

Routine Disclosure/Active Dissemination A Best Practice in the City of Mississauga

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City of Mississauga

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This publication is also available on the IPC website.



Information and Privacy Commissioner of Ontario

2 Bloor Street East, Suite 1400
Toronto, Ontario M4W 1A8
CANADA

416-326-3333

1-800-387-0073

Fax: 416-325-9195

TTY (Teletypewriter): 416-325-7539

Website: www.ipc.on.ca



City of Mississauga

300 City Centre Drive
Mississauga, Ontario L5B 3C1
905-896-5421

Fax: 905-615-4181

Website: www.city.mississauga.on.ca

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Foreword

In 1994, the Office of the Information and Privacy Commissioner (the IPC) and Management Board Secretariat embarked on a review aimed at identifying efficient and cost-effective ways to provide the public with greater access to government information. This review culminated in the publication of a joint report entitled *Routine Disclosure/Active Dissemination (RD/AD)*. Since that time, RD/AD has become entrenched into the day-to-day operations of many organizations.

[The 1994 report, and the subsequently published *Enhancing Access to Information: RD/AD Success Stories*, can be obtained by contacting the IPC or from the IPC's website: www.ipc.on.ca.]

The terms RD and AD are defined as follows:

Routine disclosure (RD) is the routine or automatic release of certain types of administrative and operational records in response to informal rather than formal requests under the *Freedom of Information and Protection of Privacy Act* (the provincial *Act*) or the *Municipal Freedom of Information and Protection of Privacy Act* (the municipal *Act*).

Active dissemination (AD) is the periodic release of government records in the absence of a request.

This publication describes one success story. It outlines how the City of Mississauga actively adheres to the purposes of the municipal *Act* through a comprehensive RD/AD program in place throughout all departments of the municipality. Under this program, Mississauga residents are provided with government records easily, informally, and in accordance with one of the overarching principles of the *Act* — that information should be available to the public and that necessary exemptions from the right of access should be limited and specific.

Background

The City of Mississauga is a large urban centre with a population of approximately 600,000. It provides a full range of municipal service through five departments. Although Mississauga puts a lot of effort into making members of the public aware of their rights of access to records, the City only receives about 10 to 15 “formal” requests under the municipal *Act* on an annual basis — because information and documents are made widely available to the public. Mississauga’s highly successful RD/AD program, where information is provided informally to requesters outside the *Act* and pro-actively by the City, is based on a philosophy of maximum disclosure.

How Does Mississauga's RD/AD Program Work?

Each department has front-line staff responsible for handling requests for information. This system was in place before the municipal *Act* came into force in 1991, and the introduction of formal statutory rights of access has had very little impact on how City staff deal with information and record requests from the public. If a front-line staff person is unsure whether a particular document should be released, the Freedom of Information and Privacy Co-ordinator is available to provide advice and direction.

The vast majority of requests are handled at the department level, without direct contact between the Co-ordinator and the member of the public, simply because knowledgeable department staff are able to provide specific answers and documents to a requester's satisfaction. However, if questions remain unanswered or issues are complex, the Co-ordinator becomes directly involved.

The City of Mississauga has a strong commitment to open dialogue with requesters. If a request is referred to the Co-ordinator, she will contact the requester, discuss the nature of the request and the type of records at issue, and determine whether the matter should be handled informally or by means of a formal request under the *Act*. As the numbers attest, discussions with the Co-ordinator generally result in an informal resolution and disclosure of the requested information. If a request involves records which would typically not be accessible under the *Act*, the Co-ordinator explains why, and matters are most often resolved without formal use of the statute.

The City's Fees and Charges Bylaw outlines permitted charges for documents provided outside the formal access process. The bylaw permits charges for search and preparation time that are the same as those allowed under regulations passed under the municipal *Act* (\$7.50 per 1/4 hour), and photocopy costs at the rate of 50 cents per page.

What Kinds of Records are Disclosed under the RD/AD Program?

