

# BY LAW NO.525-99

Village of Delia  
In the Province of Alberta

BEING A BYLAW OF THE VILLAGE OF DELIA IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROVISION OF INFORMATION AND TO ESTABLISH INFORMATION.

WHEREAS, in accordance with the Municipal Government Act and the Freedom of Information and Privacy Protection Act, an applicant has the right to access their own personal information and other municipal records, unless there is a reason why the information should not be disclosed; and

WHEREAS, in accordance with the said Act, upon request of any person, information in the possession of the municipality must be provided within a reasonable time and on payment of a reasonable fee established by bylaw; and

WHEREAS, in accordance with the said Act, a written appeal may be made to the Village Council;

NOW THEREFORE, the Council of the Village of Delia in the Province of Alberta, in council duly assembled hereby enacts as follows:

## PART I: BYLAW TITLE

1. That bylaw shall be known as the "Access to Information" Bylaw

## PART II: PURPOSE OF BYLAW

1. The purpose of this bylaw is to facilitate access to information in the possession of the Village and to ensure personal information is protected from unauthorized collection, use or disclosure. Schedule E outlines the process of requesting access to information and is attached hereto.
2. The Village acknowledges that
  - a) information has value and can also be a marketable asset managed by the Village; and
  - b) it is the responsibility of the Village, to consider provision of information routinely requested via Active Dissemination or Routine Disclosure
  - c) It is the responsibility of the Village, through its employees, to respond to persons requesting information as quickly and conveniently as possible, unless there are clear and reasonable grounds to withhold the information based on the Record classification.

## PART III: DEFINITIONS

Active: Dissemination: routine disclosure of information by the municipality in bulk quantities. Records the municipality provides for the public on a regular basis.

- Appeal:** the process available to an Applicant when information requests is not provided or refused or rejected. See the section on Appeals.
- Applicant:** the individual making a request for information in accordance with this bylaw.
- Chief Administrative Officer:**  
The Village of Delia Manager, as appointed pursuant to the Municipal Government Act.
- Council:** The Council of the Village of Delia.
- Error:** mistaken or wrong information, or information not reflecting the truth.
- Exempt Information:** as defined in Part VII of this Bylaw.
- Formal Request:** see 'requests'
- Freedom of Information and Privacy Coordinator:**  
Is the Village Manager for the purpose of the Freedom of Information and Protection of Privacy Act (pursuant to Section 89). The Village Manager may delegate the duties of the Freedom of Information and Privacy Coordinator.
- Informal Request:** 'see requests'
- MASH Sector:** the sectors of public bodies under the Freedom of Information and Privacy of Protection Act, which will be affected by the Act before the year 2000.
- Master System Plan:**  
the approved Village of Delia records classification manual, outlining primaries, scope, codes, riders, retention periods, access and final disposition.
- Omission:** information in a Record that is incomplete or missing or has been overlooked.
- Record:** information recorded in any form, including books, documents, maps, drawings, photographs, letters, vouchers, and papers, and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any other mechanism that produces record, except as this term may otherwise be defined in the Freedom of Information and Protection of Privacy Act from time to time.
- Refusal:** an information request which is rejected for one of the reasons permitted for rejection in this bylaw as determined by the Freedom of Information and Privacy Coordinator.
- Requests:** Formal Requests relate to information not routinely provided. These types of requests require the completion of a 'Request for Access to Information' form, prior to release of the information.  
Informal Requests are requests for information that the municipality routinely discloses or provides via Active Dissemination. Informal requests do not require the completion of a 'Request for Access to Information' form.

Routine Disclosure:

release of specific information are on a regular basis, without the requirement of completion of a 'Request for Access to Information' form.

Third Party Information Requests:

A request for information relating to a person, groups of persons, or an organization other than the Applicant or the Village. This information may directly impact, involve, or belong to the originating party, and cannot not be released without the originating party's permission. *ju*

**PART IV: RIGHT TO INFORMATION**

1. On request pursuant to Part V of this bylaw, provided the Applicant pays the applicable fees as set out in the Fees and Charges bylaw, each applicant has a right to:
  - a) access a Record that is in the possession of the Village;
  - b) view a Record in the possession of the Village;
  - c) request copies of a Record that is in the possession of the Village;
  - d) request corrections to personal information maintained by the Village; and
  - e) receive a copy of a Record maintained by the Village in a format that is reasonably available, unless the Record is Exempt Information pursuant to this bylaw.

