

**By-Law No. 1245**

**Of the Town of Vulcan**

**In the Province of Alberta**

**A BY-LAW OF THE TOWN OF VULCAN IN THE PROVINCE OF ALBERTA, PURSUANT TO PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT, BEING CHAPTER M-26.1 OF THE REVISED STATUTES OF ALBERTA 1994 AND AMENDMENTS THERETO, AND THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT S.A. 1994, Chapter F-18.5 TO PROVIDE REGULATIONS AND PROCEDURES FOR THE PROVISION OF INFORMATION AND THE PROTECTION OF PRIVACY.**

**WHEREAS**, in accordance with the Municipal Government Act, S.A. 1994, Chapter M-26.1, as amended and the Freedom of Information and Privacy Protection Act, S.A. 1994, Chapter 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**, pursuant to Section 89 of the Freedom of Information and Protection Act S.A./ 1994, Chapter F-18.5, the Municipality of the Town of Vulcan must designate a person or group of persons as the head of the Municipality for the purposes of the Act;

**AND WHEREAS**, in accordance with the said Act, upon request of any person, information in the possession of the municipality must be provided within a reasonable time and on payment of a reasonable fee.

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

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

**PART I: BYLAW TITLE**

1. That bylaw shall be known as the "Access to Information" 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 correct and protected from unauthorized collection, use or disclosure.
2. The Town Council in recognition of it's obligation under the Act appoints the Municipal Administrator as the "Head" of the Municipality for the purpose of the Freedom of Information and Protection of Privacy Act S.A. 1994, Chapter F-18.5.
3. The Town acknowledges that:
  - a) it is the responsibility of the Town, to consider provision of information routinely requested via **Active Dissemination or Routine Disclosure**
  - b) 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.

### PART III: DEFINITIONS

**Active**

**Dissemination:** Records the municipality provides for the public on a regular basis.

**Appeal:** the process available to an Applicant when information requested is not provided or refused or rejected.

**Applicant:** the individual making a request for information in accordance with this bylaw.

**Chief Administrative**

**Officer:** the Town of Vulcan Municipal Administrator, as appointed pursuant to the Municipal Government Act.

**Town:** the Municipal Corporation of the the Town of Vulcan

**Council:** the Council of the Town.

**Exempt**

**Information:** as defined in PART VII of this Bylaw.

**Formal**

**Request:** see "requests"

**Freedom of Information and Privacy**

**Coordinator:** is the Town Municipal Administrator for the purposes of the Freedom of Information and Protection of Privacy Act (pursuant to Section 89). The Town Municipal Administrator may delegate the duties for the Freedom of Information and Privacy Coordinator.

**Informal**

**Request:** see "requests"

**Master System**

**Plan:** the approved Town of Vulcan records and retention bylaw, outlining, codes, retention periods, access and final disposition.

**Omission:** information in a Record which is incomplete or missing or has been overlooked.

**Record:** information recorded in any form, including books, documents, maps, drawings, photographs, letters, 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.

**Refusal:** an information request which is refused by the Town as a consequence of failure to meet the technical requirements as set out in this bylaw.

**Rejection:** an information request which is rejected for one of the reasons permitted for rejection in this bylaw as determined by the **Freedom of Information and Privacy Coordinator**.

**Requests:** **Formal Requests** relate to information not routinely provided. These types of requests require the completion a "Request for Access to Information " form, prior to release of the information.

**Informal Requests** 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.

**Routine**

**Disclosure:** release of specific information on a regular basis, without the requirement of completion of a "Request for Access to Information" form.

**Third Party Information**

**Requests:** a request for information 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 not be released without the originating party's permission.

**PART IV: RIGHT TO INFORMATION**

1. On request pursuant to Part V of this bylaw, provided the Applicant pays the applicable fees as set out in Appendix A, 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.

**PART V: REQUESTS**

1. Types of requests regarding information and forms that may be required.
  - a) If the requested information may be obtained by **Informal Request**, any individual may request information by telephoning, writing or by visiting (in person), the town office 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.
2. All formal requests to access **Records** held by the municipality, will be identified and tracked by the Town's **Freedom of Information and 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's **Freedom of Information and Privacy Coordinator**.

#### **PART VI: RESPONSE TO REQUESTS**

1. The **Freedom of Information and Privacy Coordinator** shall appoint one or more Town employees to receive a request for information. That appointed employee shall determine if the request is an **Informal** or **Formal Request** as these terms are defined in this bylaw. If the appointed employee determines that the request for information is a **Formal Request**, then the appointed employee shall require the Applicant to complete a **Request for Access to Information Form**.
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) allowed 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 fee.
3. If the requested **Record** cannot reasonably be accessed within 30 days of the 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**.

