

**SEMI-ANNUAL REPORT TO COUNCIL ON FREEDOM OF INFORMATION AND  
PROTECTION OF PRIVACY (FOIP) PROGRAM, 2016 Q1 & Q2**

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**EXECUTIVE SUMMARY**

This report provides a semi-annual report to Council containing statistical information on the FOIP program at The City of Calgary.

**CITY CLERK'S RECOMMENDATION(S)**

That Council receive this report for information.

**PREVIOUS COUNCIL DIRECTION / POLICY**

At the Regular Meeting of Council on 2013 March 18, NM 2013-09 was adopted as follows:

"NOW THEREFORE BE IT RESOLVED that, in accordance with Council Policy CC039 Transparency and Accountability and to reduce the overall cost of FOIP at the City, Administration be directed to routinely disclose information wherever possible on a cost-recovery basis;

AND FURTHER BE IT RESOLVED that the City Manager provide the following information in semi-annual reports to Council:

- a. the number of personal information and general information requests received by City Clerk's;
- b. the cost of responding to FOIP requests by City Clerk's;
- c. the cost of responding to each request by The City by Department(s);
- d. the value of fees assessed by City Clerk's;
- e. the number and nature of new types of records made available through routine disclosure by Department; and
- f. fees received by routine disclosure of new types of records."

At the Regular Meeting of Council on 2015 April 27<sup>th</sup>, the Administration Recommendation contained in Report C2015-0350 was amended to the following:

"AMENDMENT, Moved by Councillor Chu, Seconded by Councillor Keating, that the Administration Recommendation contained in Report C2015-0350 be amended by adding a Recommendation 2, as follows:

2. That Council direct Administration to include in future reports, the number of requests which apply to the Office of the Mayor and the Councillors' Office."

**BACKGROUND**

The City of Calgary, a public body under the Freedom of Information and Protection of Privacy Act, must respond to all formal FOIP access to information requests made for records in the custody or control of The City of Calgary. The City has experienced continual increases in the number of FOIP requests, which is reflected in a concurrent increase in the cost of responding to them by City Clerk's FOIP office and City of Calgary Departments.

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### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

Departments were provided two templates to capture the information required for Items "c", "e" and "f" in NM2013-09. Attachment 1 summarizes FOIP request costs and new records made available if any, by routine disclosure or active dissemination by Department, as well as costs for the FOIP Office located in City Clerk's, for the period of 2016 January 1 – July 31. Attachment 1 also depicts the operational costs of the City Clerk's FOIP Office in preparation of records for release in response to a FOIP request.

Attachment 2 provides the number of requests received per Business Unit (BU), per C2015-0350. Attachment 3 shows the number of requests made, by applicant source type.

The fees a public body may collect in response to a FOIP request are prescribed in the FOIP Act regulations. As such, any fees charged to applicants cannot be viewed through the lens of cost recovery for The City of Calgary.

A FOIP applicant requesting general information must pay an initial fee of \$25. Additional fees can be charged for search time, redaction of the records, or photocopying.

A FOIP applicant requesting their own personal information would not pay any initial fee, but may pay for photocopying fees should they apply. Since most applicants request the information in electronic form, the application of fees for personal information requests is rare.

Making more records available to the public through the use of active dissemination and routine disclosure is the best way for The City to reduce FOIP program costs. Active dissemination is making more information available without a request being made, and routine disclosure is making records available upon request. Both of these methods may be used outside of FOIP. Routine disclosure and active dissemination are forms of proactive disclosure, which aligns with Council Policy CC039, Transparency and Accountability. Note a municipality can charge a fee for certain documents routinely released to recover costs.

### **Stakeholder Engagement, Research and Communication**

Department and BU Executive Assistants were engaged in the collection of information contained in the attachments.

### **Strategic Alignment**

This report is aligned with Council's request for information, which aligns with Council Policy CC039 Transparency and Accountability.

### **Social, Environmental, Economic (External)**

With Departments identifying more records to be made available without use of FOIP, the public will benefit from increased access to records without having to rely on a FOIP request.

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**Financial Capacity**

**Current and Future Operating Budget:**

The City Clerk's Office incurs costs related to the direct administration of the FOIP program, including salaries for dedicated FOIP staff and other expenses. Departments and business units incur costs related to the retrieval of records. A new position of FOIP Manager has been created in The City Clerk's Office, and will ensure budgets are aligned with current and anticipated trends in administering the program. This includes reviewing recommendations made by the City Auditor regarding internal improvements, reviewing FOIP records, Corporation-wide training.

**Current and Future Capital Budget:**

None

**Risk Assessment**

The City is required by the Freedom of Information and Protection of Privacy Act, to respond to all formal requests for records in the custody or control of The City of Calgary. Assessing costs and trends of the administration of the FOIP program ensures The City has the appropriate resources required, and is not at risk of non-compliance with the Act, as well as mitigates the risk that The City is not ensuring open and transparent access to information.

**REASON(S) FOR RECOMMENDATION(S):**

Report is a result of NM2013-09, requesting information.

**ATTACHMENT(S)**

1. 2016-Q1/Q2 – Operational Costs of City Clerk's FOIP Office Program / FOIP Requests received by City Clerks Office / Costs of Providing Records by Department;
2. Number of FOIP Requests received, by Business Unit;
3. Number of FOIP Requests made, by Applicant Source Type.