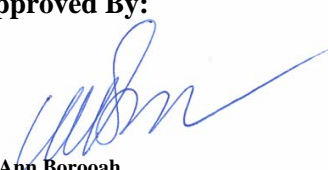




DISCLOSURE OF BUILDING RECORDS AND PLANS

Bulletin Number:	A-11d	Approved By:	 V. Ann Borooah Chief Building Official & Executive Director
Date:	June 15, 2007		
Authority:	Municipal Freedom of Information & Protection of Privacy Act		

Bulletin prepared by: *Jim Laughlin, DCBO and Director*

PURPOSE:

To establish a policy and procedures relating to providing access to and disclosure of (viewing and copying) *“building records”* and *“building plans”* in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and to provide guidance on what constitutes personal information.

POLICY:

Toronto Building, in accordance with the provisions of MFIPPA and in association with the Corporate Access and Privacy (CAP) office, will provide access to and disclosure of (viewing and copying) *“building records”* and *“building plans”*, in accordance with this Bulletin.

“building records” means all documents, whether electronic or physical (hard copy) format, contained within or forming part of an application or permit file/folder held by the Division and includes applications/files/folders for : Preliminary Zoning Review; Pre-application Applicable Law Review; construction, demolition, mechanical, sign and pool fence enclosure permits.

“building plans” means architectural, structural, and mechanical (plumbing, HVAC, and fire safety systems) drawings submitted to Toronto Building in connection with applications for reviews and permits mentioned in the definition of *building records* but does not include site plans, surveys and drain plans.

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Requests for access to *building plans* will be processed in accordance with procedures set out in Section A, except where Section B applies.

Requests for access to and disclosure of both *building plans* and *building records* will be processed in accordance with procedures set out in Section B.

Access to and disclosure of personal information of an identifiable individual is prohibited, except in accordance with Section B. City employees must consider whether information they provide by telephone, mail, email or in person is personal information about an identifiable individual. Guidance on this is provided in Section C.

Requests for access to and disclosure of records other than those set out in this Bulletin shall be processed by the CAP Office.

Requests for access to and disclosure of *building records* and *building plans* on file with the City's Archives shall be processed by Archives staff in accordance with separate procedures administered by City Archives.

Requests received and processed by Toronto Building will be processed no later than 30 days after the completed request is received.

This Bulletin does not preclude Toronto Building staff from discussing and communicating with the property owner and/or the owner's authorized agent and design professionals when processing and dealing with an active application or permit file, including those applications for review identified in the definition *building records*.

Decisions relating to requests under MFIPPA for access to a record may be appealed to the Information and Privacy Commissioner (IPC). Further, disclosure of personal information under Section 32 of MFIPPA may be the subject of a privacy complaint and the IPC has the authority to investigate that complaint.

PROCEDURE:**SECTION A – Access to Building Plans**

(1). Access to *building plans* of wholly residential buildings is permitted to all requesters in accordance with the following provisions:

1. Access to *building plans* (viewing and copying) of wholly residential buildings shall be permitted only between the date of building permit issuance and three months following the date the permit file was closed by the Building Inspector.

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2. Requests are to be submitted to the applicable district office on the prescribed Application Form, attached as Appendix A.
3. A separate application shall be required for each property address requested.
4. Staff will check the permit folder in IBMS to determine if a Disclosure Objection Form, attached as Appendix H, has been received from the property owner (or management company responsible for the building on behalf of the owner) by registered mail within 21 days of the permit application date. If so, the request can only be processed in accordance with the provisions of Subsection (2) below. If a Disclosure Objection Form has not been received, the request may continue to be processed in accordance with this subsection (1).
5. Staff will verify that the owner of the property at the time of the access request is the same as the owner at the time when the applicable permit was submitted. If the property owner is not the same the request must be processed pursuant to Section A(2).
6. Staff will verify the identification of the requester.
7. Staff will direct the requester to Registry Services to pay the \$5.00 MFIPPA application fee. Application fees are not applicable to City Councillors or their staff. However, printing and copying fees do apply where applicable.
8. A reasonable search shall be made in accordance with the Reasonable Search procedure, attached as Appendix B.
9. To reduce the cost and effort to produce *building plans*, the requester, if authorized, will be encouraged to view the plans in advance of copying to identify the plans desired.
10. If the *building plans* requested can not be found, staff will complete the Standard Decision Letter (1) from the City Clerk, attached as Appendix C, and provide a copy to the requester.
11. If the *building plans* are located and are to be copied for the requester, staff will complete and provide the requester with a copy of the Standard Decision Letter (2) from the City Clerk, attached as Appendix D. This letter provides notice to the requester regarding their obligations under the Copyright Act and to consult the designer for accuracy of the *building plans*.
12. When *building plans* are large and/or several copies are requested, staff will provide the requester with information about the third party printer, including the reproduction costs and how to pay.
13. Staff will contact the third party printer to arrange for pick up and copying of the *building plans*. The third party printer will return the original plans to the Toronto Building district office.
14. The third party printer will contact the requester directly when the copies are available for pick up. The requester must make payment directly to the third party printer for copies received.
15. Fees for photocopying of small plans (8.5" x 11.0") or (11.0" x 17.0") shall be \$0.50 per page and \$5.00 for each microfiche print when few are requested, time permits and when printed in-house. Fees associated with copying that are less than \$10.00 will be waived.
16. Copies of all application forms shall be maintained by Toronto Building and provided to the CAP office, along with completed decision letters, for statistical reporting purposes, on a weekly basis.

