

Document 20

Proposed amendments are noted below in ~~strikethroughs~~ and **additions**.

## **Routine Disclosure and Active Dissemination Policy**

Approved By: City Council

Category: General Administration

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**City Council**

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### **Policy Statement**

~~One of the key principles of the~~ **A foundational pillar of the** *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) is that “information should be available to the public.”

~~In an effort to engage citizens and demonstrate~~ **In keeping with the City's commitment to** accountability and transparency, **the overarching principle in this Policy is to advance the view that information held by the City of Ottawa should be made available to the public, and any exceptions to this principle should be limited and specific.**

~~the City proactively provides the public with access to the information that matters most to them.~~

The practice of Routine Disclosure and Active Dissemination (**RD/AD**) is a cost-effective and client-friendly way of providing information to the public **by making certain records routinely available in response to informal requests for access or by means of periodically releasing certain records. These RD/AD processes do not require the submission of formal access to information requests under MFIPPA.**

~~The overarching principle in this Policy is to advance the view that information held by the City of Ottawa should be made available to the public, and any exceptions to this principle should be limited and specific.~~

~~The City and its departments shall provide greater public access to information by making certain records routinely available in response to informal requests for access or~~

~~by means of periodically releasing certain records. These Routine Disclosure and Active Dissemination (RD/AD) processes will not require the submission of formal access to information requests under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).~~

## Purpose

This Policy identifies the requirement for City departments to develop plans for routinely releasing or automatically making available certain records to the public. ~~In order to ensure that an appropriate balance exists between ease of access to information and protection of privacy and of cConfidential information, City departments will adhere to the requirements of MFIPPA. in respect of exemptions to disclosure for Personal Information, proprietary third party information, and other Confidential Information.~~

MFIPPA provides the public a formal right of access to records that are in the City's custody, or under its control, subject to limited and specific exemptions to disclosure. While the City may legitimately require that formal access requests be submitted in respect of certain types of records for a variety of reasons, a practice of providing RD/AD for "everyday," non-confidential records is beneficial as it allows the City to:

- Make more City records available to the public and ensure that information is easily accessible to the residents of Ottawa;
- Proactively streamline the access to information process;
- Reduce staff time in responding to formal requests for information, resulting in greater cost efficiencies;
- Assist in reducing administrative costs;
- Provide greater accountability and transparency in its day-to-day operations; and
- Ensure a balance between providing greater access to City information while at the same time protecting pPersonal and cConfidential information.

**RD/AD should be the first avenue for the public to access City information and records. A formal access to information request is only required in instances where records are subject to the exemption provisions set out under MFIPPA. Where exemptions will not be applied, the request is to be handled at the operational level in accordance with this Policy.**

RD/AD is consistent with the Information and Privacy Commissioner of Ontario's *Access by Design* principles and existing City practices to make certain information available to the public.  ~~, such as but not limited to the Open Data initiative, the Gifts Registry and the public disclosure of Members of Council's expenses.~~

## Application

This Policy applies to all City staff and to all records in the custody, ~~or~~ **or** and under the control of the City of Ottawa. Personal and constituency records of the City's elected representatives are not considered to be in the custody ~~or~~ **or** and control of the City and therefore **are** not subject to this Policy.

## Policy Requirements

Every City department shall establish a RD/AD Plan that identifies:

1. Official Business Records (OBR) that are to be disclosed without a requirement for submission of a formal access to information request;
2. The method by which the department will make the records available to the public, either in response to an informal request from the public or a periodic release, as the case may be; and
3. All department RD/AD Plans shall be approved by the **departmental Business Support Services Manager and the Program** Manager of the ATIP Office or designate.

The following underlying principles shall guide the development of the RD/AD Plan by each department:

~~The focus on identifying records that are subject to RD/AD processes should be on records that are of interest to the public, for which there are no exemptions to disclosure under MFIPPA, and that do not contain any Confidential Information. Classes of records which are often requested and regularly released ought to be considered for inclusion in the RD/AD Plan, with appropriate severances of Personal or otherwise Confidential Information as required.~~

1. **Where documents are not subject to the MFIPPA disclosure provisions, they should be part of the department's RD/AD Plan and handled accordingly under this Policy and its supporting Guideline.**

2. The RD/AD Plans are not an exhaustive list of records that are available informally, but provide a baseline of what information can be obtained without filing a formal access to information request.
3. In determining which records are to be subject to RD/AD, staff should not consider the identity of requester(s).
4. ~~Service Excellence~~ Transparency and accountability should always be considered when developing RD/AD Plans, and the method by which the records are disseminated ought to provide the public, to the greatest extent possible, ease of access to the information.
5. New programs and policies should be developed with an understanding of the routine disclosure and active dissemination opportunities, and these should be incorporated into any related staff report and/or the departmental RD/AD Plan.
6. The department shall review and update RD/AD Plan(s) at a minimum once a year as outlined later in this Policy and in the RD/AD Guideline.

