



County of Wetaskiwin No. 10 BYLAW # 2023/10

A BYLAW of the County of Wetaskiwin No. 10, in the Province of Alberta, for the purpose of establishing the administrative structure and to set fees in relation to the *Freedom of Information and Protection of Privacy Act*.

WHEREAS, pursuant to Section 95(a) of the *Freedom of Information and Protection of Privacy Act (FOIP or the Act)*, RSA 2000, Chapter F-25, as amended, the municipality of the County of Wetaskiwin No. 10 has the power, to establish a Bylaw and must designate a person or group of persons as the Head of the Public Body for the purposes of administering *the Act*.

AND WHEREAS pursuant to Section 95(b) of the *Freedom of Information and Protection of Privacy Act (FOIP or the Act)*, RSA 2000, Chapter F-25, as amended, the municipality of the County of Wetaskiwin No. 10 may establish fees, pursuant to the *Alberta FOIP Regulation*, to charge for provision of requested information.

NOW THEREFORE the Council of the County of Wetaskiwin No. 10, in the Province of Alberta, duly assembled, hereby enacts the following:

PART 1 - TITLE

1. This Bylaw shall be cited as the ***“Access to Information Bylaw”***.

PART 2 - DEFINITIONS

2. **“Applicant”** means a person who makes a request for access to a record under Section 7 of *the Act*;
3. **“Chief Administrative Officer”** (CAO) means the Head of the Public Body, appointed by the elected Council, or their designate.
4. **“County”** means the municipality, and includes all the members or officers of which are appointed by the County, and any board, committee, commission, panel, agency or corporation that is created or governed by the County.
5. **“Delegate”** means the formal process whereby the Head of the Public Body authorizes an employee or officer to perform certain duties, or to exercise certain powers or functions of the Head under *the Act*.
6. **“Delegation Instrument”** means the document that outlines the duties and responsibilities related to *the Act*, as delegated by the Head.
7. **“FOIP Coordinator”** means the employee or officer delegated to be responsible for the overall management of access to information and protection of personal information for the County.
8. **“Routine Disclosure”** means the routine and automatic release of certain types of administrative and operational records in response to informal rather than formal requests under the *Act*.

PART 3 - DESIGNATED AUTHORITY

9. The County Council has designated the CAO as the Head of the Public Body for the purposes of *the Act*.
10. The Head is hereby authorized to delegate to any person any duty, power, or function of the Head, except the power to delegate.

PART 4 - DELEGATION OF RESPONSIBILITIES

11. Delegation under *the Act* is subject to the following stipulations:
 - a) That the person to whom the duties, powers, and functions are delegated are bound by the same jurisdictional, legislative, and administration limitations to which the Head is subject, pursuant to *the Act*;
 - b) That the duties, powers, and functions may also be exercised by any person who holds the position in an acting capacity; and



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- c) That notwithstanding this Delegation, the Head retains full authority to exercise any duty, power, or function under *the Act* at any time.
12. The Delegation Instrument sets out the authority for the County, as contained within Appendix "A" of this Bylaw.

PART 5 - PROVISIONS

13. Pursuant to *the Act*, individuals have the following rights:
- a) A right of access to records in the custody or under the control of a public body subject to limited and specific exceptions as set out in the Act;
 - b) Protection of personal privacy by controlling the manner in which a public body may collect, use, and disclose personal information;
 - c) A right of access to an individual’s own personal information, subject to limited and specific exceptions as set out in the Act;
 - d) A right to request a correction to allow individuals a right to request corrections to personal information about them which is held by the public body; and
 - e) Independent review of decisions to provide for an independent review of decisions made by a public body under the Act and for the investigation of complaints. An independent review is provided by the Office of the Information and Privacy Commissioner of Alberta (OIPC).

PART 6 - FEES

14. Where an applicant is required to pay a fee for access to information services, the fee payable is in accordance with *the Act and Regulation*, as amended or any successor Regulation that sets out fees for requests for information.
15. Fees related to Access and Privacy for the County are contained in Schedule "G" of the Fees and Charges Bylaw.