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(2). Except as provided in subsection (1) for residential buildings, Access to *building plans* of all buildings is permitted in accordance with the following provisions:

1. Access to (viewing and copying) *building plans* is permitted only to requesters who can prove/confirm they are:
 - an owner of the property that is the subject of the request,
 - a director of the management company responsible for the building on behalf of a property owner,
 - any person who has the written consent of a property owner or the management company,
 - City Councillors and their staff. In these cases, the standard memo from the City Clerk, attached as Appendix E, will be provided when access is provided.
 - in the case of a City-owned building, a person with the authorization of the Director of Facilities and Real Estate,
 - an officer of the Municipal Property Assessment Corporation (MPAC)
2. Requests are to be submitted to the applicable district office on the prescribed Application Form, attached as Appendix A.
3. A separate application shall be required for each property address requested except for MPAC, who can file one application with multiple addresses.
4. Staff will verify the identification of the requester and confirm the ownership of the property in IBMS.
5. Staff will, at their discretion, verify the letters of consent from property owners and management companies when appropriate.
6. Staff will direct the requester to Registry Services to pay the \$5.00 MFIPPA application fee. Application fees are not applicable to City Councillors and their staff or MPAC. However, printing and copying fees do apply where applicable.
7. A reasonable search shall be made in accordance with the Reasonable Search Procedure attached as Appendix B.
8. To reduce the cost and effort to produce *building plans*, the requester, if authorized, will be encouraged to view the plans in advance of copying to identify the plans desired.
9. If the *building plans* requested can not be found, staff will complete the Standard Decision Letter (1) from the City Clerk, attached as Appendix C, and provide a copy to the requester.
10. If the *building plans* are located and are to be copied for the requester, staff will complete and provide the requester with a copy of the Standard Decision Letter (2) from the City Clerk, attached as Appendix D. This letter provides notice to the requester regarding their obligations under the Copyright Act and to consult the designer for accuracy of the *building plans*.
11. When *building plans* are large and/or several copies are requested, staff will provide the requester with information about the third party printer, including the reproduction costs and how to pay.

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12. Staff will contact the third party printer to arrange for pick up and copying of the *building plans*. The third party printer will return the original plans to the Toronto Building district office.
13. The third party printer will contact the requester directly when the copies are available for pick up. The requester must make payment directly to the third party printer for copies received.
14. Fees for photocopying of small plans (8.5" x 11.0") or (11.0" x 17.0") shall be \$0.50 per page and \$5.00 for each microfiche print when few are requested, time permits and when printed in-house. Fees associated with copying that are less than \$10.00 will be waived.
15. Copies of all application forms shall be maintained by Toronto Building and provided to the CAP office, along with completed decision letters, for statistical reporting purposes, on a weekly basis.

(3). Access to (viewing and copying) surveys, site plans and drain plans is permitted in accordance with the following provisions:

1. Requests are to be submitted to the applicable district office on the prescribed Application Form, attached as Appendix A.
2. A separate application shall be required for each property address requested.
3. Staff will direct the requester to Registry Services to pay the \$5.00 MFIPPA application fee. Application fees are not applicable to City Councillors and their staff. However, printing and copying fees do apply where applicable.
4. A reasonable search shall be made in accordance with the Reasonable Search Procedure attached as Appendix B.
5. To reduce the cost and effort to produce the record, the requester will be encouraged to view the records in advance of copying.
6. If the records requested can not be found, staff will complete the Standard Decision Letter (1) from the City Clerk, attached as Appendix C, and provide a copy to the requester.
7. If the records are located and are to be copied for the requester, staff will complete and provide the requester with a copy of the Standard Decision Letter (2) from the City Clerk, attached as Appendix D. This letter provides notice to the requester regarding their obligations under the Copyright Act and to consult the designer for accuracy of the records.
8. When records are large and/or several copies are requested, staff will provide the requester with information about the third party printer, including the reproduction costs and how to pay.
9. Staff will contact the third party printer to arrange for pick up and copying of the records. The third party printer will return the original records to the Toronto Building district office.
10. The third party printer will contact the requester directly when the copies are available for pick up. The requester must make payment directly to the third party printer for copies received.

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11. Fees for photocopying of small records (8.5" x 11.0") or (11.0" x 17.0") shall be \$0.50 per page and \$5.00 for each microfiche print when few are requested, time permits and when printed in-house. Fees associated with copying that are less than \$10.00 will be waived.
12. Copies of all application forms shall be maintained by Toronto Building and provided to the CAP office, along with completed decision letters, for statistical reporting purposes, on a weekly basis.

