



Town of Englehart

THE CORPORATION OF THE TOWN OF ENGLEHART

BY-LAW # 2025-05

Being a By-Law to Adopt a Freedom of Information (FOI) Request and Privacy Policy for routine disclosure for the Corporation of the Town of Englehart and delegation of the Head of the Institution under the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M.56

WHEREAS Section 5 (3) of the Municipal Act, 2001, c. 25 as amended, provides that all municipal powers to be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is deemed expedient in the interest of the efficient conduct and administration of the Municipality's affairs, that the Council of the Town of Englehart should establish a policy;

AND WHEREAS Section 3 (1) of the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M.56 provides that members of the council of a municipality may by by-law designate from among themselves an individual or a committee of the council to act as head of the municipality for the purposes of this Act;

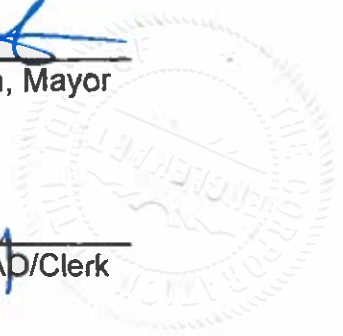
NOW THEREFORE, the Council of the Corporation of the Town of Englehart Enacts as Follows:

1. **That** the Freedom of Information (FOI) Request Policy be hereby adopted, attached hereto as Schedule "A" and forming part of this by-law.
2. **That** the Mayor is designated as the Head of the Town of Englehart for the purposes of the Municipal Freedom of Information Act, R.S.O 1990, c. M.56 and in turn delegates this to the Clerk in accordance with the policy.
3. **That** the Clerk of the Town of Englehart hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
4. **That** this By-law shall come into force and effect upon final passing thereof

Read a first, second and third and final time an passed this 26th day of February 2025.

Doug Metson, Mayor

Amy Vickery, CAO/Clerk



<p>Schedule "A" to By-law 2025-05</p> <p>Corporation of the Town of Englehart</p>		
<p>Policy</p> <p>Freedom of Information (FOI) Request Policy</p>		
<p>Authority: Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)</p>		
<p>Approved by: Council</p>	<p>Date Approved: February 26, 2025</p>	<p>Amended/Revised:</p>

1. PURPOSE

The purpose of this policy is to outline the procedures and requirements for submitting and processing Freedom of Information (FOI) requests in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

The Town of Englehart is committed to providing access to public records while balancing the protection of individuals' privacy rights and ensuring compliance with legal exemptions.

2. SCOPE

This policy applies to all records under the control of the Town of Englehart, excluding those records specifically excluded by MFIPPA. This includes documents held by municipal departments, boards, committees and other entities that are covered by the Act.

In keeping with the spirit of the legislation, the Town of Englehart is committed to providing individuals with the right of access to information in its custody and control including most operational records as well as records containing their own personal information, where applicable. This process allows certain records to be disclosed, without having to make a formal request under the Act. Only under limited circumstances does the Town require an individual to make a formal MFIPPA request.

3. DEFINITIONS

- **FOI Request:** A formal request for access to records under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- **Municipal Record:** A document, report, or other record held by the Town of Englehart related to the conduct of municipal business.
- **Exempt Records:** Records that are protected from disclosure under MFIPPA, such as those containing personal privacy information, confidential business information, or legal advice.
- **Personal Information:** Any information that relates to an identifiable individual, including details such as name, address, telephone number, personal history, financial information, and more.
- **Requester:** An individual, organization, or entity that submits an FOI request to the municipality.
- **Head:** The official designated by the Town of Englehart responsible for administering the FOI process. **In the Town of Englehart this is assigned to the Mayor and delegated to the Clerk.**

4. REQUESTING ACCESS TO MUNICIPAL RECORDS

1. How to Submit an FOI Request:

Requests for access to municipal records under MFIPPA must be submitted in writing on the forms prescribed and filed with the Clerk or designate. Requests can be made by mail or hand delivered to:

**Clerk
Town of Englehart
Box 399
61 Fifth Avenue
Englehart, ON
P0J 1H0**

The request should be as specific as possible, identifying the records or types of information being sought. The more detail provided, the faster and more accurately the request can be processed.

2. Required Information and FOI Request Form:

A formal **FOI Request Form**, attached will be made available on the municipal website and upon request. The form requires the following details:

- Full name of the requester.
- Detailed description of the records requested.
- Contact information, including the requester's name, company name, address, telephone number, and email address.
- Payment of the \$5.00 application fee
- Preferred method of access (e.g., viewing records, receiving copies).
- Signature of the requester.

5. PROCESSING FOI REQUESTS

1. Acknowledgment of Requests:

Upon receipt of an FOI request, the municipality will acknowledge the request within five (5) business days. The acknowledgment will include:

- A confirmation that the request has been received.
- A request for clarification, if necessary, to help process the request.

