
Municipal Freedom of Information and Protection of Privacy Act

How it Works at the Town of Milton



Produced by the Town of Milton
and
The Information and Privacy Commissioner/Ontario

November 2000

Introduction

The *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) came into effect on January 1, 1991. The *Act* applies to all municipalities in Ontario, as well as local boards, agencies and commissions, including school boards, fire departments, police services and public utilities. The *Act* does not apply to private companies or other non-government organizations. There is a separate but comparable statute, the *Freedom of Information and Protection of Privacy Act*, which applies to provincial government ministries and agencies.

The *Act* gives people the right to request access to information held by municipalities, including both operational and administrative documents, and records containing an individual's own personal information.

The *Act* also requires municipalities to protect personal information contained in their record holdings. These requirements are outlined in a set of rules governing the proper collection, retention, use, disclosure and disposal of personal information.

This publication outlines the administrative structure of the Town of Milton, describes what records are kept by each department, and then provides answers to common questions about how to obtain information from the Town.

What kind of Records are kept by the Town of Milton?

The Town is organized into five departments, each with its own distinct responsibilities and particular types of records.

Mayor and Chief Administrative Officer (CAO)

The combined offices of the Mayor and the CAO serve as a “head office” for the Town, with responsibility for general management functions. These functions include:

- policy co-ordination and management
- strategic planning co-ordination and management
- establishment of corporate goals and objectives
- business and tourism development
- liaison with Council and other governments and agencies
- public and community relations
- logo and historical references.

A wide range of records are maintained in relation to the preparation of all correspondence and documents associated with these services and responsibilities, most of which are routinely provided to the public.

Clerk’s Department

The Town Clerk, who reports to the CAO, oversees the Town’s statutory obligations under the *Municipal Act* and provides direct support to Milton Council in its legislative role. These services include the preparation of weekly agendas, minutes

and follow-up on all actions of Council and its Committees. The Town Clerk’s responsibilities also cover the following areas, with their corresponding records:

- animal control
- vital statistics (birth, death and marriage registrations)
- enforcement of the Town’s Licensing and Regulatory By-laws
- co-ordination of the Municipal Elections
- licensing administration, including marriage licences
- co-ordination of school crossing guards

Community Services

The Community Services Department consists of three sections with the following responsibilities:

- Leisure Services — scheduling and maintaining community facilities and activities
- Park Services — maintaining Town-owned parks
- Public Works — overseeing Town road construction and maintenance, regional road maintenance, traffic control, street lights, waste management, sidewalks and winter maintenance

Some records held by Community Services relate to the following functions:

- property acquisitions
- applications for Town grants

- union contracts
- agreements for and uses of lands, school facilities, etc.
- insurance certificates
- applications for rentals and rental permits for facilities

Corporate Services

The Corporate Services Department looks after the Town's administrative affairs by performing a variety of functions, including:

- accounting, purchasing, budgeting, treasury, tax collection and financial analysis and control
- information systems
- human resources
- corporate reception
- co-ordination of general insurance policies

Records held by this department include documentation relating to:

- corporate purchasing
- the co-ordination of the operating and capital budget process
- financial reporting and control of expenditures
- the billing and collection of property and business taxes
- financial statement preparation

Fire Department

The Town of Milton's Fire Department operates out of three fire stations distributed throughout the Town's residential areas. The department consists of both paid and volunteer employees, and its services include fire control, search and rescue and extrication.

Records held by the Fire Department include:

- fire alarm incident reports
- fire response reports
- fire inspection reports
- restaurant inspections
- industrial unit inspections

Planning and Development

The Planning and Development Department establishes policies and regulations dealing with land use in the Town, and ensures compliance with provincial building regulations. The Planning Section is responsible for formulating planning and development policies within the Town and applying those policies to specific development proposals. The Building Section administers building permits and zoning by-laws.

This department maintains records relating to:

- site plan approvals
- building permits, for industrial, commercial, institutional and residential construction

- plumbing and drain, sign, swimming pool and demolition permits
- applications for land severances, subdivisions, condominiums, minor variances to the zoning bylaw, new construction
- zoning clearances

Frequently Asked Questions

Here are some of the questions we frequently receive from residents of the Town of Milton, and their answers.

Access to Information

How should I ask for information held by the Town of Milton?

As a first step, you should approach the Department you believe has the information you are looking for, and simply ask for it. In most cases, you can receive documents on this informal basis without submitting a formal request under the *Act*.

If you can't get all the information you want informally, the Department will explain why, and suggest that you submit a formal request under the *Act*. Your request must be in writing, making reference to the *Act*, and should be as clear and specific as possible. The Department staff can help you formulate the request, or you can ask for assistance from the Town's Freedom of Information Co-ordinator (currently the Town Clerk).

