

2008 Annual Report
Access to Information and Protection of Privacy

January 19, 2009

The City Clerk is responsible for administering *The Local Authority Freedom of Information and Protection of Privacy Act*. The *Act* covers two basic principles - - information must be accessible to the public, and personal information must be protected by public bodies.

Access to Information

Under the *Act*, the public is entitled to have access to all records in the possession of, or under the control of, the municipality, unless the record falls within one of the exemptions. The exemptions relate to areas such as records from other governments, law enforcement and investigation, advice from officials, Solicitor/Client Privilege, and third party information. Some of the exemptions are mandatory, meaning that the City must refuse to give access to the particular record. Mandatory exemptions include certain third-party and personal information. Most of the exemptions are discretionary, however, meaning that the City can determine whether or not to release the record, based on whether there is likely to be any clear and compelling harm resulting from the release of the record.

All access requests must be responded to within 30 days. There is provision for an extension of up to 60 days if there are extenuating circumstances. If access is refused, the City must advise the applicant the reason for the refusal.

The legislation sets out an application request fee of \$20.00. Additionally, the City is authorized to charge for actual costs such as photocopying, as well as any time in excess of one hour spent on searching for the record or preparing it for disclosure, at the rate of \$15.00 per half hour. Most requests do involve over one hour's time in searching for and preparing the record, but the City charges for this time only when the magnitude of the request will cause undue pressure on the staff involved.

The *Act* is clear that it relates only to existing records of the City. There is no requirement for the City to create records. However many of the requests that the City receives are for information rather than for an existing record. In those cases the City does create records in order to provide the information requested. The City has never refused to deal with a request because it is for information rather than for a specific record.

The City also practices routine disclosure, meaning that documents of interest to the public are regularly posted on its website, and individuals are not required to go through the FOI process for information that is already a public record.

The following is a summary of access to information requests since 2005.

Chart 1
Access to Information
Statistical Summary Report

	2005	2006	2007	2008
Applications Received	26	16	26	23
Access Granted	15	7	10	15
Access Denied	3	2	0	1
Access Partially Granted	2	5	8	5
No FOI Application Required – Application Fee Returned and Information Provided Without Cost	4	0	2	5
Records Do Not Exist	1	0	3	2
Denied – Records Not in City’s Possession or Control	1	2	1	1
Request Abandoned	0	0	2	0
Decision Appealed To Access and Privacy Commissioner	3	5	1	0
Processed Within 10 Days	10	4	10	14
Processed Within 30 Days (as legislated)	20	16	12	7
Processed in More Than 60 Days	4	0	0	0
Total Fees Estimated (searching, copying, etc.)	\$899	\$195	\$60	0
Total Fees Collected (searching, copying, etc.)	\$330	\$195	\$60	0

Protection of Privacy

Protection of privacy relates to how the City collects and handles the personal information of individuals with whom it does business, and how the City collects and handles the personal information of its employees.

While the City does collect and handle all personal information in accordance with the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act*, there is more work that needs to be done to prepare formal corporate policies that reflect the City’s practices. The Administration is working on policies relating the release of personal financial information to customers, responding to a breach or unauthorized release of personal financial information, and the collection, storage and use of personal employment-related information of employees.

Appeals to Saskatchewan Information and Privacy Commissioner

Individuals who have been refused access to information, are not satisfied with how the City dealt with the access request or feel that the City has disclosed or used their personal information inappropriately may request a review by the Saskatchewan Information and Privacy Commissioner. The Commissioner then investigates the matter and reports back to the City. While recommendations of the Information and Privacy Commissioner are not binding upon the City, we do welcome this input and guidance so that we can ensure that we are following the intent of the legislation correctly.

There have been thirteen appeals to the Commissioner relating to the City of Saskatoon, eleven of which are still outstanding. There were no new appeals in 2008.

Chart 2
Status of Appeals
Saskatchewan information and Privacy Commissioner

	2004	2005	2006	2007	2008
Number of Appeals	2	5	3	3	0
Protection of Personal Information Issue	1	1	0	1	N/A
Access to Information Issue	1	4	3	2	N/A
Decision of City Upheld	1	Pending	Pending	Pending	N/A
Recommendation to Release (for access issue)	Pending	Pending	Pending	Partial Release of Info	N/A
Recommendation to Change Process (for Protection of Personal information Issue)	0	Pending	Pending	Pending	N/A
Appeals Outstanding	1	5	3	2	0

Janice Mann
City Clerk