PART 7 - APPENDICES

- 16. Appendix "A" - Delegation and Assignment of Responsibility
- 17. Appendix "B" - Records Disclosed under Routine Disclosure

PART 8- REPEAL

18. That Bylaw # 99/63 is hereby repealed in its entirety.

PART 9 - EFFECTIVE DATE

19. That this Bylaw shall come into effect upon the date of Third and Final Reading.

READ for the FIRST TIME this	<u>11th</u>	day of	<u>April</u>	, A.D.,	<u>2023</u>
READ for the SECOND TIME this	<u>11th</u>	day of	<u>April</u>	, A.D.,	<u>2023</u>
READ for a THIRD and FINAL time this	<u>11th</u>	day of	<u>April</u>	, A.D.,	<u>2023</u>

ORIGINAL SIGNED

REEVE Josh Bishop

ORIGINAL SIGNED

CAO Rod Hawken

BL2023/10 - ACCESS TO INFORMATION - APPENDIX "A"
DELEGATION AND ASSIGNMENT OF RESPONSIBILITY

Summary of Section	Section reference	Retained by Head	Delegated to FOIP Coordinator	Delegated by the Head to other person(s)
PART A – Access to Information Right of Access				
Authority to decide on severing of record	6(2)	X	X	
Establishing rules for electronic consent	Regulation 7(5)(a)	X	X	
Establishing rules for oral consent	Regulation 7(6)(a)	X	X	
Authority to declare request abandoned	8(1)	X	X	
Authority to grant continuing request	9(2)	X	X	
Duty to assist applicants	10(1)	X	X	X
Duty to create records	10(2)	X	X	X
Duty to respond within 30 days	11	X	X	
Authority to decide on content of response/ grant or refuse access	12(1)	X	X	
Authority to refuse to confirm or deny the existence of a record	12(2)	X	X	
Authority to decide how access will be given	13 / Regulation 4	X	X	
Authority to extend time limit	14(1), (3)	X	X	
Authority to request Commissioner’s permission for extension	14(1), (2)	X	X	
Authority to transfer a request for access	15	X	X	

Summary of Section	Section reference	Retained by Head	Delegated to FOIP Coordinator	Delegated by the Head to other person(s)
Exceptions to the Right of Access/Disclosure – Mandatory (M) and Discretionary (D)				
Authority to withhold information harmful to business interests of a third party (M)	16	X	X	
Authority to withhold information harmful to personal privacy (M)	17	X	X	
Authority to withhold information harmful to individual or public health or safety (D)	18 / Regulation 6(1), (3), (5)	X	X	
Authority to withhold confidential evaluations (D)	19	X	X	
Authority to withhold information harmful to law enforcement (M) (D)	20	X	X	
Authority to withhold information harmful to intergovernmental relations (D)	21	X	X	
Authority to withhold Cabinet confidences (M)	22	X	X	
Authority to withhold local public body confidences (D)	23	X	X	
Authority to withhold advice from officials (M) (D)	24	X	X	
Authority to withhold information harmful to economic interests of a public body (D)	25	X	X	
Authority to withhold testing procedures, tests, and audits (D)	26	X	X	
Authority to withhold privileged information (M)	27	X	X	
Authority to withhold information harmful to conservation of heritage sites or endangered species (D)	28	X	X	

Summary of Section	Section reference	Retained by Head	Delegated to FOIP Coordinator	Delegated by the Head to other person(s)
Authority to withhold information that is or will be available to public (D)	29	X	X	
Third Party Intervention				
Duty to give third party notice	30	X	X	
Authority to decide whether to give access to third party information	31(1)	X	X	
Duty to give notice of decision	31(2 - 4)	X	X	
Public Interest				
Authority to disclose information in the public interest	32(1)	X		
Duty to give notice to third party, Commissioner	32(3 - 4)	X	X	
PART B Collection, Correction, Protection of Personal Information				
Duty to ensure authorized purpose of collection	33	X	X	X
Assuring proper collection and notification	34	X	X	X
Authority to set aside collection requirements	34(3)	X		
Assuring accuracy of personal information	35(a)	X	X	X
Applying retention standards	35(b)	X	X	X
Authority to decide on requests for correction of personal information	36(1)	X	X	X
Duty to correct, annotate or link personal information, duty to notify previous recipients	36(3), (4)	X	X	

