

TOWN OF RAINBOW LAKE

BYLAW NO. 99-07

A BY-LAW OF THE TOWN OF RAINBOW LAKE IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROVISION OF INFORMATION AND TO ESTABLISH INFORMATION.

WHEREAS, in accordance with the Municipal Government Act, S.A. 1994, Chapter M-26.1, as amended, and the Freedom of Information and Protection of Privacy 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, 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 established by bylaw; and

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

NOW THEREFORE, the Council of the Town of Rainbow Lake in the Province of Alberta, DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

SHORT TITLE

1. That bylaw may be cited as the “Access to Information Bylaw”.

PURPOSE OF BYLAW

2. The purpose of this bylaw is to facilitate access to information in the possession of the Town and to ensure personal information is protected from unauthorized collection, use or disclosure. Schedule E outlines the process of requesting access to information and is attached hereto.
3. The Town acknowledges that
 - a) information has value and can also be a marketable asset managed by the Town, and
 - b) it is the responsibility of the of the Town, to consider provision of information routinely requested via **Active Dissemination** or **Routine Disclosure**

- c) 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.

DEFINITIONS

4. In this bylaw, unless the context otherwise requires;

“ACTIVE DISSEMINATION” means routine disclosure of information by the Town in bulk quantities. Records the municipality provides for the public on a regular basis.

“APPEAL” means the process available to an Applicant when information requested is not provided or is refused or rejected. See the section on Appeals.

“APPLICANT” means the individual making a request for information in accordance with this bylaw.

“CHIEF ADMINISTRATIVE OFFICER” means the Town Manager, as appointed pursuant to the Municipal Government Act and the Chief Administrative Officer Bylaw.

“COUNCIL” means the Council of the Town of Rainbow Lake, elected pursuant to the Local Authorities Election Act.

“ERROR” means mistaken or wrong information, or information not reflecting the truth.

“EXEMPT INFORMATION” is defined in Sections 17 through 19 of this Bylaw.

“FORMAL REQUEST” means information not routinely provided. These types of requests require the completion of a ‘Request for Access to Information’ form, prior to release of the information.

“FREEDOM OF INFORMATION AND PRIVACY COORDINATOR” means the Town Manager for the purposes of the Freedom of Information and Protection of Privacy Act (pursuant to Section 89). The Town Manager may delegate the duties for the Freedom of Information and Privacy Coordinator.

“INFORMAL REQUEST” 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.

“MASH SECTOR” means the sectors of public bodies under the Freedom of Information and Privacy of Protection Act, which will be affected by the Act before the year 2000.

“**OMISSION**” means information in a Record which is incomplete or missing or has been overlooked.

“**RECORD**” means 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**” means 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**” means 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**.

“**ROUTINE DISCLOSURE**” means 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**” means a request for information relating to a person, group of 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 be released without the originating party’s permission.

“**TOWN**” means the Town of Rainbow Lake, a Municipal Corporation in the Province of Alberta.

RIGHT TO INFORMATION

5. On request pursuant to Sections 6-8 of this bylaw, provided the Applicant pays the applicable fees as set out in the Fees and Charges bylaw, 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.

REQUESTS

6. There are various types of requests regarding information and depending on the request, there are various 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 department, office or organization 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 as prescribed in Schedule A.
 - 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 as prescribed in Schedule C.
 - 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 as prescribed in Schedule B.

7. All formal requests to access **Records** held by the Town, 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.

8. 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**.

9. The **Freedom of Information and Privacy Coordinator** may 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** as prescribed in Schedule A.

10. 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.
- 11. If the requested **Record** cannot reasonably be accessed within 30 days of the date of receipt of the request, the Applicant must be told where, when and how a copy of the **Record** will be provided.
 - 12. 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.
 - 13. 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) And 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.

- 14. 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.
- 15. Applications may be:
 - a) refused 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.

16. At any time, if information requested is scheduled for destruction, the Town 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.

EXEMPT INFORMATION

17. **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.
18. 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**.
19. 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.

APPEALS

20. An Applicant may appeal to Council from a **Refusal** to provide a **Record** or a **Rejection** of an application by serving to the Chief Administrative Officer a written notice in the form prescribed in Schedule D, attached hereto:
- 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. Council may decide to hear presentations and ask questions of each presenter separately and in private.
27. 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.

DECISIONS OF COUNCIL

28. 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 Freedom of Information and Privacy Coordinator 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.
29. 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.

FEES

30. Administrative fees as established in the “Fees and Charges Bylaw” shall be charged before an Applicant is entitled to receive the requested information.

THIS Bylaw shall come into full force and effect on October 1, 1999.

READ A FIRST TIME this 20th day of September, AD 1999.

