



## **ADMINISTRATIVE PROCEDURES**

<b>SUBJECT: Request for Access to General Records or Own Personal Information</b>
---

### **FREEDOM OF INFORMATION CO-ORDINATOR**

1. Receives, in writing, request for access to general records or own personal information.\*  
(See Appendix A)

**\*This excludes a request to access own employee record, unless information is exempt from access under the legislation.**

2. (a) Collects \$5.00 application fee with request, as prescribed by regulation. The fee is non-refundable and cannot be waived.  
  
(b) If fee is not included with request, (i.e. received by mail), requests same from requester.  
(See Appendix M - Collection of Application Fee Letter)

**\*Note: 30 calendar day time limit for response begins after application fee has been received.**

3. Date stamps the request, opens file and prepares a tracking and recording form.  
(See Appendix L)
4. Clarifies request with requester, if necessary. (See Appendix B - Letter for Clarifying Requests).
5. Contacts those employees within the Board who might be able to locate the relevant record, letting them know what the requester is looking for.
6. If requested information is not held by the Board, the request is forwarded or transferred to the custodian of the record within 15 days with a notification of same to the requester. (See Appendix C - Letter for Forwarding or Transferring Requests).

### **FREEDOM OF INFORMATION CO-ORDINATOR**

7. If the request is for a large number of records or necessitates a search through a large number of records and meeting the 30-day time limit would unreasonably interfere with the operations of the institution, or consultations cannot reasonably be completed within the 30-day time limit that are necessary to comply with the request, the requester is notified in writing that the time limit for responding to the request has been extended in accordance with section 20 of the Act. (See Appendix D - Letter of Notice of Time Extension).
8. If the request is frivolous or vexatious, i.e. request is part of a pattern or conduct resulting in abuse of right of access, would interfere with the operations of the institution, or it is believed on reasonable grounds that the request was made in bad faith or for other purposes than to obtain access, access may be refused and the requester is notified in writing that the request for access to records is denied. (See Appendix I - Notice to Requester Denying Access to Records or Parts of Records)
9. Obtains the record and presents it to the Head/Delegate for consideration.

#### **HEAD/DELEGATE**

10. Reviews the record and undertakes whatever consultations are necessary to determine if any exemptions in the Act apply. If any applicable exemptions are discretionary, the Head decides whether discretion should be exercised in favour of releasing the record, or any part of the record, in the circumstances of that particular case.
11. If the contents of the record contain third party information or certain personal information, a notice to the affected third party is made concerning the release of the requested record(s) under section 10 of the Act, as well as to the requester. (See Appendices E - Notice to Affected Third Party; Appendix F - Notice to Affected Third Party re: Personal Information; and Appendix G - Notice to Requester Where Third Party is Affected).
12. Decides whether or not to release the record, or any part of it, and issues a notice to the requester either granting or denying access to records (See Appendix H - Notice to Requester Granting Access to Records and Appendix I - Notice to Requester Denying Access to Records or Parts of Records). If a decision was made to release a record(s) containing third party information, a notice is sent to the affected third party informing them of the decision to grant access (See Appendix J - Notice to Affected Third Party After Representations Where Head Intends to Release the Record(s)).

Note: The affected third party has 30 days in which to appeal the decision regarding access to the Commissioner. Access is not granted until the 30 days has expired and an appeal has not been filed.

#### **HEAD/DELEGATE**

13. If fees are to be charged (over \$25), the requester is given a fee estimate regarding disclosure of the record(s). (See Appendix K - Fee Estimate/Interim Decision Regarding Disclosure)

If fee estimate is \$100 or more, a 50% deposit of the estimated fee is required before a response to the request is made and the 30-day time period is suspended until the deposit is paid.

14. If a fees estimate is issued and the requester responds with an application for waiver, the Head/Delegate considers and decides whether waiver will be given.
15. Collects fees, where applicable, and provides record(s). Verification of identity should be sought for access to requester's own personal information before granting access.

#### **FREEDOM OF INFORMATION CO-ORDINATOR**

16. Records the request and relevant information in a tracking file for annual reporting to the Office of the Information and Privacy Commissioner of Ontario. (See Appendix L)
17. Closes the file, unless an appeal is commenced.

**\*Note: For purposes of the Act:**

**Head** - individual designated to act as Head of the institution (i.e. an elected official of the institution)

**Delegate** - individual delegated, in writing, with some or all powers and duties of the Head under the Act (i.e. an appointed officer of the institution)

**Freedom of Information Co-ordinator** - individual on staff within the institution designated to assist in the daily co-ordination of activities, staff training, and interpretation of the Act

Implementation Date: September 13, 2000

Reference: Municipal Freedom of Information and Protection of Privacy Act  
Ontario Regulation 823/90  
Policy – Release of Personal Information