

TOWN OF DIDSBURY
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY BYLAW
BYLAW 2018-06

WHEREAS, in accordance with the Municipal Government Act, S.A. 1994, Chapter M-26.1, as amended and pursuant to Section 89 of the *Freedom of Information and Protection of Privacy Act, S.A. 1994, c.F-18.5*, an Applicant has the right to access their own personal information and other municipal records, unless there is a reason why the information should not be disclosed; and

WHEREAS, in accordance with the said Act, upon request of any personal information in the possession of the municipality must be provided within a reasonable time and pursuant to Sections 87 and 89 of the *Freedom of Information and Protection of Privacy Act*, the Town of Didsbury may set any fees payable to the Municipality for services under the Act and Regulations;

WHEREAS, in accordance with the said Act, a written appeal may be made to the Town Council;

NOW THEREFORE, the Council of the Town of Didsbury in the Province of Alberta, in council duly assembled hereby enacts as follows:

PART I

Bylaw Title

1. This Bylaw shall be cited as the “Freedom of Information and Protection of Privacy Bylaw”

PART II

Purpose of Bylaw

1. The purpose of this bylaw is to facilitate access to information in the possession of the Town and to ensure personal information is protected from unauthorized collection, use or disclosure.
2. The Town acknowledges that:
 - a) Information has value and can also be marketable asset managed by the Town; and
 - b) It is the responsibility of the Town, to consider provision of information routinely requested via Active Dissemination or Routine Disclosure
 - c) It is the responsibility of the Town, through its employees to, respond to persons requesting information as quickly and conveniently as possible, unless there are clear and reasonable grounds to withhold the information based on the record classification.

3. For the purpose of the *Act*, the Chief Administrative Officer is designated as the Head of the Municipality.
4. The Head of the Municipality of Didsbury is hereby authorized to delegate to the Manager of Planning and Development Services any duty, power or function of the Head except the power to delegate.

PART III

Definitions

1. **Act** means the *Freedom of Information and Protection of Privacy Act*
2. **Active Dissemination:** routine disclosure of information by the municipality in bulk quantities. Records the municipality provides for the public on a regular basis.
3. **Appeal:** the process available to an Applicant when Request to Access Information is not provided or refused or rejected. (*See section on Appeals*).
4. **Applicant** means a person who makes a request for access to a record under section 7(1) of the Act;
5. **Council** is the Council of Didsbury.
6. **Error:** mistaken or wrong information, or information not reflecting the truth.
7. **Exempt Information:** as defined in PART VII of this Bylaw.
8. **Formal Requests:** see "Requests" in PART V of this Bylaw.
9. **Freedom of Information and Protection of Privacy (FOIP) Coordinator:** is the Chief Administration Officer for the purposes of the Freedom of Information and Protection of Privacy Act (pursuant to Section 89). The Chief Administrative Officer may delegate the duties for the Freedom of Information and Protection of Privacy Act.
10. **Informal Request:** see "Requests" in PART V of this Bylaw.
11. **Municipality** means the Town of Didsbury and includes any board, committee, commission, panel, agency or corporation that is created or owned by the Town of Didsbury and all the members or officers of which are appointed or chosen by the Town of Didsbury;
12. **Omission:** information in a record which is incomplete or missing or has been overlooked.
13. **Province:** means the Province of Alberta
14. **Record:** the information recorded in any form, including books, documents, maps, drawings, photographs, letter, vouchers and papers, and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any other mechanism that produces records, except as this term may otherwise be defined in the Freedom of Information and Protection of Privacy Act from time to time.

15. **Refusal:** A request to Access Information which is rejected for one of the reasons permitted for rejection in this bylaw as determined by the Freedom of Information and Protection of Privacy Coordinator.
16. **Rejection:** A request to Access Information which is rejected for one of the reasons permitted for rejection in this bylaw as determined by the Freedom of Information and Protection of Privacy Coordinator.
17. **Requests:** Formal Requests related to information not routinely provided. These types of request require the completion of a "Request for Access to Information" form prior to release of the information.