**PART V: REQUESTS**

1. There are various types of requests regarding information and depending on the request, there are various forms that may be required.
  - a) If the requested information may be obtained by Informal Request, any individual may request information by telephoning, writing or by visiting (in person), the department, office or organization where the Record is kept, and sufficient detail must be provided in the description to identify the Record required.
  - b) If the requested information must be obtained by Formal Request or, if the City must determine if the requested information may be obtained by Formal Request or Informal Request or to enable the Village to provide an estimate of the fees which will be required to obtain the Record, an Applicant will be required to complete a 'Request for Access to Information' form as prescribed in Schedule A.
  - c) Any Applicant has the right to request information relating to a person, group or organization other than the Applicant or the Village, by completing a 'Request for Third Party Information' form as prescribed in Schedule C.
  - d) Any Applicant who believes there is an Error or Omission in their own personal information held by the municipality, may request a change to the personal information by completing a 'Request for Correction of Personal Information' form as prescribed in Schedule B.
2. All formal requests to access Records held by the municipality, will be identified and tracked by the Village's Freedom of Information and Privacy Coordinator, and will be responded to within 30 days of receipt of the request.

3. Any questions or concerns regarding the release or access to information held by the Village or, an agent acting on behalf of the Village, or completion of a request form, may be directed to the Village's Freedom of Information and Privacy Coordinator.

#### **PART VI: RESPONSE TO REQUESTS**

1. The Freedom of Information and Privacy Coordinator shall appoint one or more Village employees in each department to receive a request for information. That appointed employee shall determine if the request is an Informal or Formal Request as these terms are defined in this bylaw. If the appointed employee determines that the request for information is a Formal Request, then the appointed employee shall require the Applicant to complete a Request for Access to Information Form as prescribed in Schedule A.
2. Provided the Record requested is not for Exempt Information, if an employee is able to access the Record, within 30 days the Applicant will be:
  - a) provided with a written estimate of any fees that will be charged;
  - b) allowed to view the Record; and
  - c) If the Record is reasonable capable of being copied, provided with a copy of the Record requested, subject to payment of the applicable fee.
3. If the requested Record cannot reasonably be accessed within 30 days of the date of receipt of the request, the Applicant must be told where, when and how a copy of the Record will be provided.
4. Pursuant to section 13(1) of the Freedom of Information and Protection of Privacy Act, the head of a public body may extend the time for responding to a request up to 30 days or, with the Freedom of Information and Protection of Privacy Commissioner's permission for a longer period.
5. If the application is refused or rejected, the Village shall provide the Applicant:
  - a) written notification as to the reasons for the Refusal or Rejection and the provision on which the Refusal is based.
  - b) An explanation of the appeal process.
  - c) The name, title, business address and business telephone number of an officer or employee of the Village who can answer any questions the Applicant may have about the Refusal.

Notwithstanding the foregoing the Freedom of Information and Privacy Coordinator may refuse to confirm or deny the existence of a Record containing information described in Section 17 or Section 9 of the F.O.I.P. Act or a Record containing personal information about a third party if disclosing the existence of the information would be an unreasonable invasion of the third party's personal privacy.

6. The Village must respond in writing within 30 days of receiving a 'Request for Correction or Personal Information' form stating:
  - a) a correction has been made; or
  - b) an annotation or linkage has been attached to the information linking the information with the correction that was requested and not made.
7. Applications may be:
  - a) refused on the basis that:
    - i) the request did not meet the technical requirements as set out in this bylaw.
  - b) rejected if:

- i) the completed form or request was illegible;
  - ii) the information requested is Exempt Information;
  - iii) the request was considered vexatious or frivolous; or
  - iv) for any other reason provided for in the F.O.I.P. Act.
- 8. At any time, if information requested is scheduled for destruction, a copy of the written request, initialed by the Chief Administrative Officer, must be given to the Records Management Coordinator, who on receipt of the written request must delay the destruction of that information, until such time as;
  - a) the request has been granted;
  - b) the time for appeal under this bylaw has expired; or
  - c) any appeal or review permitted pursuant to this bylaw or the F.O.I.P. Act is refused or rejected.