SECTION B – Disclosure of Building Records and Access to Building Plans

Disclosure of (viewing and copying) *building records*, including personal information, shall be permitted in accordance with the provisions of Section 32(e) of MFIPPA to officers of:

- Tarion (previously Ontario New Home Warranties Plan, ONHWP).
- Professional Engineers of Ontario (PEO),
- Ontario Architects Association (OAA), and

Disclosure of (viewing and copying) *building records*, including personal information, shall be permitted in accordance with the provisions of Section 32 (c) and (d) of MFIPPA to:

- City Council, Standing Committees of Council and City employees who require access and disclosure to carry out his or her duties on behalf of the City.

Disclosure of (viewing and copying) *building records*, including personal information, shall be permitted in accordance with the provisions of Section 32(g) of the MFIPPA to officers of:

- Toronto Police Services, Ontario Provincial Police and Royal Canadian Mounted Police

Access to (viewing and copying) *building plans* to each of the individuals and groups mentioned in this Section B is permitted in accordance with the provisions below.

Requests for disclosure of *building records* and access to *building plans* shall be processed in accordance with the following provisions:

1. Requests for access to and disclosure of *building plans* and *building records* processed under this Section are not considered access requests and are therefore not subject to the \$5.00 MFIPPA application fee.
2. Requests from Tarion, PEO, and OAA shall be processed in accordance with the Guidelines, attached as Appendix F

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3. Requests from City Council, Standing Committees of Council, and City employees who require the information to carry out his or her duties on behalf of the City shall be processed without formal application.
4. Requests from Police Services shall be processed in accordance with the Guidelines, attached as Appendix G.
5. A reasonable search shall be made in accordance with the Reasonable Search procedure, attached as Appendix B.
6. To reduce the cost and effort to produce *building records* and/or *building plans*, the requester, if authorized, will be encouraged to view the plans in advance of copying to identify the plans desired.
7. If the *building records* and/or *building plans* requested cannot be found, staff will complete the Standard Decision Letter (1) from the City Clerk, attached as Appendix C, and provide a copy to the requester. In the case of a request from City Council, a Standing Committee of Council, City staff and Police Services, they will be notified immediately either verbally or by email,
8. If the *building records* and/or *building plans* are located and are to be copied for the requester, staff will complete and provide the requester with a copy of the Standard Decision Letter (2) from the City Clerk, attached as Appendix D. This letter provides notice to the requester regarding their obligations under the Copyright Act and to consult the designer for accuracy of the *building plans*. In the case of a request from City Council, a Standing Committee of Council, City staff and Police Services, they will be notified immediately either verbally or by email.
9. When *building plans* are large and/or several copies are requested, staff will provide the requester with information about the third party printer, including the reproduction costs and how to pay, except in the case of requests from City Council, a Standing Committee of Council, City staff and Police Services, in which case costs will be absorbed by Toronto Building.
10. Staff will contact the third party printer to arrange for pick up and copying of the *building plans*. The third party printer will return the original plans to the Toronto Building district office.
11. The third party printer will contact the requester directly when the copies are available for pick up. The requester must make payment directly to the third party printer for copies received.
12. Fees for photocopying of small plans (8.5" x 11.0") or (11.0" x 17.0") shall be \$0.50 per page and \$5.00 for each microfiche print when few are requested, time permits and when printed in-house. When printing in-house is labour intensive the Corporate Print Shops shall be used. Fees associated with copying that are less than \$10.00 will be waived.
13. Copies of all application forms shall be maintained by Toronto Building and provided to the CAP office, along with completed decision letters, for statistical reporting purposes, on a weekly basis.

June 15, 2007**SECTION C – Personal Information**

Routine disclosure of information and records is supported by City Council and the IPC. However, other than as set out in Section B, City employees shall not provide any personal information of any identifiable individual to any one making such a request, including individual City Councillors and their staff.

Applicants are advised by signage at the customer service counters that they are not to include personal information on *building plans* submitted for building permit and other reviews. Therefore, it is our policy that *building plans* and information contained on the plans is not personal information. However, other *building records* and information contained on City computer servers and systems such as IBMS do contain personal information.

As a guideline, any personal information of an identifiable individual can not be released or disclosed. The following are examples of personal information:

- Name, address, postal code, phone number, and email address of an identifiable individual, including that of the property owner, applicant, builder, and designers when they are not a business or company.
- Copies of the signature of any person.
- Estimated construction value of any specific application.
- Copies of Orders to Comply containing personal information. Therefore, when Orders to Comply are required to be posted on site, they must not contain any personal information.

Information that is not considered personal and that can be released or disclosed, include:

- Name, address, postal code, phone numbers, email address of companies, including the property owner, applicant, builder, and designers, provided they are a business or company. Please be sure this information relates to a business and/or company and not to an identifiable individual.
- Application and permit numbers.
- Date of application and permit issuance.
- Project information such as: building number, street name, lot and concession number, postal code, plan number, and area of work.
- Roll number of a property.
- Dates of declarations on application forms.
- *Building plans* disclosed in accordance with Sections A and B of this Bulletin.