Summary of Section	Section reference	Retained by Head	Delegated to FOIP Coordinator	Delegated by the Head to other person(s)
Duty to give notice to individual requesting correction	36(7)	X	X	X
Authority to transfer a request for correction	37	X	X	
Duty to ensure protection of personal information	38	X	X	X
Use and Disclosure of Personal Information				
Assuring appropriate use	39	X	X	X
Authority to disclose to relative or adult interdependent partner of deceased individual	40(1)(cc)	X	X	X
Authority to disclose to avert imminent danger to health or safety	40(1)(ee)	X	X	X
Authority to approve conditions for disclosure for research and statistical purposes and for administration of research agreements	42(c)	X	X	
Authority to disclose to guardian of a minor	84(1)(e)	X	X	
PART C – Relationship with Information and Privacy Commissioner (OIPC) Reviews and Complaints				
Authority to ask the Commissioner for advice	54(1)	X	X	
Authority to request Commissioner to disregard requests	55	X	X	
Produce a record required for Commissioner’s investigation or inquiry	56(3)	X	X	
Authority to require Commissioner to examine original record on site	56(4)	X	X	
Right to make representations to the Commissioner	69(3), (5), (6)	X	X	
Duty to discharge burden of proof	71	X	X	

Summary of Section	Section reference	Retained by Head	Delegated to FOIP Coordinator	Delegated by the Head to other person(s)
Duty to comply with Commissioner's Order	74	X	X	X
PART D: Other Responsibilities				
General Provisions				
Delegation by the head of a public body - any duty, power, or function, except the power to delegate under this section	85(1)	X		
Duty to publish a directory of the body's personal information banks and keep it current	87.1(1), (4)	X	X	
Duty to record uses or disclosures of personal information not included in directory	87.1(3)	X	X	
Authority to specify categories of records, in compliance with the FOIP Act and other relevant legislation, that are available without formal request and require a fee	88	X	X	X
Duty to make manuals available	89	X	X	X
Fees				
Authority to assess and collect fees	93	X	X	
Authority to prepare fee estimate	93(3)	X	X	
Authority to waive fees	93(4)	X	X	
Duty to give notice of decision to grant or refuse waiver request	93(4.1)	X	X	

SIGNED THIS DATE: _____

Head of Public Body _____

SIGNED THIS DATE: _____

FOIP Coordinator _____

BL2023/10 - ACCESS TO INFORMATION - APPENDIX “B”

RECORDS DISCLOSED UNDER ROUTINE DISCLOSURE

While all records of a public body are subject to the privacy provisions of the FOIP Act, sometimes, records are available by ‘routine or proactive disclosure’, without having to submit a formal FOIP Request to Access Information.

In the spirit of democracy and transparency, the County of Wetaskiwin No. 10 actively maintains certain information that is readily available to the public through Routine Disclosure, and most of these public documents are available on the County Website | <https://www.county.wetaskiwin.ab.ca>

Routine Disclosure is a routine response in accordance with one of the overarching principles of the *Act*, being that ‘*information should be made available to the public and that necessary exemptions from the right of access should be limited and specific*’ and allows for certain municipal records to be provided, easily, informally (without going through formal process), or the need to refer to any exceptions or allowances to disclose under the *Act*.

HOW DOES ROUTINE DISCLOSURE WORK:

The majority of information requests are handled at the department level, without direct contact between the FOIP Coordinator and the member of the public, simply because knowledgeable department staff are able to provide specific answers and documents to a requester’s satisfaction.

However, if questions remain unanswered or issues are complex, the FOIP Coordinator can become directly involved. Discussions with the FOIP Coordinator typically result in a formal resolution and disclosure of the requested information. If a request involves records which are exempt from disclosure under the *Act*, the reason will be provided.

The County of Wetaskiwin has a strong commitment to open dialogue with requesters. If a request is referred to the FOIP Coordinator, the first step of the process is to contact the requester, discuss the nature of the request and the type of records at issue, and determine whether the matter can be handled informally, through routine disclosure, or by means of a formal request under the *Act*.

Routine Disclosure may apply when:

- Information actually belongs to the applicant (ID may be required)
- Information is general in nature (for example: a public report)
- Information contains no personally identifiable information (for example: a statistic)
- Information is already in the public, such as in a newspaper or in a public report. Note: Under Section 29 of the *Act*, a public body can choose to not disclose a record if it is already public or will be made public within sixty (60) days.