Notwithstanding the foregoing the **Freedom of Information and Privacy 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 or 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 <sup>1</sup>on the basis that:
    - i) the request did not meet the technical requirements as set out in this bylaw.
  - b) rejected if:
    - i) the completed form or request was illegible;
    - ii) the information requested is **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 information
- a) which may:
    - i) be an unreasonable invasion of personal privacy;
    - ii) cause financial harm;
    - iii) threaten anyone else's safety or mental or physical health;
    - iv) interfere with public safety; or
    - v) harm law enforcement efforts.
  - b) which is otherwise information which the **Freedom of Information and Privacy 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 of Council, 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. An Applicant may appeal to Council from a **Refusal** to provide a **Record** or a **Rejection** of an application by serving to the Town Administrator a written notice:
- a) within 15 days of receiving a written notice of delay, **Refusal** or **Rejection of the application**; or
  - b) within 60 days of requesting the **Record** if no written notice of delay, **Refusal** or **Rejection** is received.

2. Grounds for an appeal are:
  - a) that the released **Record** was not complete; or
  - b) that the **Record** was withheld without reason being stated; or
  - c) that the reason for withholding the **Record** was insufficient or wrong.
3. council may only consider an appeal if:
  - a) the persons to whom the information relates and the persons who would be affected by the release of the information have been notified; or
  - b) all possible attempts have been made to notify the Applicants of the appeal.
4. Appeals filed that meet the requirements of this section, will be heard at a regularly scheduled meeting of Council within 60 days after receipt by the Town.
5. Any Applicant filing an appeal will be notified of the hearing, and may be asked to make a presentation or to respond to questions from Council.
6. If an individual who receives notice of the hearing cannot attend, they may authorize, in writing, someone else as agent to attend on their behalf.
7. Council may decide to hear presentations and ask questions of each presenter separately and in private.
8. Council may proceed with the hearing in the absence of the Applicant or any other person who has received notice of the hearing if Council determines that all reasonable attempts have been made by the Town to notify the applicant or any other individual of the hearing.

#### **PART IX: DECISIONS OF COUNCIL**

1. At the appeal hearing, Council may:
  - a) hear the Applicant and any other person that Council determines has relevant information for the hearing; and
  - b) determine that all or part of the **Record** requested shall be made available, and in what format; and
  - c) permit the designated officer a further 30 days to make the **Record** available; or
  - d) determine that the **Record** shall not be disclosed; or
  - e) make any other decision that it considers reasonable and justifiable in the circumstances, including refund of appeal fees.
2. Subject to the right to review by the commissioner as set out in Freedom of Information and Protection of Privacy Act, Council's decision is final, and shall be written in the official minutes of the meeting. The decision shall be available from the Town Office within 30 working days after the hearing is completed.

#### **PART X: FEES**


1. Administrative fees as established in Schedule A "Fees Schedule" shall be charged before an Applicant is entitled to receive the requested information.

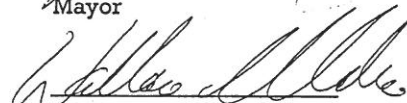
THIS By-Law shall come into force and have effect upon it being read a third time and passed.

**READ** a first time this 27<sup>th</sup> day of September, 1999.

**READ** a second time this 27<sup>th</sup> day of September, 1999

**READ** a third time by unanimous consent of the Councillors present and finally passed this 27<sup>th</sup> day of September A.D. 1999.

  
Mayor

  
Municipal Administrator

**"Schedule A"**

**Freedom of Information and Protection of Privacy Act: Fees  
Schedule**

1	For locating and retrieving a record	\$6.75 per ¼ hr.
2	For producing a record from an electronic record	
	(a) Computer processing and related charges	Actual amount charged to public body
	(b) Computer programming	\$10.00 per ¼ hr
3	For preparing and handling a record for disclosure	\$6.75 per ¼ hr
4	For supervising the examination of a record	\$6.75 per ¼ hr
5	For shipping a record or a copy	Actual amount incurred by public body
6	For copying a record:	
	(a) photocopies, hard copy laser print and computer printouts	\$0.25 per page
	(b) floppy disks	\$10.00 per disk
	(c) computer tapes	\$55.00 per tape
	(d) photographs (colour or black and white from negative)	
	(i) 4" x 5"	\$10.00
	(ii) 5" x 7 "	\$13.00
	(iii) 8" x 10"	\$19.00
	(iv) 11" x 14"	\$26.00
	(v) 16" x 20"	\$40.00
	(e) plans and blueprints	\$0.50 per sq. ft
	(f) duplication of slide	\$2.00 per slide
	(g) any other media not listed above	Actual cost to public body