June 15, 2007**BACKGROUND:**

MFIPPA gives the public a right of access to records held by the City of Toronto. Individuals may request any record of information in any form, including letters, reports, computer tapes, electronic records, e-mail, and video or audio tapes. The Act provides for specific exemptions from the general right of access, such as:

- personal information about an identifiable individual, or
- records, the disclosure of which could reasonably be expected to endanger the security of a building.

Records other than those exempt from disclosure must be made available to a member of the public upon request. It is the City's policy to determine which records may be disclosed in a routine manner and to do so whenever possible as part of the business unit's (Toronto Building) normal business practices.

The City of Toronto has developed and posted an Access and Privacy Manual to assist City staff members who participate in responding to access requests under MFIPPA. This Manual is available on the City's Intranet Site and should be consulted, as it will be updated to include access and privacy policies, best practice guidance, and training material.

Toronto Building, together with members of the City Clerk's Office has considered and will continue to review the policies and practices within Toronto Building relating to access and disclosure of records. This Bulletin, as revised from time to time, sets out the division's policy and procedures relating to providing access to and disclosure of records held by Toronto Building.

Appendix A - Application Form

Appendix B – Reasonable Search Procedure

Appendix C – Standard Decision Letter (1) from City Clerk (no record found)

Appendix D – Standard Decision Letter (2) from the City Clerk (request completed)

Appendix E – Standard Memo to Councillors and their staff when access to plans provided

Appendix F – Guidelines for Access and Disclosure to PEO, OAA and Tarion

Appendix G – Guidelines for Access and Disclosure to Police Services

Appendix H – Disclosure Objection Form



Request for Access Building Plans BUILDING DIVISION

Please note: Requests to view or copy building plans and drawings will be processed in accordance with the Divisional Policy for Disclosure of Building Plans. For other building permit application information, the request will be forwarded to the Corporate Access & Privacy Office for completion.

Application Fee *\$5.00. An application fee is to accompany all requests for access to building plans and drawings (viewing and copying), payable, in person, at the Registry Services counter in the appropriate district office. If mailing in form, please make cheque/money order payable to City of Toronto. Forward to the Corporate Access and Privacy Office at City Hall, 13th Floor, West Tower, 100 Queen Street West, Toronto, ON M5H 2N2, phone 416-392-9684.

The following fees apply to requests for general information:

Application Fee - \$5.00 to be paid when you submit your request. This fee is mandatory and not subject to waiver

Search time - \$7.50/ ¼ hour, required to search and retrieve records

Record Preparation (i.e. severing) - \$7.50/ ¼ hour to prepare records for release

* Photocopying - \$.020/page, requester's copy only – see also "Other costs"

Computer Programming - \$15.00/ ¼ hour if needed to develop program to retrieve information

Floppy Disks - \$10.00 for each disk

* Other costs – as specified in an invoice from the external printing company. Fees are payable directly to the third party printer

Appeal Fee - \$25.00 to be paid to IPC with request to appeal

Last Name:	First Name:	
Address:	City/Town/Province:	Postal Code:
Contact Day Phone Number:	Contact Evening Phone Number:	Fax Number:

DOCUMENTS REQUESTED:

Property Address:	Building Application Number (if known):	
Specific Records, Plans/Drawings:	<input type="checkbox"/> View/Copy Plan <input type="checkbox"/> Copy File & Plan <input type="checkbox"/> File Only	

Building Division Office Locations: Indicate location of plans requested

<input type="checkbox"/> North York District – 5100 Yonge Street, 1 st floor North York CC – M2N 5V7, 416-395-7525 <input type="checkbox"/> Scarborough District – 150 Borough Drive, 3 rd floor Scarborough CC – M1P 4N7, 416-396-7339	<input type="checkbox"/> Toronto/East York District – 100 Queen St. West, Basement, City Hall - M5H 2N2, 416-392-7974 <input type="checkbox"/> Etobicoke/York District – 2 Civic Centre Court, Main Floor - M9C 5A3, 416-394-8053
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I declare that I am:

- the owner of the property as described above
 a director of the management company responsible for the building on behalf of a property owner (proof required)
 a person who has the written consent of a property owner or the management company (proof required)
 other authorized person as described in the Divisional Policy for Disclosure of Building Plans (see list on reverse)

Signature of Applicant

Date

The personal information on this form is collected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, chapter M.56 and Chapter 363 of the Municipal Code. The information is used to process your freedom of information request for access to building plans and related information, and for aggregate statistical reporting. Questions about this collection can be directed to the Building Division's Customer Service Manager located in the district office where the requested property plans are located (see page 2 for locations).

