



Approved October 23, 2012

Access to Information and Privacy Policy

INTRODUCTION

The County of Elgin is committed to public transparency and accountability under the terms of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*. *MFIPPA* establishes a general right of access to records created and maintained by the County under the following guiding principles:

- The public has the right to information held by the County, and that information should be made available to the public;
- Any person can make a request for information held by the County under the *Act*;
- Any exemptions from the right of access to information should be limited and specific;
- Individuals have a right to the protection of personal information held by the County under the *Act*;
- Any decisions relating to access to information can be reviewed by the Information and Privacy Commissioner of Ontario.

GUIDELINES

These guidelines relate to all information retained under the control and custody of the County of Elgin in electronic, hard copy, microfilm or any other format. The management and safekeeping of information is the responsibility of each employee, councillor, agent or representative of the County. Confidentiality must be protected by any individual who is authorized to have access to information in order to perform his or her duties.

All information discussed in an open forum such as at County Council meetings is open to the public and can be released without a formal application under MFIPPA but exemptions under the act do apply. These exemptions include:

1. Draft by-laws and reports;
2. Advice or recommendations;
3. Law enforcement and confidential sources;
4. Relations with other governments;
5. Third party information – technical, commercial, scientific, labour relations. and/or supplied in confidence;
6. Economic or other interests;
7. Solicitor – client privilege;
8. Danger to safety or health;
9. Personal Privacy [MFIPPA states in section 21(1) that a head may refuse to disclose personal information to any person other than the individual to whom the information relates without written consent from the owner of the record.]

County of Elgin
450 Sunset Drive
St. Thomas, Ontario
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Staff, members of County Council, agents or representatives of the County should consult the Director of Community and Cultural Services who serves as the MFIPPA Coordinator for the County for clarification on how to proceed whenever an access request from the public is received, especially if it is not immediately apparent that the information is within the public domain or if the information is not easily available. Some reasons for having a member of the public complete an application for access to information under MFIPPA include the following:

- Search time for records would be excessive;
- Records relate to a matter that may go into litigation;
- Records were supplied by a third party;
- Records do not exist or were destroyed in accordance with the County's records retention policy;
- Records contain solicitor-client information;
- Records contain personal information such as address, phone numbers, etc;
- Records contain law enforcement issues.

PROCEDURE FOR FILING A REQUEST UNDER MFIPPA

Any person or body, regardless of citizenship or place of residence, can make a request for access to records held by the County under MFIPPA according to the following procedure:

1. All requests are to be in writing using the attached request form stating the specific request for access to information.
2. A fee of \$5.00 must be collected before the individual request will be processed.
3. The request must provide sufficient detail to enable the Director to identify the requested record(s).
4. The request is date stamped. MFIPPA requires that the request be completed within a 30-day period unless the Director requests an extension with reasons in writing.
5. All requests are to be forwarded, with proof of payment of \$5.00 fee, to the Director of Community and Cultural Services, Elgin County Administration Building, 450 Sunset Drive, St. Thomas, Ontario N5R 5V1.
6. Mandated fees required under MFIPPA that are charged to the requester are as follows:
 - a. Photocopy Cost \$0.20 per page
 - b. Search Time \$7.50 per ¼ hour to search and to retrieve
 - c. Computer Cost \$15.00 per ¼ hour
 - d. Record Preparation \$7.50 per ¼ hour to prepare records for release
 - e. Data Storage Disks \$10.00 per disk
7. Fee estimates will be given if anticipated fees are \$25.00 or more. If the estimate is over \$100.00, a 50% deposit is required prior to processing the request any further.

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FURTHER INFORMATION:

Department of Community and Cultural Services
County of Elgin
519-631-1460 x138
bmasschaele@elgin.ca

ATTACHMENT: Municipal Freedom of Information and Protection of Privacy Act
Request Form

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Personal Information Bank Index
(in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, s.34)

Bank Title and Location	Individuals in Banks	Primary Users	Retention and Disposition	Types of Information and Uses	Retention and Legal Authority - Notes
Tourism Services – Membership Database	Owner / operator contacts	General public, staff, members	Only active member information is retained	Business contact information – used for marketing and promotional purposes	Expressed consent to collect and release information is provided
Economic Development – Business directory database	Owner / operator contacts	Staff	Information retained on active businesses retained indefinitely	Used for marketing and promotional purposes	Expressed consent to collect and release information is provided
Provincial Offences Act (POA) ticket and court files – POA Office	Named parties for offences	Staff, Justice of the Peace, law enforcement	Retention varies from three years for Certificates of Offence to permanent for court dockets	Address and offence information used for registering convictions, payment, establishing court dates and collections.	See “J” series in retention system
Administrative Services – 911 Civic Addressing	Property owners	Protective services personnel	Minimum retention is 10 years	Civic address cross-referenced to property owner address	Information may be destroyed if superseded
Engineering Services – Land Division Applications	Applicants for severances	Staff, Land Division Committee	Applications retained for five years; Decisions retained permanently	Applicant address information and property description	County of Elgin 450 Sunset Drive St. Thomas, Ontario N5R 5V1 Canada Phone: 519-631-1460 www.elgin-county.on.ca



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Bank Title and Location	Individuals in Banks	Primary Users	Retention and Disposition	Types of Information and Uses	Retention and Legal Authority - Notes
Engineering Services – Road and Drainage Construction Files	Property owners impacted by construction	Staff	Retained for six years from completion of project	Address information for affected property owners for purposes of notification and follow-up	
Engineering Services – Ambulance Call Response Files	Individuals transported and source of 911 calls	Service provider	Retained for 5 years after call	Names and addresses of those involved in services; analysis of appropriate response times; billing of services	Information maintained by service provider under contract to the County – File contents managed under <i>Personal Health Information Protection Act</i>
Financial Services – Accounts Payable and Receivable	Staff, vendors and residents using County services	Staff, Auditor	Retained for six years after current year of transaction	Names and addresses of vendors and those using County services for purposes of bill payment	
Financial Services – Staff payroll	Staff and Members of Council	Staff	Retained for six years after expiration of current year	Name, address, SIN number and deduction information for purposes of issuing wage payments	

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Financial Services – Tender and Request for Proposal Files	Business officials and/or owners	Staff	Retained for six years from date of submission and destroyed following year	Business contact information and pricing information for bid evaluations	Should a formal contract or agreement be issued, information will be managed as part of Code L04 – Contracts and Agreements Under Seal
Financial Services – Tax Assessment Roll	County property owners	Staff	Retained until superseded	Name, address, roll number and amount of tax assessed	Copy only for reference purposes. Original document maintained by local municipality
Human Resources – Employee Files	County employees, students and volunteers	Staff	Retained for six years from date of last employment	Employee's work history, evaluations, attendance, benefits, pension	
Long-Term Care / Homes – Resident Files	Residents of the County's three long-term care homes	Staff, chief medical officer	Discharged residents retained 10 years; deceased residents retained 5 years	Care provided for residents, medical notes, family information	File contents managed under <i>Personal Health Information Protection Act</i>
Long-Term Care / Homes – Adult Day Program	Program participants	Staff	Retained for five years after last participation	Name, address and payment information for participants	Information is managed in partnership with the City of St. Thomas



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Library Services – Patron Database	Cardholders of the Elgin County Library system	Staff	Retained permanently if active; inactive users discarded after two years	Name, address, borrowed materials, fines	
Archives – Accession Register	Names of collection donors	Staff	Information retained permanently	Names, addresses and description of material donated	
Museum – Accession Register	Names of collection donors	Staff	Information retained permanently	Names, addresses and description of material donated	

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