**PART VII: EXEMPT INFORMATION**

- 1. Exempt information is information
  - a) which may:
    - i) be an unreasonable invasion of personal privacy
    - ii) cause financial harm
    - iii) threaten anyone else's safety or mental or physical health;
    - iv) interfere with public safety; or
    - v) harm law enforcement efforts.
  - b) which is otherwise information which the Freedom of Information and Privacy Coordinator may refuse or be required to refuse to disclose pursuant to the provisions of the F.O.I.P. Act.
- 2. Advice or information given and deliberations or directions made at a private meeting of Council, or a private meeting of a Council Committee, draft reports, draft resolutions or draft bylaws or other legal instruments unless they have been considered at a Council or Committee meeting open to the public or unless the Record has been in existence for fifteen (15) years or more, are Exempt Information.
- 3. Information about assessments and taxes is Exempt Information, unless disclosure of such information is required or permitted under the F.O.I.,P. Act or any other statute.

**PART VIII: APPEALS**

- 1. An applicant may appeal to Council from a Refusal to provide a Record or a Rejection of an application by serving to the City Clerk a written notice in the form prescribed in Schedule D, attached hereto:
  - a) within 15 days of receiving a written notice of delay, Refusal or Rejection of the application; or
  - b) within 60 days of requesting the Record if no written notice of delay, Refusal or Rejection is received.
- 2. Grounds for appeal are:
  - a) that the released Record was not complete; or
  - b) that the Record was withheld without reason being stated; or
  - c) that the reason for withholding the Record was insufficient or wrong.
- 3. Council may only consider an appeal if:
  - a) the persons to whom the information relates and the persons who would be affected by the release of the information have been notified; or
  - b) all possible attempts have been made to notify the Applicants of the appeal.

4. Appeals filed that meet the requirements of this section, will be heard at a regularly scheduled meeting of Council within 60 days after receipt by the Village.
5. Any Applicant filing an appeal will be notified of the hearing, and may be asked to make a presentation or to respond to questions from Council.
6. If an individual who receives notice of the hearing cannot attend, they may authorize, in writing, someone else as agent to attend on their behalf.
7. Council may decide to hear presentations and ask questions of each presenter separately and in private.
8. Council may proceed with the hearing in the absence of the Applicant or any other person who has received notice of the hearing if Council determines that all reasonable attempts have been made by the city to notify the Applicant or any other individual of the hearing.

**PART IX: DECISIONS OF COUNCIL**

1. At the appeal hearing, Council may:
  - a) hear the Applicant and any other person that Council determines has relevant information for the hearing; and
  - b) determine that all or part of the Record requested shall be made available, and in, what format; and
  - c) permit the designated officer a further 30 days to make the Record available; or
  - d) determine that the Record shall not be disclosed; or
  - e) make any other decision that it considers reasonable and justifiable in the circumstances, including refund of appeal fees.
2. Subject to the right to review by the Commissioner as set out in F.O.I.P., Council's decision is final, and shall be written in the official minutes of the meeting. The decision shall be available from the Office of the City Clerk within 30 working days after the hearing is completed.

**PART X: FEES**

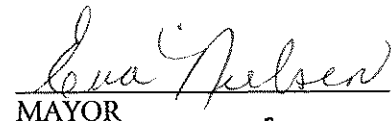
1. Administrative fees as established in the "Fees and Charges Bylaw", shall be charged before an Applicant is entitled to receive the requested information.

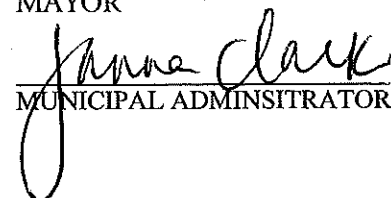
THIS Bylaw shall come into force and effect upon the date of the passing of the Third and Final Reading and signing thereof.

READ A FIRST TIME IN COUNCIL THIS 14<sup>TH</sup> DAY OF SEPTEMBER, AD 1999.

READ A SECOND TIME IN COUNCIL THIS 14<sup>TH</sup> DAY OF SEPTEMBER, AD 1999.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 14<sup>TH</sup> DAY OF SEPTEMBER, AD 1999.

  
MAYOR

  
MUNICIPAL ADMINISTRATOR

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**ACCESS TO INFORMATION BYLAW**

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Schedule A  
**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**  
**REQUEST FOR ACCESS TO INFORMATION**

**REQUEST NO:**

This is a request for: (Please check one)

- General information       My own personal information       Personal information for another person  
(Attach original proof of authority to act for the person)

FROM:

Which Public Body are you asking for information? (Please fill in name of Department, Agency, Board or Commission)

**APPLICANT**

Mr.    Ms.    Mrs.    Miss      Last name      First name

Company name (if applicable)

Mailing address

City or Town      Province      Postal code

Telephone (home)      Telephone (work)      Fax/E-mail Address

**INFORMATION REQUESTED**

- I would like to receive a copy of the original record       I would like to examine the original record  
 Both  
 I will pick up the information when ready       I would like the information mailed to me when ready

**Please describe in as much detail as you can, the information or records to which you want access. If you want access to personal information, be sure to provide all the person's previous names. If you need more space, please use the back of this form.**

I certify the information I have provided is true and correct to my knowledge

Applicant's signature:

Date

Personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act, and will be used to respond to your request. A fee may be charged for providing the information requested.