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<input type="checkbox"/> View/Copy Plan <input type="checkbox"/> Copy File & Plan <input type="checkbox"/> File Only	<input type="checkbox"/> Receive Copy (in house copying) Records sent to external printer: Y / N – circle one	Fee: \$ Date Plans Sent:	Date Fee Received (if in-house copying): Date Plans Returned:	
Request No. (to be assigned by CAP office)	Source of Request:	Number of Plans Printed:	Final Disposition:	
Where notice of extension required, date CAP office notified:	Date Request Closed:	Date request sent to CAP office where requester not authorized person or permit file is requested:		
Comments:				
Signature of Client Service Representative:		Phone Number:		

Other Authorized Requesters (identification required):

- a City employee who requires access to carry out his/her duties on behalf of the City,
- an officer of Tarion (previously Ontario New Home Warranties Plan, ONHWP) who requires access to carry out his/her duties,
- an officer of the Municipal Property Assessment Corporation (MPAC) who requires access to carry out his/her duties,
- an officer of Professional Engineers of Ontario (PEO) or Ontario Architects Association (OAA) who is investigating a complaint against one of its respective members,
- a police officer who requires access to aid a law enforcement investigation,
- in the case of a City-owned building, with the authorization of the Director of Facilities and Real Estate.

Source of Request

Choose one of the following:

- Individual/Public
- Business (this would include designers, contractors, etc.)
- Academic/Researcher
- Association/Group
- Media
- Government (all levels)
- Other
- Don't know

Final Disposition

Choose one of the following:

- All disclosed
- No records exist

Reasonable Search Procedure

A request may not sufficiently describe the record sought and therefore may not be considered a "complete request". Clarification of what is being sought is required. A request may also be worded too broadly. If the Building Division receives a request such as "I would like copies of all building plans for 123 ABC Street", request further information from the requester in order to narrow the search, for example ask for specific years or specific project(s).

Clarifying or narrowing a request is helpful to both the institution and the requester. If the person appears at the Building Counter, the request can be clarified or narrowed immediately. If not, staff should telephone the requester and offer assistance in reformulating the request to identify the specific records sought. After a request has been clarified or narrowed it should be clear to each party what records are being requested.

Search for Records

The City of Toronto is required to carry out a reasonable search when responding to a request.

The following should also be considered when searching for records:

- identify the specific files and data banks that should be searched;
- ensure that if a requester claims certain records should exist, they have been searched for in the appropriate files; and
- establish whether other files and data banks and those of alternative media might contain records responsive to the request, i.e. microfilm.

If a record cannot be found, staff should be prepared to verify in an affidavit, the steps taken to locate a record. In the event of an appeal to the IPC on whether the search was sufficient, the staff who conducted the search may be summoned to attend an oral inquiry on how the search was conducted at the IPC offices.

Note that the former municipalities have been listed separately from the District offices. All records up to December 31, 1997 will be listed under the former municipality. All others from January 1, 1998 are listed under the new District name.

Etobicoke/York District (UCD)

Hard copy records exist for plans and permits from 1998 – current.

Former Etobicoke (current dept. code UCD; legacy dept. code ET/450):

Microfilmed copies of permits and plans 1940-1982 (hard copy records of permits for these years may be incomplete).

Hard copy Building Plans late 1950's – current
Hard copy Building Permits 1982 – current
Inspection records kept in House Files – filmed up to 1998

Mostly box level data entry, except very current years; 2003 to current at file level data entry.

Former York (current dept. code UCD; legacy dept code YK/12/2, YK/12/2/1 & YK/12/2/2)

No record of any microfilming. Hard copy records available for years 1920 – present. For earlier years, records may be incomplete.

Box level data entry only.

North York District (UCC)

Hard copy records exist for plans and permits from 1998 – current.

Former North York (dept. code UCC; legacy dept. code NY/220):

Microfilmed copies of commercial plans from 1961 to 1992

Microfilmed copies of commercial files from 1963 – 1987, one film roll for 1962 (62-2509 – 62-5076)

Microfilmed copies of commercial Drain files from 1963 – 1986.

Residential permits and plans were filmed beginning in 1986 – 1992 (and years 1975 – 1977), two rolls for 1959 (DO-15954 – 16253 & DO-16254 - 16393).

All hard copy records exist from 1985 – 1997, there may be some from 1960's & 1970's.

Box level data entry.

Toronto and East York District (UCB)

Permits & Plans microfilmed from 1998 – 2002 (closed files).

Plans microfilmed for same years.

Hard copy records for permits exist for 1998 - current. Box level data entry.

Hard copy plans from 1998 – current. No listing available for 1998 –2001. Plans for 2002 – current listed on Livelink listed by address and permit (IBMS) number.

Former Toronto (search Dept. Code UCB)

Permits and plans - years microfilmed in full date from the 1800's to 1997 (closed files).

Hard copy records for permits exist for 1995 – 1997.

Hard copy records for plans exist, but no listing and not on Livelink; use microfilm copy.

Box level data entry for files.

Former East York (current dept. code UCF; legacy dept. code EY/7/2 for permits & EY/7/3 for plans)

No record of any microfilming. Hard copy records available for years 1911 – present. File level data entry.

Scarborough District (UCE)

Hard copy records, plans and permits from 1998 – current.

Former Scarborough (current dept. code UCE; legacy dept. code SC/9/6)

Hard copy permit records from 1969-1997. File level (by permit number) data entry.

Hard copy building plans 1995 – 1997.

Building plans (large roll plans) from 1969 – 1994 were microfilmed and originals destroyed.

There are a number of hard copy plans available at the City of Toronto Archives that have been deemed to have archival/historical value. The Archives maintains a separate listing of these records. Archives staff can assist with these requests.