~~The development of~~ The a RD/AD Guideline supports ~~followed~~ this Policy and identifies among other things the types of records that are not suitable for RD/AD, and the specific types of information that must be excluded (severed) within records prior to disclosure.

When the City's Access to Information and Privacy (ATIP) Office receives a request under MFIPPA that should be released as routine disclosure, ATIP staff will direct the requester to the responsible department and, where necessary, assist staff in understanding their obligations to release the information. A similar approach will be taken where possible with respect to requests received under the *Personal Health Information Protection Act, 2004*, relating to requests by individuals for their own personal health information.

## **Responsibilities**

All **City staff** must comply with the RD/AD Policy and with the applicable department's RD/AD Plan(s).

~~The City Manager, if it is determined applicable, and each General Manager shall develop their own RD/AD Plan in respect of records in their offices. Each General Manager will ensure a RD/AD Plan is developed in respect of their department. The~~

~~RD/AD Plans shall be developed using the RD/AD Guideline and in consultation with ATIP Office. More than one RD/AD Plan may be developed for each department.~~

**Senior Management** ~~is~~ will be responsible for promoting compliance with this Policy and ensuring RD/AD Plans are developed **and maintained** in consultation with the Access to Information and Privacy (ATIP) Office. Senior Management shall also ensure that a review of the RD/AD Plan as it relates to their respective area occurs **annually upon request from the ATIP Office**.~~at a minimum of once a year.~~

~~**Managers** are responsible for identifying records suitable for RD/AD in their own respective areas.~~

~~**Program Managers** and **Managers** shall provide to their General Manager updates or modifications to the RD/AD Plan with respect to their area as new classes of records are created, existing classes are deleted, or as otherwise needed.~~

The **Program Manager of the ATIP Office**, or designate, shall work with all departments to identify types of records suitable for routine and automatic disclosure and be responsible for approving all RD/AD Plans to ensure compliance with MFIPPA. The **Program Manager of the ATIP Office**, or designate, shall also be responsible for developing and updating the RD/AD Policy and RD/AD Guideline.

## **Monitoring/Contraventions**

The City Clerk shall be responsible for receiving complaints or concerns related to this Policy.

## **Legislative and Administrative Authorities**

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) governs the collection, use and disclosure of information by certain institutions in Ontario including municipalities, public library boards, and police services boards.

The purpose of MFIPPA is to provide a right of access to information in the custody ~~or~~ ~~of and~~ under the control of the institutions with the principle that information should be made available to the public and that necessary exemptions from the right of access should be limited and specific. The purpose of MFIPPA is also to protect the privacy of individuals with respect to ~~p~~**Personal i**nformation about themselves held by institutions and to provide individuals with a right of access to that information.

## **Definitions**

## **~~Routine Disclosure and Active Dissemination~~**

~~(RD/AD) are activities designed to provide greater access to government information. Routine Disclosure (RD) is the routine or automatic release of certain records in response to informal rather than formal requests under MFIPPA. Active Dissemination (AD) is the periodic release of certain records in the absence of a request, for example periodic posting of operational records to the City of Ottawa website.~~

## **~~Confidential Information~~**

~~Means information that is subject to the exemptions to disclosure found in s. 9 (Relations with Governments), s. 10 (Third Party Proprietary Information) and s. 14 (1) (Personal Privacy) of MFIPPA, as well as any other information that the City deems to be confidential, as further set out in the RD/AD Guideline. MFIPPA means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended, and includes any regulations passed under it.~~

## **~~Open Data~~**

~~Is a philosophy and practice requiring that certain data are made freely available to the public, in machine readable format without restrictions from copyright, patents or other mechanisms of control. Most commonly, Open Data focuses on non-textual material such as geographic data, schedules, statistics, and demographic data.~~

## **~~Personal Information~~**

~~Means information about an identifiable individual as defined in Section 2(1) of MFIPPA.~~

## **~~Keyword Search~~**

~~Access to Information and Privacy (ATIP)~~

~~Active Dissemination~~

~~Automatic Disclosure~~

~~Information Security Classification~~

~~*Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA)~~

~~Open Data~~

~~Records Management~~

~~Routine Disclosure~~

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