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# Access to Records

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Sub-section:	General
Author(s):	Clerk's Department [ ]
Authority:	CAO
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## Purpose statement

This procedure defines the routine and formal request process for public access to records held in the custody and control of the Corporation of the Town of Oakville (town).

## Scope

This procedure applies to records held in the custody and control of the town.

## Procedure

### Routine Requests

1. The town shall endeavour where possible to make records accessible to the public, without the necessity of submitting a formal request under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
2. Public information shall be posted to the town website.
3. Requests for access to records or information shall be directed to the town website ~~or in person to the Clerk's department.~~
4. Where records are not available on the town website, requests for information may be made by contacting the appropriate town department.
5. The appropriate department shall advise the requester of the availability of access to records, estimated time-frames for response and applicable fees for research and retrieval.

6. Requests for access to records are subject to payment of applicable fees in accordance with the current rates and fees schedule maintained by the Finance department or by-law as adopted by Council or MFIPPA.
7. The department director or designate shall determine if the records may be provided as routine disclosure or if a formal written MFIPPA request is required.
8. The right of access to personal, confidential, draft reports and third party information may be subject to exemptions under MFIPPA resulting in the severance of a portion(s) of the record when required.

### **Formal Requests under MFIPPA**

9. When a request for access to records in the custody and control of the town is denied, the requester may apply for access to the records in accordance with the provisions of MFIPPA.
10. In accordance with MFIPPA, an access request must be made in writing, be accompanied by a \$5.00 application fee and submitted to the Clerk's department. A written request should include the requester's full mailing address, telephone number and names of specific files or types of records to which access is requested, including specific dates of those records, where possible. The FOI Request form in Appendix A may be used for that purpose.
11. A written response to the requester (decision letter) shall be issued by the town within thirty (30) days from the date a complete request and \$5.00 payment is received. If a time extension is required, the requester shall be notified.
12. The right to access records is subject to limited and specific exemptions in accordance with MFIPPA and any regulations made under this Act.
13. An individual given access to their own personal information has the right to request corrections to that information if he or she believes it to be in error or incomplete.
14. When access to a record is refused or is only partially granted in the case of a "severed" record, the requester shall be notified of the decision and the sections of the MFIPPA which justify that decision. The town shall provide the requester with information about the circumstances which formed the basis for the decision to deny access. The requester may appeal the town's decision.

### **Access Appeal**

15. A requester may appeal the town's decision under MFIPPA to the Information and Privacy Commissioner of Ontario.
16. An appeal to the Privacy Commissioner must be made within thirty (30) days of the receipt of the town's decision letter and must include a copy of the original request for information and a copy of the town's decision letter.

### **References and related documents**

*Municipal Freedom of Information and Protection of Privacy Act*

Access to Records and Information Policy

Request for Information from Staff by Individual Member of Council procedure

Record of Council and Committee Proceedings procedure  
Elected Official Records procedure |

## **Responsibilities**

The Clerk's department shall be responsible for the administration and maintenance of this procedure.

## **Appendices**

Appendix A: Freedom of Information Request Form|