



County of Elgin Policy Manual

Subject: Access to Information and Privacy Policy

Policy Number: 1.8

Date Approved: October 23, 2012

Date Last Revision: April 25, 2023

1.0 PURPOSE

The County of Elgin is committed to public transparency and accountability in compliance with the terms of the *Municipal Freedom of Information and Protection of Privacy Act* (“*MFIPPA*”). The purpose of this policy is to provide guidelines and procedures regarding public access to information governed by *MFIPPA*.

2.0 SCOPE

This policy pertains to all records retained in the custody or under the control of the County of Elgin.

3.0 DEFINITIONS

For the purpose of this Policy:

- “Act” shall mean the *Municipal Freedom of Information and Protection of Privacy Act* R.S.O. 1990, c. M. 56, as may be amended or replaced.
- “County” shall mean the Corporation of the County of Elgin.
- “Record” shall have the same meaning as it is defined in section 2 of the Act, as amended from time to time.
- “Personal Health Information” shall have the same meaning as it is defined in section 4 of the *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A, as amended from time to time.
- “Personal Information” shall have the same meaning as it is defined in section 2 of the Act, as amended from time to time.
- “Routine Disclosure” shall mean the routine or automatic release of certain types of administrative and operational records in response to requests made informally.



4.0 PROCEDURES

4.1 *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;
- Information should be made available to the public;
- Any person can make a request for information held by the County under the *Act*;
- Exemptions from the right of access to information should be limited and specific;
- The protection of personal information held by the County under the *Act* is a right of the Individual; and
- Decisions relating to disclosure of information can be reviewed by an independent body: the Information and Privacy Commissioner of Ontario.

4.2 Authority to Collect Personal Information - Personal information shall only be collected by the County where the collection is:

- Expressly authorized by statute;
- Used for the purposes of law enforcement; or
- Necessary to the proper administration of a lawfully authorized activity.

County forms that collect personal information must include a Notice of Collection under *MFIPPA*.

4.3 Routine Disclosure – Wherever possible, records will be made available and/or released on a routine basis and without the need to file a formal request. All information discussed in an open forum, such as County Council meetings, is open to the public and can be routinely disclosed.

4.4 Exemptions under the *Act* – Records shall not be disclosed, or shall be severed and only disclosed in part, where exemptions under the *Act* apply. The County therefore may not make disclosures including, but not limited to, records or portions of records that:

1. are draft by-laws and reports;
2. are advice or recommendations;
3. might interfere with a law enforcement matter;
4. were received in confidence from another government entity;
5. were received in confidence from an Aboriginal community, or that may prejudice the conduct of relations between an Aboriginal community and the County;
6. contain third-party information, including technical, commercial, scientific, or labour relations that were supplied in confidence and the release of which could reasonably be expected to be prejudicial;



7. contain information, the release of which could prejudice economic or competitive interests;
8. are protected by solicitor-client privilege;
9. contain information, the release of which might pose a danger to safety or health;
10. contain the personal information of an individual(s), except where such disclosure is in accordance with the various exceptions contained within the Act that do permit such disclosure.
11. have been previously destroyed according to the County's *Classification and Retention Schedule*.

4.5 Personal Health Information - Requests for information or correction received related to Personal Health Information are subject to the *Personal Health and Information Protection Act* ("PHIPA") and shall be dealt with in accordance with PHIPA and the County's *Health Information Privacy Policy*.

4.6 Audio and Video Surveillance - Audio / video surveillance systems are in use at facilities owned or leased by the County of Elgin to promote the safety and security of residents and the general public and to protect the County's assets and property. Information obtained from these systems shall be governed by the County's *Audio / Video Surveillance Policy* under the terms of *MFIPPA*.

4.7 Shared Responsibility - 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.

4.8 Delegation of Duties Under the Act - The Warden is designated as Head of the County for the purposes of the Act. The Warden's duties as Head are delegated to the County Clerk. The Director of Community and Cultural Services acts as the Privacy Coordinator on behalf of the Clerk. Staff, members of County Council and agents or representatives of the County should consult the Privacy Coordinator for clarification on how to proceed where an access request is received and it is not immediately apparent that the information is within the public domain. Individuals may also consult the Privacy Coordinator where information is not easily available.

4.9 Eligibility to File a Request - Every person has a right of access to a record or a part of a record in the custody or under the control of the County, except where the record or the part of the record falls within one of the exemptions under *MFIPPA*. The identity of persons making requests shall not be disclosed except to those who need to know in order to administer the request and/or the Act. The following procedure shall be followed to access County records:

1. Using the attached request form, a person requesting access to a record shall submit a request in writing that states the specific request for access to



information in sufficient detail to enable the Coordinator to identify the requested record(s).

2. Except where routine disclosure applies, a person requesting access to a record shall attach to the request form payment or proof of payment of a fee of \$5.00. This fee must be collected before the individual request will be processed. The request and proof of payment shall be forwarded to:

Privacy Coordinator
Elgin County Administration Building
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1.

3. The request shall be date stamped and, in compliance with *MFIPPA*, the request shall be completed within a 30-day period. Eligible extensions to this response period shall be communicated in writing to the requester and shall state the reason(s) for the extension under *MFIPPA* and the consequential timelines.