Procedures on how to use Livelink will be given separate from this document. Training will be provided by Records Management staff and procedures/cheat sheets will be provided at that time.

Date

Phone # of Contact Person

Toronto, Ontario
Postal CodeDear Mr./Ms. Requester's Last Name:**Subject: City of Toronto Temporary Access Request Number 05-_____**

I am replying to your access request under the *Municipal Freedom of Information and Protection of Privacy Act* and the Divisional Policy for Disclosure of Building Plans.

You have requested access to a copy of the building plans pertaining to __(address)_____ in Toronto.

The search by staff of the Building Division (_____ District) has found no building plans for this location. Access cannot therefore be granted, as the plans do not exist.

You may request that the Information and Privacy Commissioner review this decision. The Commissioner is located at 2 Bloor Street East, Suite 1400, Toronto, Ontario M4W 1A8. Please provide the Commissioner with the following:

- i) request number assigned to your request;
- ii) a copy of this decision letter;
- iii) a copy of your original request.

Please note that you have 30 days from receipt of this decision to request a review.

In addition, you must send an appeal fee to the Commissioner's office. Please be advised that the fee to appeal a request for general records is **\$25.00**. Please include the fee in your letter of appeal. Appeal fees should be in the form of either a cheque or a money order, made payable to the *Minister of Finance*.

Requester's Name

Date

Should you have any questions, please contact _____, Building Division (_____ District), at phone number (416) _____. Mr./Ms. _____ is located at _____, Toronto, Ontario _____.

Sincerely,

Ulli S. Watkiss
City Clerk.

Date

Phone # of Contact Person

Address
 Toronto, Ontario
 Postal code

Dear Mr./Ms. Requester's Name :

Subject: City of Toronto Temporary Access Request Number 05-_____

I am replying to your access request under the *Municipal Freedom of Information and Protection of Privacy Act* and the Divisional Policy for Disclosure of Building Plans.

You have requested access to a copy of the building plans pertaining to _[address]_____ in Toronto. Access is being granted in full to the building plans that you have requested.

If we are required to order the plans from an off-site location, you will be contacted by our office when we receive them. You will then need to make an appointment to view and select the building plans that are to be printed regarding this address. The building plans that you select at the time of your appointment will be sent to a printing firm if they cannot be printed in-house. You will be asked to arrange for payment to the printing firm directly for any copy and delivery charges for the building plans.

Please note that the building plans are copies of those on file at the City of Toronto, (District). The City of Toronto disclaims any liability as to the accuracy of the contents of the building plans as provided and would recommend that you contact the engineers, surveyors and/or architects noted on building plans to confirm accuracy if you intend to rely on them for any reason. Please note also that you are still subject to the provisions of the *Copyright Act*.

.../2

Requester's Name

Date

Should you have any questions, please contact _____, Building Division (District), at phone number (416) _____. Mr./Ms. _____ is located at _____ Toronto, Ontario _____.

Sincerely,

Ulli S. Watkiss
 City Clerk.



Uli S. Watkiss
City Clerk

City Clerk's Office

Memorandum

To: Councillor _____ and members of your staff

Date: (insert date)

Re: Restrictions Regarding Disclosure of Building Plans

Access and/or copies of building plans are being provided to you at your request in accordance with the policy of Toronto Building entitled "Disclosure of Building Records and Plans"

Accordingly, Members of City Council and their staff may not **copy, disclose or otherwise disseminate** any information obtained by accessing building plans on file with Toronto Building.

Ulli S. Watkiss
City Clerk



EXAMPLE
(Place on Departmental Letterhead)

<<Date>>

<<Name of Investigator>>
<<Title of Investigator>>
<<Organization>>
<<Address>>
<<City, Province>>
<<Postal Code>>

Dear (Mr./Ms.) <<Investigator Name>>,

Re: <<Subject of Request>>

I am replying to your letter of <<date>> requesting information related to the <<specific document description>> of the above named <<individual/incident>> from the <<Division >> of the <<Department>>.

Please be advised that the specific personal information that has been requested is being disclosed pursuant to Sections 8(9) and 8(9.1) of the *Building Code Act, 1992, S.O. 1992 c. 23*. This disclosure is permitted by section 32 (e) of the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) which permits an institution to disclose personal information for the purposes of complying with an Act of the Legislature.

Please <<find enclosed a copy of the records /contact City of Toronto staff to arrange access to the records/the information >> responsive to your request maintained by the <<Division>> of the <<Department>>.

Should you have any questions related to this release of information please contact the Department contact with the City of Toronto at (416) 39x-xxxx.

Sincerely,

<<Manager>>
<<Title>>
<<Division>>

GUIDELINES DISCLOSURE OF PERSONAL INFORMATION UNDER SECTION 32 (e) OF THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT FOR BUILDING DIVISION

Introduction

One of the key principals of the Municipal Freedom of Information and Protection of Privacy Act (the Act) is the protection of personal information. The requirements of the Act concerning personal privacy include establishing standards for the collection, use and disclosure of personal information.

