
TOWN OF LEADER

Access to Information Policy

PURPOSE

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

SCOPE

This policy applies to all Town employees and contractors.

DEFINITIONS

“Access to Information Request” means the formal process by which an individual may request access to Town of Leader information under the provision of *The Local Authority Freedom of Information and Protection of Privacy Act*. The term freedom of information request and the acronym FOI are also used to describe an access to information request.

“Applicant” any individual who requests access to a record under LA FOIP.

“Confidential Information” means information that is meant to be kept private or shared with only certain parties for certain purposes. Confidential information may include personal information and information of a sensitive nature which may be, but is not limited to, third party/proprietary/commercial information.

“Contractor” an individual or company retained under a contract to perform service for the Town.

“Duty to Assist” is the Town’s obligation to provide assistance to an applicant including responding to a request for access openly, accurately and completely.

“Duty to Protect” is the Town’s obligation to protect the integrity, accuracy and confidentiality of the personal information in its possession or under its control.

“Employee” is an individual employed by the Town, including an individual retained under a contract to perform services for the Town.

“Exemption” means a mandatory or discretionary provision under *The Local Authority Freedom of Information and Protection of Privacy Act* that authorizes the Town to refuse to give access to information contained in record, or, in some cases, to refuse to acknowledge the existence of record, in response to a request.

“Formal Request” means 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 *The Local Authority of Freedom of Information and Protection of Privacy Act*.

“Head” is the Town Chief Administrative Officer, delegated by the Mayor.

“Informal Request” means a request for information, which is general in nature, can be easily accessed in a minimal amount of time and can typically be handled by the department responsible for the information.

“Information” is what a record contains. It is also a term used to refer to the content of an electronic database or application. Regardless of the form, all recorded information in the possession or under the control of the Town is a record.

“LA FOIP” means *The Local Authority of Information and Protection of Privacy Act*.

“Personal Information” is recorded information about an identifiable individual which 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; email address or telephone number; physical or mental condition of an individual; an individual’s personal views or opinions except where they are about another individual.

“Privacy” means the right to keep certain information private; freedom from unauthorized access to, use, or disclosure of one’s personal information.

“Record” is 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.

“Third Party” mean a person or company other than the Town.

POLICY

LA FOIP and *The Municipalities Act* determine the Town’s obligations to provide access to information in the Town’s possession or under its control.

Every Town employee and contractor with access to Town information, as a result of their employment or contract with the Town, is responsible for managing that information in accordance with this policy.

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 Town.

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

Formal and Informal Requests: Informal requests are typically handled by the Town Office Staff.

An applicant who wishes to make a formal request under *The Local Authority Freedom of Information and Protection of Privacy Act* completes the Access to Information Request Form available on the Town of Leader website or makes a request in writing stating the request is being made under LA FOIP.

The applicant sends the request confidentially to the Chief Administrative Officer, Town of Leader, Box 39, Leader, SK SON 1H0; or may contact the CAO by email at admin.leader@sasktel.net.

Formal requests are handled by the CAO. In the event a request arrives in any other area of the Town or is delivered in person, the request must be transferred to the CAO confidentially and immediately on receipt.

A formal access to information request is subject to an application fee of \$20.00, pursuant to LA FOIP.

Processing fees are determined in accordance with *The Local Authority Freedom of Information and Protection of Privacy Regulations*.

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

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

Duty to Assist: The Town has a duty to provide assistance to an applicant including to respond to a request for access openly, accurately and completely; to provide an explanation of any term, code or abbreviation used in the information, or to refer an applicant to a person who is able to supply an explanation if the Town is unable to do so.

Duty to Protect: The Town has a duty to protect the integrity, accuracy and confidentiality of the personal information in its possession or under its control including to protect against any reasonably anticipated threat or hazard, loss or unauthorized access to or use, disclosure or modification.

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 give access to information contained in a record including refusal to confirm or deny the existence of a record, 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 Town and the principles of Open Government.

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

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

The Town 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 Town 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.

Open Government: The Town 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 disclosure of Town information to enhance internal information sharing and public access.
- *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.

ROLES & RESPONSIBILITIES

The Chief Administrative Officer is responsible for:

- Corporate information, including personal information at the Municipality of residents and employees.
- Providing guidance with respect to this policy and ensuring this policy is followed.
- Receiving and managing all access to information requests including the application of all exemptions and working with the IPC when a review is undertaken.

Employees are responsible for:

- Forwarding all access requests to the CAO.
- Assisting with the search for responsive records.
- Compliance with this policy and related procedures and guidelines.

PUBLIC RIGHT TO INSPECT

The Public has a right to inspect any of the documents listed below. A Request for Access is not needed nor shall the application fee of \$20.00 be charged. Copies must be presented in a reasonable time and a fee, as approved by Council, may be charged to cover administrative costs. (s.117 MA)

- Any contract approved by Council, any bylaw or resolution, and any account paid by the Council relating to the municipality;
- Public Disclosure Statements;
- Council member official oaths or affirmations;
- Financial statements;
- Auditor's reports;

-
- Consultant reports, employee reports, or of any committee or body established by Council;
 - Minutes, after they have been approved;
 - Employee code of conduct (s. 111 MA)
 - Assessment roll (s. 213 MA)
 - Waterworks information (s. 54 MR)

RELATED FORMS

Access to Information Request Form: <https://oipc.sk.ca/assets/L27-1R1-A-4.pdf>

REFERENCE MATERIAL

- The Local Authority Freedom of Information and Protection of Privacy Act
<http://www.publications.gov.sk.ca/freelaw/documents/English/Statutes/Statutes/L27-1.pdf>
- The Municipalities Act
<http://www.publications.gov.sk.ca/freelaw/documents/English/Statutes/Statutes/M36-1.pdf>
- Resources and Tools: Ministry of Justice Branch
<https://publications.saskatchewan.ca/#/categories/337>
- Office of the Saskatchewan Information and Privacy Commissioner
<https://oipc.sk.ca/>