There are records that can be routinely released under certain circumstances. Examples include:

Document Type	Release Requirements
General Routine Disclosure	<ul style="list-style-type: none">• Council and Committee agendas, minutes and reports setting out Council and Committee decisions.• Public Hearing dates and times.• SDAB Hearing dates and times (Subdivision and Development Appeal Board).• Annual Budgets, Council expenditures, financial statements and tax certificates.

Document Type	Release Requirements
	<ul style="list-style-type: none"> • Bid-related information for Tenders and Requests for proposals (non-confidential portion). • Access to view planning files, with the exception of legal opinions, staff reports not yet considered by Council, and in-camera records. • Manuals, Guidelines and Training Materials. • Information about municipal programs and services. • General employee information (Organizational Chart and Staffing Structure, job descriptions, salary ranges, working hours for a position, staff benefit program, staff contact info (business card information)). • Bylaws and Policies. • Fire Incident Reports and Building Inspection Reports.
Building permit information and related documentation	<p>The records requested would be reviewed to determine whether any of the exceptions to disclosure in the <i>Act</i> apply and then all or part of the records would be released on the basis of this review.</p> <p>The most common records requested are for building permits, plans and specifications, comments from other agencies and servicing agreements. Monthly building permit reports are submitted to Council agendas.</p>
Drawings and plans	<p>These documents can be viewed but are copyrighted and cannot be copied unless you have written permission from the company/person that created them. If the drawings are hand drawn and do not have a copyright, the document belongs to the person who created the drawings, and their written permission is required. While the County can advise you of the name of the company you need to contact, it is the requestor's responsibility to obtain the required permission.</p> <p><u>Note:</u> The County is unable to copy oversized drawings. These will be sent for commercial reproduction at the expense of the requestor, or you may contact the creator of the drawings/plans directly.</p>
Real Property Reports	<p>Can a Real Property Report be released to a prospective purchaser of property, to a new owner, or to anyone else?</p> <ul style="list-style-type: none"> • The records requested would be reviewed to determine whether any of the exceptions to disclosure in the <i>Act</i> would apply and then all or part of the records would be released based upon the application of the <i>Act</i>. • It is unlikely that the report on a residential property would contain personal information or commercial or technical information under Section 16 of the <i>Act</i>.
Assessment Roll Information	<p>The assessment roll is made available for inspection at the County Office. Please note that it can be viewed only.</p>
Tax and Utility Account Information	<p>If you are not the registered owner of the subject property, or named on the account, written permission is required from the registered owner, or the individual named on the account.</p>
Contact information for residents (i.e., for service of documents, collection of debt or other legal matters)	<p>Under the <i>Act</i>, this information can only be disclosed if another piece of legislation provides for it.</p> <p>*The County is only permitted to release information for the purpose for which it was collected (i.e., purposes of administering utility accounts or licensing program). The information is not collected for the examples given</p>

Document Type	Release Requirements
	<p>and, therefore, the County is prohibited by the <i>Act</i> in providing information to requestors.</p> <p>Under certain circumstances, address information may be obtained through the Land Titles Office.</p> <p>*Examples of legislation include <i>Maintenance Enforcement Act, Income Tax Act</i>.</p>
Release of Cemetery Records	<p>Under the <i>Act</i>, disclosure of personal information is an unreasonable invasion of privacy if the individual has been deceased for less than 25 years. Although this can be considered on a case-by-case basis, the County's practice is not to release personal information until the 25-year requirement is met.</p>
Information Regarding a Complainant	<p>The County's practice is to not release the personal information of an individual who files a complaint against another individual unless this information is necessary to resolving the issue (e.g. required at trial). If the name of the complainant is to be released, the individual will be advised prior to having their name disclosed.</p>
Information Regarding Bylaw Infractions	<p>The County is unable to advise whether or not an individual or business has been issued a notice or offence ticket regarding the violation of a Bylaw. The County can only confirm that Bylaws are enforced when individuals and businesses are found to be in non-compliance.</p>
Contract information	<p>Contract information can be released to the public but may be released in a severed form. Under the <i>Act</i>, information harmful to the business interests of a contractor and/or proprietary information must be protected.</p>

FEES:

As some documents are subject to a nominal administrative processing fee, these are contained in the Fees and Charges Bylaw, and amended from time to time.