Informal Request are requests for information, which the municipality routinely discloses or provides via Active Dissemination. Informal requests do not require the completion of a "Request for Access to Information" form.
18. **Route Disclosure:** release of specific information on a regular basis, without the requirement of completion of a "Request for Access to Information" form.
19. **Third Party Information Requests:** a request relating to a person, group or persons, or an organization other than the applicant or the Town. This information may directly impact, involve, or belong to the originating party, and cannot be released without the originating party's permission.

PART IV

Right to Information

On request pursuant to "Requests" of this bylaw, provided the Applicant pays the applicable fees as set out in the Town of Didsbury Rate Bylaw 05-12 as per Section 93 of the Act. Each applicant has a right to:

- a) Access a Record that is in the possession of the Town;
- b) View a Record in the possession of the Town;
- c) Request copies of a Record that is in the possession of the Town;
- d) Request corrections to personal information maintained by the Town; and
- e) Receive a copy of a Record maintained by the Town in a format that is reasonably available, unless the Record is Exempt information pursuant to this bylaw.

Fees may be assessed for:

- a) Searching for, locating and retrieving records;
- b) Computer processing and programming;
- c) Producing a copy of a record;
- d) Preparing and handling a record for disclosure;
- e) Shipping records to the applicant; and
- f) Supervising examination of records by an applicant.

PART V

Requests

1. There are various types of requests regarding information and depending on the request; there are various forms that may be required.
 - a) If the requested information may be obtained by Request to Access Information, any individual may request information by telephoning, writing or by visiting (in person), the department, office or organization where the Record is kept, and sufficient detail must be provided in the description to identify the Record required.
 - b) If the requested information must be obtained by Formal Request, or if the Town must determine if the requested information may be obtained by Formal Request or Informal Request or to enable the town to provide an estimate of the fees which will be required to obtain the Record, an Applicant will be required to complete a "Request for Access to Information" form.
 - c) Any applicant has the right to request information relating to a person, group or organization other than the Applicant or the Town, by completing a "Request for Third Party Information" form.
 - d) Any applicant who believes there is an Error or omission in their own personal information held by the municipality, may request a change to the personal information by completing a "Request for Correction of Personal Information" form as prescribed.
2. All formal requests to access Records held by the municipality, will be identified and tracked by the Town's Freedom of Information and Protection of Privacy Coordinator, and will be responded to within 30 days of receipt of the request.
3. Any questions or concerns regarding the release or access to information held by the Town or, an agent acting on behalf of the Town, or completion of a request form, may be directed to the Town of Didsbury FOIP Coordinator.

PART VI

Response to Requests

1. The FOIP Coordinator shall determine if a request is informal or formal as defined in the terms of this bylaw. If the FOIP Coordinator determines that the request for information is a formal request, the applicant will be required to complete a Request for Access to Information form as prescribed.
2. Provided the record requested is not for exempt information, if an employee is able to access the Record, within 30 days the applicant will be:
 - a) Provided with a written estimate of any fees that will be charged;
 - b) Allow to view the record; and

- c) If the record is reasonably capable of being copied, provided with a copy of the record requested, subject to payment of the applicable fees.
3. If the requested record cannot reasonably be accessed within 30 days of the date of receipt of the request, the applicant must be told where, when and how a copy of the record will be provided.
4. Pursuant to section 13(1) of the Freedom of Information and Protection of Privacy Act, the head of a public body may extend the time for responding to a request up to 30 days, or with the Freedom of Information and Protection of Privacy Commissioner's permission for a longer period.
5. If the application is refused or rejected, the Town shall provide the Applicant:
 - a) Written notification as to the reasons for the refusal or rejection and the provision on which the refusal is based.
 - b) An explanation of the appeal process.
 - c) The name, title, business address and business telephone number of an officer or employee of the Town who can answer any questions the applicant may have about the refusal.

