

**COSTS ASSOCIATED WITH RESPONDING TO FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY (FOIP) REQUESTS 2016 Q3&Q4**

EXECUTIVE SUMMARY

This report provides a semi-annual report to Council through the Priorities and Finance Committee (PFC) containing statistical information of the City Clerk's FOIP program at The City of Calgary.

CITY CLERK'S RECOMMENDATION(S)

That the Priorities and Finance Committee recommends that Council:

1. Receive this report for information; and,
2. Direct the City Clerk's FOIP Office to discontinue forwarding FOIP statistical reports to Council and instead, proactively disclose the information and publish the reports on Calgary.ca semi-annually.

PREVIOUS COUNCIL DIRECTION / POLICY

At the Regular Meeting of Council on 2013 March 18, NM2013-09 was adopted as follows:

"NOW THEREFORE BE IT RESOLVED that, in accordance with Council Policy CC039 Transparency and Accountability and to reduce the overall costs 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 each 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 27th, the Council adopted Recommendation 2 contained in Report C2015-0350 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

COSTS ASSOCIATED WITH RESPONDING TO FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY (FOIP) REQUESTS 2016 Q3&Q4

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.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The City Clerk's Office administers the FOIP Program for 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 the City Clerk's FOIP office and City of Calgary Departments.

Departments were provided two templates in order to capture the information requested for Items "c", "e" and "f" outlined in NM2013-09 as follows:

- 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 July 1 – December 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; and,
- 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.

Applicants requesting general information must pay an initial fee of \$25. Additional fees may be charged for search time, redaction of the records, or photocopying. An Applicant may request a fee waiver subject to the FOIP Act or submit a complaint to the Office of the Information and Privacy Commissioner (OIPC).

(Based on the 2016 semi-annual report on Fees (July to December 2016))

Type	Fees Collected	Fees Refunded	Fees Waived	Fees Returned
General FOIP Requests	\$1,575	\$75	\$1,025	\$0.0

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Applicants 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.

When a FOIP Request is received and a record is routinely available, the Applicant is redirected to the location where the records reside i.e. Calgary.ca. The initial fee is returned to the Applicant if the entire record is routinely available.

The City of Calgary contributes to making records of all types routinely available mainly through the "Open Calgary" website. Other areas include, Council Agenda, Minutes, Video stream, Council Reports, just to name a few.

Stakeholder Engagement, Research and Communication

Department and Business Unit 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.

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

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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 in 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):

In order to be proactive and transparent in reporting the costs of FOIP to the public, it is recommended that the statistical information be published directly on Calgary.ca on the FOIP Office website.

ATTACHMENT(S)

1. Operational Costs of City Clerk's FOIP Office Program;
2. Number of FOIP Requests Received by Business Units – 2016 Q3/Q4;
3. FOIP Requests by Applicant Source Type 2016- Q3/Q4.