

Local Authority Freedom of Information & Protection of Privacy Policy

Policy No. 1.1.3

Date of Policy: June 12, 2017

Review: August 7, 2019

Motion Number: 10(b)(vi)
2020-297

June 8, 2020

Purpose:

The Town of Nipawin's operation is an open and transparent environment with every effort made to ensure information is accessible to the public and that personal information is protected.

Scope:

Town staff shall continue to provide information to residents through the traditional methods (verbal, website, newsletters, etc). Limited hard copies will be made available at no cost at the Town Office and public forums.

Requests for information requiring additional time and resources may be made through the *Local Authority Freedom of Information and Protection of Privacy Act*.

Protection of privacy relates to how the Town collects and handles the personal information of individuals with whom it does business, and how the Town collects handles the personal information of its employees.

- a) The Public is entitled to have access to all records in the possession of or under the control of the Town unless the record falls within one of the exceptions noted in the *Act*.
- b) Exceptions relate to records from other governments, law enforcement and investigations, advice from officials, solicitor/client privilege and third-party information.
- c) Some exceptions are mandatory, and the Town must refuse to give access to the particular record.
- d) Most exceptions are discretionary, and the Town may determine whether or not to release the information based on the likelihood of any clear and compelling harm resulting from the release of the record.
- e) The Town is not obligated to develop a record that does not exist, however requests for information will be authorized within the guidelines.

Policy:

Fees for Services *(In accordance with the Act):*

- a) An application fee of \$25.00 is payable at the time an application is made.
- b) Most requests take approximately 30 minutes of time searching for the record and preparing it for disclosure, which shall be included in the \$25.00 application fee. Where time in excess of 30 minutes is spent in searching for a record requested by an applicant or in preparing it for disclosure, a fee of \$15.00 shall be charged for each half-hour or portion thereof.
- c) The following fees are payable upon receipt of the information:
 - Photocopies: \$0.25 per page
 - Computer printout: \$0.25 per page;
- d) If it is estimated that the fees will be in excess of \$50.00, the applicant must be notified of the estimated amount and must authorize proceeding with the request.
- e) The charge for information shall be at the discretion of the Town of Nipawin's Chief Administrative Officer (the "CAO").
- f) All information requests are to be handwritten and signed, with a separate request for each document requested.
- g) Hard copies only shall be picked up at the Town Office – copies will not be provided by email, mail or fax.
- h) Should the requestor not be willing to pay for copies, then the Town shall provide space at the office for the applicant to review the requested document(s) while in the presence of a designated employee.

Information shall be provided within a reasonable time:

All requests for information must be responded to within 30 days by;

- a) Providing the requested information; or
- b) If, due to extenuating circumstances, it will take a further period of time, a provision for an extension of up to 60 days may be required. The individual requesting the information shall be advised of the extension required;
- c) If the access to information request is refused, the Town must advise the applicant of the reason for the refusal.

Appeals:

Denied access: Individuals shall be made aware that appeals can be made to the Saskatchewan Information and Privacy Commissioner (the “Commissioner”) for a review of the matter.

Inappropriate disclosure: Third parties who object to a decision by the Town to disclose information that affects the interests of the third party shall be made aware that the applicant can apply to the Commissioner for a review of the decision.

Language:

All documents will be available in English only.

Handling and Storage of Information

Breach or unauthorized release of information

The Collective Bargaining Agreement that exists between the Town of Nipawin and its Unionized employees will set the framework to govern instances where Union employees are deemed to have breached or released unauthorized information.

Management of Out of Scope employees, volunteers and board appointees who are deemed to have breached or released unauthorized information will be at the discretion of the CAO based on applicable legislation and the Town of Nipawin’s Code of Ethics Policy.

The Town of Nipawin’s Council Code of Conduct Policy and *The Municipalities Act* shall govern instances where any member(s) of Council are deemed to have breached or released unauthorized information.

Storage of Information

Employee Files

Employee files will be kept confidential and secure under lock and key and not accessible to the public or unauthorized staff. The keys will be kept by the Chief Financial Officer (CFO) or designate with files locked at all times and keys kept secure. Only the CAO (or designate), the CFO (or designate) or others authorized by the CAO shall have access to these files.

Requests to access personnel files by employees other than those listed above must be authorized by the CAO.

Collection and handling of Forms

All confidential Human Resource forms shall be secured by the Chief Financial Officer (or designate), under lock and key.

All Human Resource files shall be kept for a minimum of 14 years after the resignation, termination or retirement of the applicable employee.