Purpose

Citizens need access to information to understand how their municipalities operate – to know about the decisions of council, to be aware of the services and programs available and how they are delivered, and to understand how they can get answers to their questions.

Most municipal documents should be available to the public as a matter of course. To make the process for citizens to access information easier, municipalities should establish access to information policies that list the documents that citizens can immediately obtain if desired.

Municipalities are required to provide access to certain municipal documents and having these and other key documents readily available at the municipal office or posted on the municipality's website should minimize formal access to information requests under The Freedom of Information and Protection of Privacy Act (FIPPA).

Required Access

Citizens have immediate access to certain documents. Subsection 263(1) of The Municipal Act, and other legislation as noted below, sets out the municipal records that the Chief Administrative Officer (CAO) must, on request of a person, provide access to:

- assessment rolls
- financial plans (budgets)
- financial statements
- reports of the auditor
- the minutes of meetings of council and council committees (including a LUD Committee), held in public
- by-laws and resolutions of council and resolutions of council committees (including a LUD committee)
- an Election Finance Statement filed by a registered candidate in an election
- a council member's Statement of Assets and Interests (The Municipal Council Conflict of Interest Act)
- a council member's Record of Disclosure during a meeting (The Municipal Council Conflict of Interest Act)
- a report of the Ombudsman received by council under clause 37(2)(b) of The Ombudsman Act.

Additional Access

Council should establish a comprehensive access to information policy to ensure additional municipal documents are readily available to citizens. Documents that are be included under this Rossburn Municipality policy and provided to citizens by the CAO as a matter of course includes:

- council member indemnity and expense claim forms
- invoices for accounts payable
- tender documents once awarded
- development agreements
- conditional use permits and variation orders

Any document that is presented at an open council meeting must be available to the public.

The Freedom of Information and Protection of Privacy Act (FIPPA)

FIPPA applies to municipalities and other public bodies (such as school divisions, universities and regional health authorities) and provides citizens with the right to formally request access to records by filing an access to information request. The municipality must respond to the request within 30 days.

Under FIPPA, municipalities are required to provide access to documents unless there is a clear reason for keeping them confidential or they contain personal information (e.g. confidential information about a legal matter or an employee's personnel information).

In order to comply with FIPPA, council must appoint an Access and Privacy Officer (APO) who is responsible for the overall management of access to information and protection of privacy within the organization. The APO makes the final decisions of the municipality regarding disclosure of information, and is responsible to ensure that personal information is managed as required by the legislation.

For routine requests, the APO should release information without requiring a written access application. When a request for information is complex and/or will require preparation of large amounts of information, a formal access request will be necessary to both clarify the request and prepare an estimate of fees as appropriate.

Access to Information and FIPPA Fees

Subsection 263(3) of The Municipal Act provides municipalities with the authority to set fees for providing access to information, and must not exceed a comparable fee payable as per the Access and Privacy Regulation (64/98), under The Freedom of Information and Protection of Privacy Act. The fees are set in Rossburn Municipality by-law.

Citizen Complaints Regarding Access to Information

A citizen who is denied access to a municipal document by the municipality can file a complaint with the Ombudsman. The Ombudsman may recommend that the municipality provide the document. Municipalities are expected to comply with the Ombudsman's recommendations.

If a municipality does not act on a recommendation made by the Ombudsman, the Ombudsman may refer the matter to the Information and Privacy Adjudicator. The Adjudicator is an officer of the Legislature who is appointed under FIPPA. As an officer of the Legislative Assembly, the Adjudicator is independent of both provincial and municipal governments. This additional level of independent review and complaint resolution is triggered by the Ombudsman if a public body (including a municipality) does not act on a recommendation made by the Ombudsman. The Ombudsman's request for a review by the Adjudicator must be made within 15 days after the Ombudsman receives the municipality's response or, if the municipality does not respond, within 15 days after the response deadline.

After completing a review the Adjudicator will issue a written order that is copied to the municipality, the complainant and to the Ombudsman. The order may:

• require the municipality to give a citizen access to all or part of the requested information;
• request that the municipality reconsider its decision; or
• confirm the municipality's access decision.

An application may be made to the Court of Queen's Bench by the municipality or the complainant for judicial review of an order made by the Adjudicator. A citizen may appeal a municipality's decision regarding access to information to the Court only if a complaint has first been filed with the Ombudsman, the Ombudsman has provided a report about the complaint, and the Ombudsman has not asked the Adjudicator to review the complaint.