b>	<b>Total # of Pages</b>
Executive Leadership Team	<b>Effective:</b>	01-May-2015
	<b>Last Review:</b>	01-Jan-2018
	<b>Next Review:</b>	01-Jan-2020
<b>Authority:</b>		
<i>The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)</i>		
<b>Responsibility:</b>		
Corporate Information Governance, Office of the City Clerk		

### 1.0 Purpose

The City of Regina (“the City”) recognizes the right of access by the public to information in the possession or under the control of the City and is committed to fulfilling its obligations under *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.

The purpose of this policy is to establish appropriate controls and guidelines around providing access to information as required to carry out the City’s statutory obligations pursuant to LA FOIP and the City’s legitimate business and public interest mandates, including the principles of Open Government: transparency, accountability, accessibility and participation.

### 2.0 Scope

This policy applies to all City employees and contractors.

### 3.0 Definitions

***Access and Privacy Team (APT)*** – includes Privacy & Freedom of Information Officers located in Corporate Information Governance, Office of the City Clerk.

***Access to Information Request*** – The formal process by which an individual may request access to City of Regina information under the provisions of LA FOIP.

***Applicant*** – any individual who requests access to a record under *LA FOIP*.

***Contractor*** – an individual or company hired to work on behalf of the City.

***Exemption*** – a mandatory or discretionary provision under *LA FOIP* that authorizes the Head of the City to refuse to disclose records, or, in some cases, acknowledge the existence of records, in response to a request.

**Formal Request** – a request for access to information, made in writing or presented on the prescribed Access to Information Request Form that states the applicant wishes to make application under LA FOIP. A formal request may also be triggered when an informal request involves information which:

- Is deemed to be sensitive in nature.
- Contains personal, confidential or third party information requiring assessment and possible redaction prior to release.
- Is large in volume.
- Will take considerable time (more than 1 ½ hours or cost more than \$50) to locate and compile.

Formal requests are handled by the Access & Privacy Team, Corporate Information Governance.

**Head** – the City Clerk, delegated by the Mayor.

**Informal Request** – a request for information which:

- Is public.
- Can be easily accessed and provided at the department level.
- Will take minimal time (up to 1 ½ hrs or cost less than \$50) to locate, compile and prepare for release.

Typically, informal requests are handled by the department responsible for the information. On occasion where a request is not able to be handled at the department level, the Access & Privacy Team may assess the request and respond to the applicant, or recommend the request be escalated to the formal access to information process.

**Information** – what a record contains. It is also a term used to refer to the content of electronic databases or applications. Regardless of the form, all recorded information in the possession or under the control of the City is a record.

**IPC** – the Saskatchewan Office of the Information and Privacy Commissioner.

**LA FOIP** – *The Local Authority Freedom of Information and Protection of Privacy Act.*

**Personal Information** – may include but is not limited to information about an individual's: race; religion; family status; age; birthdate; place of origin; employment or criminal history; financial information; health services number; driver's license number; social insurance number; home address or telephone number. Personal information may also include the views or opinions of someone about that person or information about the physical or mental condition of an individual.

**Privacy** – is the protection of personal information.

**Record** – means a record of information in any form and includes information that is written, photographed, recorded, digitized or stored in any manner, but does not include computer programs or other mechanisms that produce records.

Note: The term freedom of information request and the acronym FOI are also terms used to describe an access to information request.

## 4.0 Policy

LA FOIP and *The Cities Act* determine the City's obligations to provide access to information in the City's possession or under its control. Every City employee and contractor with access to City

information, as a result of their employment or contract with the City, is responsible for managing that access in accordance with this policy.

#### **4.1 Access to Information**

Pursuant to LA FOIP, an individual has the right to request access to any information in the possession or under the control of the City.

The City has a duty to assist in providing as much information as possible to the applicant while ensuring personal, confidential and third party information is protected in accordance with LA FOIP.

#### **4.2 Requests**

Informal requests are typically handled by the business area responsible for the information, in consultation with the APT as necessary.

Formal access to information requests must be in writing, are handled by the APT and must be transferred to the APT immediately on receipt (legislative timelines are outlined under LA FOIP). The name of the applicant making the request is personal information; requests must be handled confidentially.

Formal access to information requests are subject to an application fee, pursuant to LA FOIP.

Processing fees are determined in accordance with LA FOIP *Regulations*.

The City will process the access to information request with complete, accurate and timely responses in accordance with LA FOIP.

Employees shall assist the APT as necessary in obtaining information responsive to access to information requests in accordance with the timelines legislated under LA FOIP.

#### **4.3 Exemptions**

LA FOIP provides for the protection of certain information. There are mandatory and discretionary provisions under LA FOIP authorizing the Head to refuse to disclose records, and, in some cases, the existence of records, in response to an access to information request.

When determining whether to apply discretionary exemptions the Head will exercise good faith in balancing the legitimate business or legal concerns of the City and the principles of Open Government.

#### **4.4 Reviews**

An applicant who is not satisfied with how the City has processed an access to information request may apply to the Saskatchewan Office of the Information and Privacy Commissioner (IPC) for a review of the matter.

The City will cooperate with the IPC in the conduct of the review.

The City will work with the IPC, the applicant, and any third parties to come to an amenable review result, whenever possible.

The Head will determine whether to comply or not comply with any recommendations of the IPC following a review, with regard for the requirements of LA FOIP, the public interest, mandate of the City and the principles of Open Government.

If the applicant and/or third party are not satisfied with the Head's decision to comply or not comply with the recommendation of the IPC, they may appeal that decision to the court. The decision of the court is binding.

#### **4.5 Open Government**

The City is committed to supporting the concepts of transparency, accountability, accessibility and participation and as such is committed to proactively providing information through its Open Government Program. Open Government consists of three pillars: Open Information, Open Data and Open Engagement.

- *Open Information* can be achieved with proactive release of City information to enhance internal information sharing and public access to access to information requests made under *LA FOIP*.
- *Open Data* occurs when a government institution posts internal data sets, in a machine-readable format, for free public consumption.
- *Open Engagement* provides the public with ease of access to information as well as a platform for open dialogue. Open Engagement tools, including social media such as Twitter, YouTube and Facebook, enhance the engagement experience.

#### **5.0 Roles & Responsibilities**

City Clerk is responsible for:

- Corporate information, including personal information at the City of Regina.

Manager of Corporate Information Governance is responsible for:

- Providing guidance with respect to this policy and ensuring this policy is maintained.

Access and Privacy Team is responsible for:

- Receiving and handling all access to information requests including the application of all exemptions.
- Leading the Open Government Program and providing guidance to the corporation.

Employees are responsible for:

- Compliance with this policy and related procedures and guidelines.

#### **6.0 Related Forms**

Access to Information Request form

## 7.0 Reference Material

*The Local Authority Freedom of Information and Protection of Privacy Act*  
 Privacy Policy #2015-OCCOP-P0001  
*The Cities Act*

## 8.0 Revision History

Date	Description of Revision	Authorized By	(Re)-Approval Required (y/n)
01-05-2015	Initial Release	ELT	No
01-05-2016	Scheduled Review	CLO & CC	Yes
01-05-2017	Review	CC	No
01-11-2017	Revision	CC	No
01-01-2018	Revision	CC	No