FEE CHARGED \$

**For Public Body use only**

DATE RECEIVED

Approved

Refused

Rejected

Applicants Signature for Information Received (or double registered mail receipt attached hereto)

Date

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Schedule B  
**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**  
**REQUEST FOR CORRECTION OF PERSONAL INFORMATION**

This is a request for correction to: (Please check one)

My own personal information     Personal Information for another person    (Attach original proof of authority to act for the person)

FROM:

Which Public Body are you asking for information? (Please fill in name of Department, Agency, Board or Commission)

**APPLICANT**

Mr.     Ms.     Mrs.     Miss    Last name    First name

Company name (if applicable)

Mailing address

City or Town

Province

Postal code

Telephone (home)

Telephone (work)

Fax/E-mail Address

**INFORMATION REQUESTED FOR CORRECTION**

Please describe in as much detail as possible, the records you wish to have corrected. Be sure to provide the last name appearing on the records if it is different from the name given above. If you need more space, please use the back of this form.

Please describe the correction you are requesting and the reason for it. Please attach any supporting documentation.

I certify the information I have provided is true and correct to my knowledge

Applicant's signature:

Date

Personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act, and will be used to respond to your request. A fee may be charged for providing the information requested.

FEE CHARGED \$

**For Public Body use only**

DATE RECEIVED

Approved

Refused

Rejected

Applicants Signature for Information Received (or double registered mail receipt attached hereto)



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Schedule C  
Request For Third Party Information

**Request for Third Party Information**

To: Village of Delia Council    DATE: \_\_\_\_\_  
c/o Office of the Municipal Secretary  
P.O. Box 206  
Delia, AB  
T0J 0W0

Information Specifics:

- Whole File  
explain: \_\_\_\_\_
- Part File  
\_\_\_\_\_
- Specific Item  
\_\_\_\_\_

I hereby grant access to the above noted information to the following person(s) or organization(s). I understand that as the first party to this information, I have the ability to waive confidentiality for the above mentioned information to the aforesaid named organization(s) or person(s) and that the named organization(s)/person(s) are responsible for information fees.

\_\_\_\_\_  
Organization requesting information  
Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature - First Party

\_\_\_\_\_  
Printed Name - First Party

The Signature of the THIRD PARTY hereby denotes acceptance of the  
aforementioned conditions.

\_\_\_\_\_  
Signature - Third Party

\_\_\_\_\_  
Printed Name - Third Party

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Schedule D  
Appeal Forms

If any Applicant wishes to appeal a decision regarding information access, he or she must complete this Notice of Appeal and mail or deliver this Notice of Appeal to the Office of the City Clerk, within sixty (60) working days after applying for the information or fifteen (15) days following receipt of written notification of refusal or rejection.

<b>NOTICE OF APPEAL TO COUNCIL</b>	
To: The Village of Delia Council c/o Office of the Municipal Secretary P.O. Box 206 Delia, AB TOJ OWO	
I request information about: (please attach a separate page if necessary) _____ _____ _____	
MY REASONS FOR APPEAL ARE:	
<input type="checkbox"/> information has not been released	<input type="checkbox"/> it proposes to release information that affects my interests
<input type="checkbox"/> the information is not in the format I requested	<input type="checkbox"/> the information I received is not complete
Additional clarification or comments: _____ _____	
_____ Signature - Third Party	_____ Printed Name - Third Party
Mailing Address: _____ _____ _____	Phone: Res.: _____ Work : _____ Fax : _____
NOTE: A HEARING WILL BE HELD BY THE CITY COUNCIL YOU WILL BE INFORMED OF THE DATE OF THE HEARING	
**WRITTEN NOTICE OF REFUSAL OR REJECTION MUST BE ATTACHED AT THE TIME OF SUBMISSION**	

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**ACCESS TO INFORMATION BYLAW**

Schedule E  
Request and Appeal Process Summary

