

## Council Policy

**Policy Title:** **Proactive Disclosure of Completed Freedom of Information and Protection of Privacy (FOIP) Requests**

**Policy Number:**

**Report Number:**

**Adopted by/Date:**

**Effective Date:**

**Policy Owner:** **City Clerk's Office**

### 1. POLICY STATEMENT

- 1.1. The City of Calgary strives to be transparent and accountable and seeks ways to increase openness to demonstrate commitment to these objectives (through proactive disclosure).
- 1.2. Records released in response to general information Freedom of Information and Protection of Privacy (FOIP) Requests will be published on Calgary.ca.
- 1.3. Records released will be undertaken in such a way that, will meet The City's obligations under the *The Freedom of Information and Protection of Privacy Act* (the Act) to balance openness with the necessity to protect personal and confidential business information of third parties.
- 1.4. As the FOIP Act requires a balance between openness and protecting personal and necessary third party information, all records will be reviewed prior to publishing publicly on Calgary.ca and the necessary third party and personal information removed.

### 2. PURPOSE

- 2.1. The purpose of this Council policy is to govern the publishing of completed FOIP summaries and disclosure packages regarding access to information requests.

### 3. DEFINITIONS

- 3.1. In this Council policy:

- a. “Applicant” means a person who makes a request for access to a record under section 7(1) of the *Freedom of Information and Protection of Privacy Act*.
- b. “Proactive Disclosure” means the steps public bodies take to provide information to the public on their own accord, as opposed to providing information only when responding to a freedom of information / access to general information request.
- c. “Public Body” means
- (i) a department, branch or office of the Government of Alberta,
  - (ii) an agency, board, commission, corporation, office or other body designated as a public body in the regulations,
  - (iii) the Executive Council Office,
  - (iv) the office of a member of the Executive Council,
  - (v) the Legislative Assembly Office,
  - (vi) the office of the Auditor General, the Ombudsman, the Chief Electoral Officer, the Ethics Commissioner, the Information and Privacy Commissioner, the Child and Youth Advocate or the Public Interest Commissioner, or
  - (vii) a local public body,
- but does not include
- (viii) the office of the Speaker of the Legislative Assembly and the office of a Member of the Legislative Assembly, or
  - (ix) the Court of Appeal of Alberta, the Court of Queen’s Bench of Alberta or The Provincial Court of Alberta;

#### 4. **APPLICABILITY**

- 4.1. This Council policy applies to the City Clerk’s FOIP Office.
- 4.2. This Council policy applies to FOIP Requests for general information only.
- 4.3. Personal and other third party information will not be disclosed if the disclosure would result in a violation of the FOIP Act, other legislation, or The City’s contractual or other obligations. This includes confidential business information that the FOIP Office would otherwise be required to withhold under the FOIP Act.

#### 5. **LEGISLATIVE AUTHORITY**

- 5.1. The FOIP Act does not provide specific provisions for Proactive Disclosure of completed FOIP requests.
- 5.2. The *Access to Information Assessment Guidelines* issued by the Office of the Information and Privacy Commission of Alberta provides guidance to develop proactive disclosure initiatives.
- 5.3. A purpose of the FOIP Act is to make Public Bodies more accountable to the public by giving the public a right to access to records held by a Public Body. This right of access is subject to specific and limited exceptions. Proactive Disclosure reflects the purpose and principles of the FOIP Act.
- 5.4. Several sections of the FOIP Act relate, however limited, to proactive disclosure of information i.e. section 32 FOIP Act, section 88(1) FOIP Act.

## 6. PROCEDURE

- 6.1. The FOIP Office will post completed Access to Information FOIP summaries and the disclosure packages 30 days after the FOIP disclosure package is released to the original Applicant. Exceptions to the 30 days may be authorized by the FOIP Coordinator if necessary or mutually agreed upon by the Applicant and the FOIP Coordinator.
- 6.2. The following fields will be included on the disclosure information web page:
  - 6.2.1. Request Number;
  - 6.2.2. Business Unit;
  - 6.2.3. Disposition of the request (e.g., disclosed entirely, disclosed in part);
  - 6.2.4. Number of pages disclosed; and
  - 6.2.5. Disclosure package
- 6.3. In accordance with The City of Calgary Schedule "B" Bylaw 53M99, *Corporate Records Classification and Retention Schedule* (CRCRS), FOIP summaries and disclosure packages of completed FOIP requests for general information posted on Calgary.ca will be posted for a period of five (5) years from the original date of posting.
- 6.4. The public can access the summaries and download the disclosure package directly from the City of Calgary webpage.
- 6.5. The FOIP Request disclosure package may be subject to modification subject to a Review or Inquiry by the Office of the Information and Privacy Commission of Alberta.

**6.6. Consequences of Non-Compliance**

6.5.1. Failure to adhere to the procedures contained in this Council policy may result in administrative or disciplinary action up to and including termination.

6.5.2. Failure to adhere to this Council policy may result in inadvertent disclosure of sensitive information, sensitive third party business information and/or personal information. This will compromise The City's reputation and public confidence.

**7. AMENDMENT(S)**

Date of Council Decision	Report/By-Law	Description

**8. REVIEW(S)**

Date of Policy Owner's Review	Description

PROPOSED COUNCIL POLICY