READ A SECOND TIME this 20th day of September, AD 1999.

READ A THIRD TIME AND FINALLY PASSED this 20th day of September, AD 1999.

MAYOR

TOWN MANAGER

Schedule A
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

REQUEST FOR ACCESS TO INFORMATION

This is a request for: (Please check one)

REQUEST NO: _____

- General information My own personal information Personal information for another person
(Attach original proof of authority to act for the person)

FROM:

Which Public Body are you asking for information? (Please fill in name of Department, Agency, Board or Commission)

APPLICANT

Mr. Ms. Mrs. Miss Last Name First Name

Company name (if applicable)

Mailing address

City or Town Province Postal Code

Telephone (home) Telephone (work) Fax/E-mail Address

INFORMATION REQUESTED

I would like to receive a copy of the original record I would like to examine the original record

Both

I will pick up the information when ready I would like the information mailed to me when ready

Please describe in as much detail as you can, the information or records to which you want access. If you want access to personal information, be sure to provide all the person's previous names. If you need more space, please use the back of this form.

I certify the information I have provided is true and correct to my knowledge

Applicant's signature:

Date

Personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act, and will be used to respond to your request. A fee may be charged for providing the information requested.

FEE CHARGED \$ _____

For Public Body use only

DATE RECEIVED

Approved Refused Rejected

Applicants Signature for Information Received (or double registered mail receipt attached hereto)

Date _____

Schedule B
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

REQUEST FOR CORRECTION OF PERSONAL INFORMATION

This is a request for correction to: (Please check one)

My own personal information Personal information for another person (Attach original proof of authority to act for the person)

FROM:

Which Public Body are you asking for information? (Please fill in name of Department, Agency, Board or Commission)

APPLICANT

Mr. Ms. Mrs. Miss Last name First name

Company name (if applicable)

Mailing address

City or Town Province Postal Code

Telephone (home) Telephone(work) Fax/E-mail Address

INFORMATION REQUESTED FOR CORRECTION

Please describe in as much detail as possible, the records you wish to have corrected. Be sure to provide the last name appearing on the records if it is different from the name given above. If you need more space, please use the back of this form.

Please describe the correction you are requesting and the reason for it. Please attach any supporting documentation.

I certify the information I have provided is true and correct to my knowledge
Applicant's signature: Date

Personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act, and will be used to respond to your request. A fee may be charged for providing the information requested.

FEE CHARGE D \$ _____

For Public Body use only

DATE RECEIVED Approved Refused Rejected

Applicant's Signature for Information Received (or double registered mail receipt attached hereto)

Date _____

Schedule C
Request for Third Party Information

Request for Third Party Information

To: Town Council
c/o Rainbow Lake Town Office
65 Imperial Drive
Box 149
Rainbow Lake, Alberta T0H 2Y0

DATE: _____

Information Specifics:

- Whole File
explain: _____

- Part File

- Specific Item

I hereby grant access to the above noted information to the following person(s) or organization(s). I understand that as the first party to this information, I have the ability to waive confidentiality for the above mentioned information to the aforesaid named organization(s) or person(s) and that the named organization(s)/person(s) are responsible for information fees.

Organization requesting information
Address _____

Signature – First Party

Printed Name – First Party

The Signature of the THIRD PARTY hereby denoted acceptance of the aforementioned conditions.

Signature – Third Party

Printed Name – Third Party

Schedule D
Appeal Forms

If any Applicant wishes to appeal a decision regarding information access, he or she must complete this Notice of Appeal and mail or deliver this Notice of Appeal to the Town Office, within sixty (60) working days after applying for the information or fifteen (15) days following receipt of written notification of refusal or rejection.

NOTICE OF APPEAL TO TOWN COUNCIL

To: Town Council
c/o Rainbow Lake Town Office
65 Imperial Drive
Box 149
Rainbow Lake, Alberta T0H 2Y0

DATE: _____

I request information about: (please attach a separate page if necessary)

MY REASONS FOR APPEAL ARE:

- | | |
|---|---|
| <input type="checkbox"/> information has not been released | <input type="checkbox"/> if proposes to release information that affects my interests |
| <input type="checkbox"/> the information is not in the format I requested | <input type="checkbox"/> the information I received is not complete |

Additional clarification or comments:

Signature – Third Party

Printed Name – Third Party

Mailing Address:

Phone: Res: _____
Work: _____
Fax: _____

NOTE: A HEARING WILL BE HELD BY THE TOWN COUNCIL, YOU WILL BE INFORMED OF THE DATE OF THE HEARING

****WRITTEN NOTICE OF REFUSAL OR REJECTION MUST BE ATTACHED AT THE TIME OF SUBMISSION****

Schedule E
Request and Appeal Process Summary