2. Decision on Access:

Legislation stipulates that an institution must provide the requester with the information and/or decision regarding their request within 30 calendar days from the date a complete request is received. On occasion, an institution may ask for an extension, if the request is for an extensive number of records and/or if an outside consultant needs to be contacted.

The Head or delegate will make a decision regarding access to the requested records within 30 calendar days of receiving the request. The response will

include:

- Whether the request is granted or denied, in whole or in part.
- The reasons for denial (if applicable), referencing the specific exemptions under MFIPPA.
- The fees associated with providing the records.

3. Access to Records:

If access is granted:

- The requester will be informed of the method of access (e.g., viewing the records, obtaining copies).
- If copies are requested, the requester will be notified of any applicable fees for copying or preparation of the records.

4. Denial of Access:

If access is denied or partially denied, the response will:

- Reference the specific exemption(s) under MFIPPA that justify the refusal.
- Inform the requester of their right to appeal the decision to the Ontario Information and Privacy Commissioner.

6. EXEMPTIONS UNDER MFIPPA

Access to certain municipal records may be exempt from disclosure based on the following categories (subject to MFIPPA):

- **Personal Privacy:** Records containing personal information that could be used to identify an individual, unless consent is provided, or the release is in the public interest.
- **Law Enforcement:** Records that may harm the ability of law enforcement or other investigative bodies to conduct investigations or prosecute offenders.
- **Confidential Business Information:** Records that contain confidential financial, commercial, or technical information.
- **Intergovernmental Relations:** Records containing communication between governments or agencies that is confidential.
- **Solicitor-Client Privilege:** Records containing legal advice or communications protected under solicitor-client privilege.

7. FEES

1. Fee Structure:

The municipality may charge fees for the processing of FOI requests as permitted under MFIPPA. Fees can include:

- **Application Fee:** A standard \$5.00 fee for submitting an FOI request.
- **Search and Preparation Fees:** Fees for the time spent searching for and preparing records.
- **Copying Fees:** Fees for photocopying records.
- **Other Fees:** Fees for providing electronic documents contained in a USB.

2. **Fee Waivers:**
Fees shall not be waived or reduced.
3. **Notification of Fees:**
Requesters will be notified of any applicable fees before the records are provided. Requesters have the option to modify their request or withdraw it if they are unwilling to pay the fees.

8. APPEALS AND COMPLAINTS

1. **Right to Appeal:**
If a requester is dissatisfied with the municipality's decision regarding access to records, they may appeal to the Ontario Information and Privacy Commissioner (IPC). Appeals must be made within 30 days of receiving the municipality's decision.
2. **Complaint Process:**
Requesters may also file complaints with the Information and Privacy Commissioner (IPC) if they believe their request was handled improperly, including issues of delays, refusals, or excessive fees.

9. PRIVACY AND CONFIDENTIALITY

The Town of Englehart is committed to protecting personal privacy and maintaining the confidentiality of information that is subject to privacy protection under MFIPPA. Any personal information provided in an FOI request will be used solely for the purpose of processing the request and will not be disclosed to third parties unless required by law.

10. TRAINING AND AWARENESS

The Town of Englehart will ensure that staff members involved in processing FOI requests are properly trained on the provisions of MFIPPA, the process for handling FOI requests, and the legal requirements surrounding access to records and the protection of privacy.

11. REVIEW AND AMENDMENTS

This policy will be reviewed every other year or as required by changes to MFIPPA or other relevant legislation. Amendments to this policy may be made by Council.

12. APPROVAL AND IMPLEMENTATION

This policy was approved by the Town of Englehart on February 26, 2025.

Please indicate how you would like to access the records

Access to Records	
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- Inspect the records in person**
- Paper copy of the record(s)**
- E-mail copy of the records (subject to file size)**
- Electronic Copy (USB)**

Fees for processing of FOI requests, pursuant to O. Reg 823

Application Fee: A \$5.00 application fee is mandatory for each request and cannot be waived. Each request based on property address or subject matter must be filed separately and the \$5.00 application fee is applicable.

Search and Preparation Time: Requesters are charged \$7.50 for every 15 minutes of municipal staff time to search, retrieve and prepare records.

Copies of Records: Requesters are charged for all copies. Copies cost \$0.25 per page or \$12.00 per USB.

The \$5.00 application fee may be paid by: Cash, Debit or Cheque payable to the Town of Englehart

Mail or Hand Deliver your Request to: Town of Englehart
Box 399
61 Fifth Avenue
Englehart, ON
P0J 1H0

Personal information contained on this form is collected under Section 17 of the Municipal Freedom of Information and Protection of Privacy Act, and will be used to respond to your request. Questions about this collection should be directed to the Clerk

I understand that the Town of Englehart will process my request in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), and that I may be required to pay applicable fees for processing this request.

Signature: _____ **Date:** _____

FOR OFFICE USE ONLY	
<input type="checkbox"/> \$5.00 Application Fee Received	Date Application and Fee Received:
Received by:	
Comments:	