The City of Toronto creates and maintains many different types of records, many of which contain personal information. Departments frequently receive requests for access to this information from a variety of external agencies.

The collection, use and disclosure of personal information are restricted to specific circumstances outlined in Part II of the Act. Section 32 (e) of the Act permits the disclosure of personal information by the City of Toronto to an external person or agency for the purpose of complying with an Act.

The Corporate Access and Privacy Office has developed three template letters for Building Division and these guidelines to assist City staff in identifying when they are permitted to disclose personal information in response to a request received from external agencies, and specific procedures to follow when disclosing personal information in these circumstances.

Guidelines

- When an investigator representing an external agency requests disclosure of a record containing personal information from Building Division, they must:
 - Submit the request in writing on appropriate letterhead.
 - Identify themselves and their organization.
 - Provide specific detail as to the record required
 - Cite the authority under which they are requesting the disclosure of the record.
- Staff can assist the requester in identifying in detail what information they require, so that only appropriate records are disclosed. In the event that specific information cannot be identified, please contact the Corporate Access and Privacy office for further direction.
- Original documents are never to be provided to a requester. Over sized documents may be viewed at Building facilities under the observance of a Building staff member.
- All disclosures either by mail or in person must be completed using one of the template letters attached.
- Two copies of the completed template letter **must** be made:
 - The first copy of the completed template letter must be placed on the City's file.
 - **The second copy must be in a sealed envelope, marked confidential to the attention of Suzanne Craig, Director of Corporate Access and Privacy at Toronto City Hall, 13th floor, West Tower, 100 Queen Street West.**

GUIDELINES DISCLOSURE OF PERSONAL INFORMATION UNDER SECTION 32 (e) OF THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT FOR BUILDING DIVISION

- If presented with a subpoena, you will likely be expected to attend at court with a certified copy of the original records that have been requested. Staff must contact the department's solicitor when presented with a subpoena.
- Staff must make a copy of the subpoena and the records that have been requested and place them in the employee or customer file. A copy of the subpoena is to be forwarded, by confidential mail, to Suzanne Craig, Director of Corporate Access and Privacy at Toronto City Hall, 13th floor, West Tower, 100 Queen Street West.

Copies of the template letters can be obtained from the Corporate Access and Privacy office by calling 392-9684. Any questions related to these guidelines can be directed to John Searle, Senior Policy and Compliance Analyst at 397-5215

**Prepared by Corporate Access and Privacy
April 2006**



EXAMPLE
(Place on Departmental Letterhead)

<<Date>>

<<Name of Investigator>>
<<Title of Investigator>>
Tarion Warranty Corporation
<<Address>>
<<City, Province>>
<<Postal Code>>

Dear (Mr./Ms.) <<Investigator Name>>,

Re: <<Subject of Request>>

I am replying to your letter of <<date>> requesting information related to the <<specific document description>> of the above named <<individual/incident>> from the <<Division >> of the <<Department>>.

Please be advised that the specific personal information that has been requested is being disclosed pursuant to Section 18 of the Ontario New Homes Warranties Plan, *R. S.O. 1990 c. 0.31*. This disclosure is permitted by section 32 (e) of the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) which permits an institution to disclose personal information for the purposes of complying with an Act of the Legislature.

Please <<find enclosed a copy of the records /contact City of Toronto staff to arrange access to the records/the information >> responsive to your request maintained by the <<Division>> of the <<Department>>.

Should you have any questions related to this release of information please contact the Department contact with the City of Toronto at (416) 39x-xxxx.

Sincerely,

<<Manager>>
<<Title>>
<<Division>>

GUIDELINES FOR THE DISCLOSURE OF PERSONAL INFORMATION IN RESPONSE TO A REQUEST BY LAW ENFORCEMENT

Introduction

One of the key principals of the Municipal Freedom of Information and Protection of Privacy Act (the Act) is the protection of personal information. The requirements of the Act concerning personal privacy include establishing standards for the collection, use and disclosure of personal information.

The City of Toronto creates and maintains many different types of records, many of which contain personal information. Departments frequently receive requests for access to this information from a variety of external government law enforcement agencies, including City of Toronto Police Services (TPS), the Ontario Provincial Police (OPP) and the Royal Canadian Mounted Police (RCMP).

The collection, use and disclosure of personal information are restricted to specific circumstances outlined in Part II of the Act. Section 32 (g) of the Act permits the disclosure of personal information by the City of Toronto to a law enforcement agency in Canada for the purpose of aiding an investigation undertaken with a view to a law enforcement proceeding.

The corporate Access and Privacy Office has developed a corporate form and these guidelines to assist City staff in identifying when they are permitted to disclose personal information in response to a request received from a law enforcement agency in Canada, and specific procedures to follow when disclosing personal information in these circumstances.