Your request must be accompanied by a \$5 application fee (made payable to the Town of Milton) and sent to:

Town Clerk
The Corporation of the Town of Milton
43 Brown Street
Milton, Ontario L9T 5H2

You can send it by mail, but in order to help ensure that we fully understand the scope of your request, it's sometimes better to drop it off personally in the Clerk's Office.

How long will it take?

The Town must respond within 30 calendar days, but we try our best to get back to you earlier than that. We take our obligations seriously, and during the past three years have answered all of our requests within the 30-day period prescribed by the *Act*.

Will I get everything I requested?

In most cases, you will. However, the *Act* contains a number of exemptions which allow the Town to withhold records containing certain types of information. For example, if a record contains someone else's personal information or commercial information which was provided to the Town in confidence, the Town is normally required to deny access. Similarly, if the record relates to an ongoing law enforcement investigation or is protected by solicitor-client privilege, the Town may decide to withhold the information.

What if I am not satisfied with the Town's response?

You have the right of appeal to the Information and Privacy Commissioner. You must file your appeal within 30 days of receiving the Town's decision. To do this, write a letter to the Commissioner's Office describing the circumstances of your case, including the file number assigned by the Town and a copy of both your request letter and the Town's decision. Also remember to include your name, address and telephone number, and the required appeal fee. If you are seeking access to your own personal information, the fee is \$10; otherwise the fee is \$25. Payment should be made by cheque, payable to "The Minister of Finance."

Send your appeal to:

Information and Privacy Commissioner/Ontario
2 Bloor Street East, Suite 1400
Toronto, Ontario
M4W 1A8

For more information about how to appeal the Town's decision, and how your appeal will be dealt with, you can either call the Town's Freedom of Information Co-ordinator or contact one of the Intake Analysts at the Commissioner's Office at:

Toronto area: 416-326-3333
Toll-free: 1-800-387-0073
Facsimile: 416-325-9195
Website: www.ipc.on.ca

Privacy Protection

What is my personal information?

"Personal information" is broadly defined as any recorded information about you, including your name, address, sex, age, education, medical or employment history, etc. It also includes your personal views and opinions, as well as the opinions of other people about you.

What responsibilities does the Town have regarding my personal information?

Under the terms of the *Act*, you have a right of access to your personal information, and the Town is obliged to follow a comprehensive set of rules relating to the proper collection, retention, use, disclosure and disposal of your personal information.

If I am not satisfied with how the Town has handled my personal information or I believe that my privacy has somehow been compromised, what can I do?

As a first step, it usually makes sense for you to contact the Town's Freedom of Information Co-ordinator. Sometimes the problem is a result of a misunderstanding or can be resolved with a phone call. The Town takes privacy matters very seriously and is committed to resolving individual complaints quickly and informally, whenever possible.

That did not work — now what do I do?

If you and the Town cannot reach a resolution, the Commissioner's Office is available to help.

The first step is to call an Intake Analyst at the Commissioner's Office and explain your problem. In many cases, the Intake Analyst can help you on the spot in a number of ways — by explaining the law and the complaint process, making sure you understand what the Commissioner's Office can and cannot do for you, and making a referral to another agency if needed. If your matter is more involved, the Intake Analyst will ask you to put your concerns in writing and send them to the Commissioner's Office.

No fee is required to make a privacy complaint.

The Commissioner's Office has detailed procedures for handling privacy complaints, which can be obtained by calling or writing to the Commission (see details above).

What if my personal information is not correct?

If you have made a request for access under the *Act*, received a copy of records containing your personal information from the Town, and believe that some of that information is not accurate, the *Act* gives you a right to request a correction. Before making a formal correction request, it's best to contact the Town's Freedom of Information Co-ordinator and explain your situation. Every effort will be made to deal with your request informally. If you end up making a formal request, and the Town does not accept that your personal information is inaccurate, you have the right to attach a statement of disagreement to your file. That way, whenever any of the Town's employees deal with this piece of information, your statement will be attached, and they will know that there is a dispute as to its accuracy.

Do I have a right to appeal the Town's decision on a correction request?

Yes. If you are not satisfied with the Town's position, and feel that attaching a statement of disagreement is not sufficient, you have a right to appeal the issue to the Commissioner's Office. In this case, you must pay the \$10 appeal fee, as described earlier.

I have more questions — who do I ask?

The Town's Freedom of Information Co-ordinator and the Commissioner's Office are both ready and available to answer any questions regarding the operation of the *Act* and your rights of access and privacy protection. Don't hesitate to contact either organization at:

Town Clerk and Freedom of Information Co-ordinator
The Corporation of the Town of Milton
43 Brown Street
Milton, Ontario L9T 5H2
Phone: 905-878-7211
Fax: 905-878-6995
Website: www.town.milton.on.ca

Intake Analyst
Information and Privacy Commissioner/Ontario
2 Bloor Street East, Suite 1400
Toronto, Ontario M4W 1A8
Phone: 416-326-3333
Toll-free: 1-800-387-0073
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