4.10 Fees – Fees and charges levied to the requester are prescribed under the Act and its associated regulations as follows:

a. Photocopy Cost	\$0.20 per page
b. Search Time	\$7.50 per ¼ hour to search and to retrieve
c. Computer Costs for developing a program or other method of producing a record from machine readable data	\$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
f. Costs incurred to locate, retrieve, process, and copying the record, where those costs are specified in an invoice received by the County	Variable

For access to personal information about the individual making the request for access, “Search Time” and “Record Preparation” fees will not be charged. 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. A person who is required to pay a fee listed above may ask the Commissioner to review the amount of the fee.

This policy shall be considered amended should any fee changes resulting from legislative or regulatory amendments occur. If there is any conflict between this policy and the County’s Fees and Charges By-Law, the Fees and Charges By-Law shall prevail,



except that where the Fees and Charges By-Law is silent on a fee set out in this policy, it shall not be considered a conflict.

4.11 Right of Appeal – The requestor has the right of appeal regarding any decision on release of information, the process taken and/or associated timelines with the Information and Privacy Commissioner of Ontario (IPC). Notice on the right of appeal shall be provided on all responses to the requestor.

4.12 County Councillor Records - The Privacy Coordinator will determine whether the Act applies to a Councillor's records. Councillors' records are generally subject to release only where they are in the custody or control of the County and where they were produced outside of Council's decision-making process and within the course of the Councillor's duties as an officer or employee of the County. Generally, records related to a Councillor's role as an individual constituent representative are not subject to *MFIPPA*.

5.0 PRIVACY BREACH PROTOCOL

The County is committed to ensuring that appropriate and secure safeguards exist for the management and protection of personal information. In the event that a breach of personal information does occur, the following actions shall be taken:

- Upon learning of a privacy breach or potential privacy breach, staff shall immediately notify the Chief Administrative Officer, the Privacy Coordinator, and the Director of Legal Services, who will act as a control group responsible for investigating the breach pursuant to guidelines set out by the IPC.
- The Privacy Officer will immediately provide notification to IPC if the breach is deemed significant.
- The control group will immediately provide notice to the County's insurer if the breach is deemed significant.
- The control group will lead efforts to identify the scope of the breach and to implement the necessary steps to contain it.
- The control group will provide notice to those impacted by the breach. The notice will outline the extent of the breach, its identifiable impacts, and support(s) available to the affected party. Such notice may be provided by formal (such as registered mail) or informal (such as e-mail or regular mail) means, depending on the severity of the breach.
- The control group will lead an investigation into the causes of the breach and will implement remedial efforts to prevent reoccurrence.



FURTHER INFORMATION:

Privacy Coordinator
County of Elgin
519-631-1460 x138
privacy@elgin.ca

ATTACHMENTS:

- Personal Information Bank Index
- MFIPPA Request Form



Personal Information Bank Index
(in accordance with the *MFIPPA*, 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



Bank Title and Location	Individuals in Banks	Primary Users	Retention and Disposition	Types of Information and Uses	Retention and Legal Authority - Notes
Administrative 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>
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	
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>



Bank Title and Location	Individuals in Banks	Primary Users	Retention and Disposition	Types of Information and Uses	Retention and Legal Authority - Notes
Engineering Services – Tenant Files	Elgin County Administration Building Tenants	Staff	Retain for 3 years after expiry of lease	Tenant address and contact information	
Engineering Services – Geographic Information System Data	County property owners	Staff and local municipal partners	Retained until superseded	Name, address and parcel description	
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	
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



Bank Title and Location	Individuals in Banks	Primary Users	Retention and Disposition	Types of Information and Uses	Retention and Legal Authority - Notes
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	10 years from date of death or discharge.	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
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	



Bank Title and Location	Individuals in Banks	Primary Users	Retention and Disposition	Types of Information and Uses	Retention and Legal Authority - Notes
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	



Request Form

under the *Freedom of Information and Protection of Privacy Act*/
Municipal Freedom of Information and Protection of Privacy Act

Please Note: A \$5.00 application fee is required
 for all access requests.

Request for: <input type="checkbox"/> Access to General Records <input type="checkbox"/> Access to Own Personal Information <input type="checkbox"/> Correction to Own Personal Information	Name of Institution request made to:
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If request is for **access to**, or **correction of**, own personal information records:

Last name appearing on records: same as below, or: _____

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Miss	Last Name: _____
First Name: _____	Middle Name: _____
Address: (Street/Apt. No./P.O. Box/R.R. No.) _____	City/Town: _____
Province: _____	Postal Code: _____
Telephone Number (Day): () _____	Telephone Number (Evening): () _____

Detailed description of requested records, personal information or personal information to be corrected. (If you are requesting access to or correction of your personal information, please identify the personal information bank or record containing the person information, if known.)

Note: If you are requesting a correction of personal information, please indicate the desired correction, and if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require that a statement of disagreement be attached to your personal information.

Preferred method of access to records: <input type="checkbox"/> Examine Original <input type="checkbox"/> Receive Copy	Signature: _____	Date: _____
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For Institution Use Only		
Date Received:	Request Number:	Comments

Personal Information contained on this form is collected pursuant to the Freedom of Information and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Freedom of Information and Privacy Co-ordinator at the institution where the request is made.