



## TOWN OF OXBOW ACCESS TO INFORMATION POLICY

<p><b>Policy Number:</b> GG-2-19 <b>Date Passed:</b> September 23, 2019 <b>Resolution Number:</b> 219/19 <b>Date Last Reviewed:</b> September 23, 2019</p>
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### **Purpose of Policy:**

To comply with the *Local Authority Freedom of Information and Protection of Privacy Act* and Regulations.

The first main purpose of the *Local Authority Freedom of Information and Protection of Privacy Act* is to provide every person a right of access to records in the possession or under the control of a local authority, subject to certain exemptions.

The second main purpose of the *Local Authority Freedom of Information and Protection of Privacy Act* is to establish rules for the protection of personal information. Personal information is any information about an identifiable individual (e.g., race, religion, sexual orientation, family status, criminal or employment history, or opinions of another person about that individual), but does not include classification, salary, benefits or responsibilities.

The Office of the Information and Privacy Commissioner has concluded that public bodies in Saskatchewan have a duty to assist all applicants when they apply for access to records.

### **Records:**

The *Local Authority Freedom of Information and Protection of Privacy Act* defines a record as:

“a record of information in any form and includes information that is written, photographed, recorded or stored in any manner, but does not include computer programs or other mechanisms that produce records.” This means records received and/or produced in the course of work which are in the Town of Oxbow’s possession or control, and include word documents, spreadsheets, maps, drawings, photographs, letters, vouchers, papers, electronic and optical media, email, sticky notes, handwritten notes, journals/meeting books, etc. Records do not include published material or material that is available for purchase by the public, material that is a matter of public record, or archival material placed with the Town of Oxbow by the public.

### **Head:**

The *Local Authority Freedom of Information and Protection of Privacy Act* defines the Mayor of the Town of Oxbow as the head of the municipality, and as such, the head is accountable for all decisions, duties and obligations under the Act. The duties of the head are hereby delegated to the Chief Administrative Officer of the Town of Oxbow.

Requests for Access:

- Applications must be in the prescribed form (Appendix “A”) and accompanied by an application fee of \$20.00.
- A written response must be provided to each application within thirty (30) days.

The response may:

- Give access upon payment of any fees, as outlined in the Regulations;
- Refer the applicant to published records;
- Refuse access and state why the request is refused; or
- State that the record does not exist; and
- Will inform the applicant of the right to review by the Office of the Information and Privacy Commissioner.

The municipality must try to give access to as much of the record as possible. Informal disclosure is encouraged whenever appropriate, but the Town of Oxbow recognizes that there needs to be a balance between the right of access and the need to keep certain information confidential.

Exemptions in accordance with the Act will be considered before access to a record is given.

**Process:**

When a request is received:

1. The request is logged
2. A file is set up
3. The request is first examined under the following criteria:
  - a) Are the details of the request clear or will clarification be necessary? If clarification is necessary, the applicant is advised and invited to supply additional details.
  - b) Will fees be necessary to process the request?
    - Determine the effort required to comply with the request.
    - Determine whether the request will involve a lot of records.
    - Determine whether a search is necessary.
    - Determine the number of copies required to satisfy the request.

If it is determined that the fees will exceed \$100.00 then a cost estimate is necessary. The applicant must be given a fully detailed notice of the cost estimate and the Town may require a deposit of up to 50% of the estimate prior to providing the requested information. Total fees charged may not exceed the initial cost estimate. If the estimate exceeds the actual costs, the applicant only pays the actual costs.

4. The records are searched.
5. The records are reviewed, line by line, to ensure that disclosure exemptions are met.
6. For Full Disclosure records: two copies of the record are made (one for the applicant and one for the access request file).  
For Partial Disclosure records: the exempt information is severed, and two copies of the record are made (as indicated above).  
For Denied records: all applicable exemptions are recorded.  
  
The original severed document will not be sent to the applicant.
7. Legal opinion may be sought at this point to ensure compliance with the Act.
8. The appropriate notification letter is prepared.
9. The information is sent, either by mail or courier, to the applicant in an envelope marked Confidential".
10. The applicant has one year from the date of the final notification letter to request a review to the Office of the Information and Privacy Commissioner.