Guidelines

- When a law enforcement officer attends at any City facility requesting access to personal information in its custody and control, they must complete a Law Enforcement Officer's Request for Access to Personal Information form (Attached).
- Staff are required to ask the attending police officer for identification and ensure that their badge numbers are recorded on the form.
- Staff are to complete Part I of the forms, indicating whether the request is for employee of client information, the City location, the file title and a brief description of the records requested by the police.
- Staff can assist the police in identifying in detail what information they require, so that only these records relevant to the investigation are disclosed. In the event that specific information cannot be identified, but the police are requesting to search through large volume of records, please contact the Corporate Access and Privacy office for further direction.
- Part II of the form is to be complete by the attending police officer. He/she must record:
 - An occurrence report number
 - Whether copies are requested or to view the original, or both
 - Whether the originals will be requested under subpoena

Note: Originals are never to be provided to an attending officer.

GUIDELINES FOR THE DISCLOSURE OF PERSONAL INFORMATION IN RESPONSE TO A REQUEST BY LAW ENFORCEMENT

- Staff must ensure that the forms is dated and signed by the requesting officer and attending staff person.
- **Forward the completed original form in a sealed envelope, marked confidential to the attention of Suzanne Craig, Director of Corporate Access and Privacy at Toronto City Hall, 13th floor, West Tower, 100 Queen Street West.**
- Place a copy of the completed form, along with a list of the records that were disclosed to the law enforcement officer, in the City's file.
- If presented with a subpoena, you will likely be expected to attend at court with a certified copy of the original records that have been requested. Staff must contact the department's solicitor when presented with a subpoena.
- Staff must make a copy of the subpoena and the records that have been requested and place the in the employee or customer file. A copy of the subpoena is to be forwarded, by confidential mail, to Suzanne Craig, Director of Corporate Access and Privacy at Toronto City Hall, 13th floor, West Tower, 100 Queen Street West.
- **Special Note:** There may be exceptional circumstances that arise in which staff receive a request from the police for information over the telephone. Please refer all such calls to Corporate Access and Privacy prior to disclosing any personal information.

Copies of the form can be obtained from the Corporate Access and Privacy office by calling 392-9684. Any questions related to these guidelines can be directed to John Searle , Senior Policy and Compliance Analyst at 397-5215

**Prepared by Corporate Access and Privacy
September 2005**



Division:
Unit:
Address:

LAW ENFORCEMENT OFFICER REQUEST FORM: ACCESS TO PERSONAL INFORMATION

The following information is being requested under section 32(g) the Municipal Freedom of Information and Protection of Privacy Act which provides for the disclosure of records containing personal information for the purpose of aiding a law enforcement investigation.

This section to be completed by City Staff

Information Requested

Client/Employee Name (circle one):

File/Record Title(s):

Description of Records:

This section to be completed by attending Law Enforcement Officer (including: Toronto Police Services, OPP, RCMP, Correctional Service of Canada, Ontario Ministry of Correctional Services).

Subject Name: _____

Occurrence No.: _____ or _____ Warrant of Apprehension No.: _____

Review Original Documents: Yes No Copies Requested: _____

Original Requested: _____
(release original under subpoena only)

I _____ request the above personal information to aid an investigation undertaken
(Officer)

By _____ with view to a law enforcement proceeding or from which a law
(Law Enforcement Institution)
enforcement proceeding is likely to result.

Signature of Investigating Officer

Badge/Identification No.

Date

City staff contact name:

Phone #:

Return all completed ORIGINAL forms to the Corporate Access and Privacy Office, City Clerk's Office, Toronto City Hall, 13th floor, West Tower, 100 Queen Street West, Toronto, ON, M5H 2N2. Should you have any questions regarding the use of this form, please contact the Director, Corporate Access and Privacy at 416-392-9683.

Building Disclosure Objection

IMPORTANT NOTICE

The Ontario Municipal Freedom of Information and Protection of Privacy Act gives the public a right of access to records held by the City of Toronto.

Toronto Building has a policy regarding the routine disclosure of building plans associated with permit applications. The policy allows anyone access (including viewing and copying) to residential building plans associated with permit applications. Access to the plans will be granted from the date of permit issuance to 3 months following the date the permit file was closed.

As the owner, management company responsible for the building or the permit applicant, you feel there may be a security risk by allowing the public access to your plans and you do not want your building plans to be disclosed by Toronto Building through the Routine Disclosure Policy described above, please submit a letter outlining the reasons for your objections by Registered Mail within 21 days of the application date. Please direct the letter to the district office in the district where your property is located:

Toronto and East York District

Manager, Customer Service

Toronto Building

100 Queen Street West, 1st Floor

Toronto, Ontario M5H 2N2

(416) 392-7539

North York District:

Manager, Customer Service

Toronto Building

5100 Yonge Street, 1st Floor

Toronto Ontario M2N 5V7

(416) 395-7000

Etobicoke York District

Manager, Customer Service

Toronto Building

2 Civic Centre Court, 1st Floor

Etobicoke, Ontario M9C 5A3

(416) 394-8002

Scarborough District

Manager, Customer Service

Toronto Building

150 Borough Drive, 3rd Floor

Toronto, Ontario M1P 4N7

(416) 396-7526

Note: • Letters of objection will only be accepted if received by Registered Mail. Requests for building plans where a letter of objection to disclosure has been received by Toronto Building will be referred to the Corporate Access and Privacy Office where access to the building plans may still be granted.