The FOIP Coordinator may refuse to confirm or deny the existence of a Record containing information described in Section 17 or Section 19 of the Freedom of Information and Protection of Privacy Act or a record containing personal information about a third party if disclosing the existence of the information would be an unreasonable invasion of the third party's personal privacy.

6. The Town must respond in writing within 30 days of receiving a "Request for Correction of Personal Information" form stating:
 - a) A correction has been made; or
 - b) An annotation of linkage has been attached to the information linking the information with the correction that was requested and not made.
7. Applications may be:
 - a) Refused on the basis that:
 - i. The request did not meet the technical requirements as set out in this bylaw.
 - b) Rejected on the basis that:
 - i. The completed form or request was illegible;
 - ii. The Request to Access Information if exempt information;
 - iii. The request was considered vexatious or frivolous; or
 - iv. For any other reason provided for in the Freedom of Information and Protection of Privacy Act.

8. At any time, if information requested is scheduled for destruction, a copy of the written request, initialed by the Chief Administrative Officer, must be given to the Records Management Coordinator, who on receipt of the written request must delay the destruction of that information, until such time as;
 - a) The request has been granted;
 - b) The time for appeal under this bylaw has expired; or
 - c) Any appeal or review permitted pursuant to this bylaw or the Freedom of Information and Protection of Privacy Act is refused or rejected.

PART VII

Exempt Information

1. Exempt Information is formation:
 - a) Which may:
 - i. Be an unreasonable invasion of personal privacy;
 - ii. Cause financial harm;
 - iii. Threaten anyone else's safety of mental or physical health;
 - iv. Interfere with public safety; or
 - v. Harm law enforcement efforts.
 - b) Which is otherwise information which the FOIP Coordinator may refuse or be required to refuse to disclose pursuant to the provisions of the Freedom of Information and Protection of Privacy Act.
2. Advice or information given and deliberations or directions made at a private meeting or Council meeting, or a private meeting of a Council Committee, draft reports, draft resolutions or draft bylaws or other legal instruments unless they have been considered at a Council or Committee meeting open to the public or unless the record has been in existence for fifteen (15) years or more, are exempt information.
3. Information about assessments and taxes is exempt information, unless disclosure of such information is required or permitted under the Freedom of Information and Protection of Privacy Act or any other statute.

PART VIII

Appeals

1. If an Applicant is not satisfied with the response received from the Town's FOIP Coordinator regarding compliance, or any part of a Request to Access Information, an appeal can be sent to the Office of the Information and Privacy Commissioner of Alberta.

Office of the Information and Privacy Commissioner (Edmonton)
410, 9925 - 109 Street
Edmonton, Alberta T5K 2J8

Phone: (780) 422-6860
Toll Free: 1-888-878-4044
Fax: (780) 422-5682

2. A staff member of the Commissioner's office will arrange to mediate with the two parties to come to an agreement. If this process fails to satisfy the Applicant, then a formal inquiry will be held with the Commissioner.
3. The Commissioner's ruling is binding on both parties.

PART IX

Fees

1. Where an applicant is required to pay a fee for services, the fee payable is in accordance with the Freedom of Information and Protection of Privacy Regulation, AR 200/95, as amended from time to time or any successor Regulation that sets fees for requests for information from the Province.

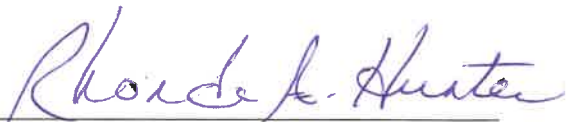
THIS bylaw comes into effect upon the date of the passing of the third and final reading and signing thereof.

Read a first time this 8th day of May 2018.

Read a second time this 8th day of May 2018.

Read a third time this 8th day of May 2018.

This Bylaw RESCINDS: Bylaw No. 2010-06.



Mayor



Chief Administrative Officer