

**Introduction**

In April 2006, all City Divisions were directed to work with the CAP office to develop routine disclosure plans to:

- enhance transparency by routinely disclosing information about planning applications;
- provide better service to the public by providing access to information without going through a formal FOI process;
- be more cost effective to the City than FOI; and
- improve compliance with the principles of MFIPPA (Municipal Freedom of Information and Protection of Privacy Act).

These guidelines apply to development applications. This includes: official plan amendments, rezoning, subdivision, part lot control, site plan approval, condominium, Committee of Adjustment consents and Committee of Adjustment variances. They do not apply to other types of planning files including: transportation studies, policy studies, avenue studies, research files, pre-application files, etc. For the release of information from these types of files, staff should contact the CAP office for guidance, or advise requester to file a formal FOI request.

These guidelines generally apply to open / current / active development application files. Archived files that are straightforward can be considered through these routine disclosure guidelines. Requests for information from archived development applications files where significant research is required should be through a formal FOI request.

**Requests to View Development Application Files**

Before making the file available for viewing, staff should ensure that only documents listed in these guidelines as available for viewing, are in the file. Prior to viewing, a form is to be completed by the requester. If possible they should be set up in a place where staff can monitor.

**Disclosure Guidelines**

Below is a sample of documents found in a typical planning application file and guidelines on whether or not the information can be released through routine disclosure.

- 1. Planning Application Form**
  - can be viewed, copied, and be released.
- 2. Drawings Prepared by Engineer or Architect, Property Surveys**
  - drawings can be viewed. Should not be copied, should not be released.
  - if a copy appears in a Committee agenda, copy of that version can be copied and released.

- if request is for copy of drawings, requester should be referred to the applicant. The applicant can then make copies and provide appropriate copyright warnings. (Note: staff should encourage applicants to cooperate so as to avoid formal FOI requests.)
  - above rules also apply to digital drawings.
- 3. Request for Comments Form (Circulation Form)**
- can be viewed, can be copied, can be released.
- 4. Comments from Divisions / Agencies / Planning Staff**
- formal comments can be viewed, copied, and released. A formal comment can be a memo, letter or e-mail from a responding division or agency.
  - comments which have not been formally sent by a responding division or agency should not be viewed, copied or released. If there is a question on whether or not a comment is the formal position of a division or agency, seek clarification.
  - legal comments are confidential and should not be viewed, copied or released.
- 5. Correspondence from/to Proponent**
- all correspondence and documentation submitted by the applicant, which is used in assessing the application and forming a planning opinion, can be viewed, copied and released.
- 6. Proponent Studies (except Archaeological Studies)**
- studies, can be viewed, but not copied or released.
  - requester should be referred to applicant if requesting copy of studies. The applicant can then make copies and provide appropriate copyright warnings. (Note: staff may wish to encourage applicants to cooperate so as to avoid formal FOI requests.)
  - exception is Archaeological Studies which are collected under the Ontario Heritage Act and not the Planning Act. They are not to be viewed, copied, or released.
- 7. Staff Reports**
- staff reports which have not been published on an agenda should not be viewed, copied or released.
  - once published on an agenda, staff reports can be viewed, copied and released.
  - electronic copies can only be sent from the Clerk's Q Drive (if available), or the City's Internet Site (<http://www.toronto.ca/legdocs/agendas.htm>). Electronic copies should never be sent from IBMS.
  - requests for current agenda items, can also be referred to the City Clerk's office.
  - if giving out a paper copy, make sure it's a copy of the signed report.
- 8. Community Consultation Meeting Notes**
- community consultation meeting notes should continue to be prepared as set out in the Division's Procedure Manuals.
  - can be viewed, copied and released to the public.
  - community consultation meeting notes should not contain any personal details about individuals.
- 9. Community Consultation Meeting Sign-In Sheets**
- should not be viewed, copied or released.

## **10. Mailing Lists**

- should not be viewed, copied or released.
- map outlining area of circulation, if available in the file, can be viewed, copied and released.
- in the case of Ontario Municipal Board directives to appellants to provide Notice of Hearing to interested parties, the following procedure applies:
  - for non-Committee of Adjustment applications refer requester to the District City Clerk's Office.
  - for Committee of Adjustment applications:
    - if request is for 60m mailing list, appellants to be referred to the District City Clerk's Office to obtain the list from the assessment roles
    - if requesting interested party list, appellants to make written request to Planner with copy of the OMB order attached. The list of interested parties can then be viewed, copied or released.

## **11. E-mails / Letters from or to Residents**

- when inviting the public to comment on a specific application or project, we will make every attempt to inform them that their submission will become part of the public record. For example, the Community Consultation Meeting Notice is being amended to include this statement.
- if correspondence is received from the public, it is part of the public record and can be viewed, copied and released.
- if someone specifically requests removal of their personal identity information, it must be severed before it can be viewed, copied and released.

## **12. Agreements (Section 41, Section 37, etc.)**

- once they are finalized they are public documents and are available for viewing only. Should not to be copied or released.
- for copies of registered agreements, requester should be referred to Land Titles Office to search title to ensure they get the most up-to-date version and any subsequent amendments.
- draft agreements should not be viewed, copied or released.

## **13. Communication (e-mails/letters/memos) from/to Councillors**

- can be viewed, copied and released subject to any severance of personal information about individuals.

## **14. Offers of Purchase and Sale**

- should not be viewed, copied or released.

## **Definitions**

**Individual Identifier:** a unique piece of information that identifies a specific individual and is used to bring together or retrieve other personal information about the individual. Examples of individual identifiers may include: name, client number, home telephone number, SIN, e-mail address, employment information. An address on its own is not an individual identifier. The name or e-mail address of employees or councillors is not considered to be an individual

identifier. A business name containing an individual's name, i.e. Mike Smith, Planning Consultant, is not considered to be an individual identifier.

**Severing Information:** this is simply making a copy of the document, putting a thick black marker through any individual identifiers, and then copying again.

### **Fees**

Photocopying charges should be applied at a cost of \$0.50 per page. If amount is under \$10.00, no fee is collected.

### **Interpretation**

The Routine Disclosure Guidelines were developed by the City Planning Division in consultation with the Corporate Access & Privacy (CAP) office. If you have any questions respecting these guidelines, please discuss them with your Manager and Director. Questions to the CAP office can be directed to Rob Candy, Manager of Training and Compliance, at 392-9674. Additional information is available on the CAP intranet site at <http://insideto.toronto.ca/cap/index.htm>.

### **Attachments**

1. Request to View File form
2. Common questions and answers



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## REQUEST TO VIEW FILE

NOTE: Please do not remove anything from the file.

**\*\* Please Print \*\***

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Name: \_\_\_\_\_

Company/Association: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

File No. (on cover) \_\_\_\_\_

I understand and agree that the City of Toronto may not permit the photocopying and release of some of the material in this file. During my review I agree to only record, if required, information from any materials, including drawings/plans on this file by transcription and tracing paper.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

