

ROUTINE DISCLOSURE GUIDELINES

Routine Disclosure Guidelines for City of Toronto Staff

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Introduction

One of the key principles of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is that “information should be available to the public.” MFIPPA provides for a right of formal access to records through filing an access request to the Corporate Access and Privacy Office. However, MFIPPA also provides that the City may establish a routine disclosure program, when there is nothing in the Act to prevent the City from giving access to information. Routine disclosure is a cost-effective and customer-friendly way of providing information to the public, directly by program areas, without a formal access request.

The following guideline outlines the main rules in MFIPPA that allow for the routine disclosure of information, either to the public at large, or to individuals to whom it directly relates. The Corporate Access and Privacy Office encourages program areas to develop their own routine disclosure plans, using this guideline, and in consultation with our office. Routine disclosure is also a key priority of City Council.

More details on the routine disclosure process are also available in the Access & Privacy Manual, including a list of legislated provisions providing for routine disclosure.

Council Documents

Many Council-related documents are routinely available to the public. Under the City of Toronto Act, 2006, the City Clerk must make publicly available:

- City by-laws and resolutions
- minutes and proceedings of regular, special or committee meetings of Council, whether the minutes and proceedings have been adopted or not
- records considered at a meeting, except those records considered during that part of a meeting that was closed to the public (“in camera” meeting)
- the records of Council
- an itemized statement on remuneration and expenses paid in the previous year to each member of Council and each person appointed by the City to serve as a member of any body

This public access is limited by the exemptions in MFIPPA. The City may refuse to disclose:

- a draft by-law
- a record that reveals the substance of deliberations of a meeting of Council or a committee, where the City of Toronto Act, 2006 authorizes holding that meeting in the absence of the public (“in camera” meeting).

However, the City may not apply this exemption to:

- draft by-laws that have been considered in a meeting open to the public
- records of an “in camera” meeting, where the subject matter of the deliberations has been considered in a meeting open to the public
- records that are more than 20 years old

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Reports and Proposals

The City may refuse to disclose under MFIPPA, records that would reveal the advice or recommendations of a City employee or consultant. This is discretionary, so the City may also choose to disclose such information.

There is a long list of exceptions to this rule. The City may not use this exemption to refuse access to:

- factual material
- statistical surveys
- reports by a valuator
- environmental impact statements or similar records
- reports or studies on the performance or efficiency of the City
- feasibility studies or other technical studies, including a cost estimate, relating to a City policy or project
- reports containing the results of field research undertaken before the formulation of a policy proposal
- final plans or proposals to change a City program, or for the establishment of a new program, including a budgetary estimate for the program
- reports of internal committees or similar bodies, established for the purpose of preparing a report on a particular topic
- reports of bodies attached to the City, established for the purpose of undertaking inquiries and making reports or recommendations to the City
- reasons for a final decision, order or ruling of City staff made during or at the conclusion of the exercise of discretionary power conferred by or under an enactment or scheme administered by the City
- records more than 20 years old

Law Enforcement Reports

The City may refuse to disclose certain records relating to the City's law enforcement programs, as outlined in MFIPPA, except for:

- reports prepared in the course of routine inspections by the City
- records on the degree of success achieved in a law enforcement program, including statistical analyses

Confidential Information from Another Government

The City is obliged to keep confidential information received in confidence from a federal or provincial government ministry or agency. However, if the other ministry or agency consents to the disclosure, the City must disclose the information.

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Confidential Information from a Third Party

The City is required to keep financial, technical or commercial information received in confidence from a third party, such as a private company, where disclosure of the information could reasonably cause harm to the third party's interests. However, the City is allowed to release this information if the third party consents.

Personal Information

The City is required to protect the privacy of personal information relating to individuals, except in limited circumstances. This is one of the key principles of MFIPPA.

It is not an invasion of privacy to disclose the following:

- classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of the City
- financial or other details of a contract for personal services between an individual and the City

Another key principle is the right of an individual to obtain access to their own personal information. This can be done under routine disclosure as well as through a formal request. Access may be restricted where another exemption applies to the information, or where disclosure would invade another individual's privacy.

Personal information may also be disclosed, without a formal access request, as follows:

- if the person to whom the information relates has identified that information in particular and consented to its disclosure
- for the purpose for which it was obtained or compiled, or for a consistent purpose which an individual might reasonably expect
- to an officer or employee of the City who needs the record in the performance of his or her duties and disclosure is necessary and proper in the discharge of the City's functions
- for the purpose of complying with any federal or provincial legislation, an agreement or arrangement under such legislation, or a treaty
- to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result
- in compelling circumstances affecting the health or safety of an individual if upon disclosure notification is mailed to the last known address of the individual to whom the information relates
- in compassionate circumstances, to facilitate contact with the next of kin or a friend of an individual who is injured, ill or deceased
- to the Government of Canada or the Government of Ontario in order to facilitate the auditing of shared cost programs

Visit the CAP website or contact CAP directly for forms and procedures required to disclose personal information, without a formal access request.