The five departments within the City of Mississauga maintain records which reflect the functions performed by each of them. The following describes some of the most common requests received, the types of records housed in each department, and the approach taken to respond to requests.

Corporate Services Department

The Corporate Services Department includes eight divisions, all of which provide a wide range of records outside the formal request process under the *Act*

The Office of the City Clerk disseminates more information and documentation than most other parts of this department. The Clerk's Office deals with an average of 180 informal requests for information per month, and routinely discloses all Council and Committee agendas, minutes, reports setting out committee and Council decisions, staff reports and bylaws.

The Material Management Division typically receives requests for bid-related information on tenders and requests for proposals. All bid documents contain a clause stating that the City of Mississauga only releases the total bid amounts, which are read at the public openings of the tenders. The bid document also contains a clause stating that all unit prices submitted will remain confidential. A request is referred to the Freedom of Information and Privacy Co-ordinator only if a requester insists on receiving individual "unit prices." In these cases, the Co-ordinator will contact the third party bidders to determine if they will consent to disclosure of information — if so, then a waiver is obtained and the records released; if not, then the Co-ordinator will suggest that the requester make a formal request under the *Act*.

The Realty Services Division is responsible for buying and selling City lands and leasing properties. Many of the reports prepared by this division contain information setting out negotiations and are considered at *in camera* Council meetings for that reason. These reports are not disclosed unless Council at a later date decides to make the report a public document.

The Enforcement Division is responsible for enforcing the City's bylaws, such as animal control and parking bylaws. Many requests to this division relate to complaints. These records are disclosed, with all personal information relating to the complainant severed.

The most frequent request to the Human Resources Division is from City employees who want to review their personnel file. Employees are provided with access to their own personnel file, subject to the removal of personal information about other individuals. This division also receives many requests for information gathered during recruitment. Candidates are provided with informal access to interview notes and test results relating to them, but not to other candidates.

The Office of the City Solicitor receives many queries, primarily concerning the status of litigation and Ontario Municipal Board hearings. This information is provided routinely outside the *Act*.

The most common requests directed to the Finance Division are for annual budgets, specific expenditures incurred by the Mayor and elected Councillors, financial statements and tax certificates indicating the status of payments relating to individual properties, all of which are routinely disclosed at an established fee.

Planning and Building Department

The City of Mississauga has always viewed the planning process as a public one — members of the public are invited to attend public meetings of Council and its committees and encouraged to express concerns and ask questions. Information is routinely disclosed, almost always on an informal basis outside the *Act*.

Requests are typically received from planning consultants, lawyers, neighbouring property owners, real estate agents and students working on school projects. Requesters generally want to view entire planning files and, generally speaking, all information in the file is disclosed with the exception of legal opinions, staff reports not yet considered by Council, and *in camera* reports.

The most common records requested from the Planning and Building Department are for building permits, plans and specifications, staff reports, departmental memoranda, comments from other agencies, and financial and servicing agreements. Objections to zoning bylaws and other development-related applications are shared with applicants and other interested parties.

The City of Mississauga prepares monthly reports listing all building permits issued during the month for submission to Statistics Canada, including industrial, residential and commercial buildings. The City then releases these reports following an AD (active dissemination) process, through the Clerk's Office to subscribers for an established fee.

Community Services Department

The Community Services Department receives a high volume of requests — approximately 1,200 per week. Most of them are made by telephone and relate to parks and recreational program matters, not including program registrations and facility reservations. Councillors frequently refer requests by constituents to this department as an efficient source of information.

The Community Services Department has a website designed to provide answers to most routine queries. Reference materials such as the Subdivision Requirements Manual and policies relating to development are typically provided to requesters outside the *Act* for a nominal fee set by the City's Fees and Charges Bylaw.

Transportation and Works Department

Most requests received by the Transit Division of the Transportation and Works Department deal with schedules, route maps, and other transportation related issues, all of which are routinely disclosed. The Works Division also has an active RD program which covers departmentally prepared reports, standards for services such as roads and sewers, agreements such as servicing and development, and construction contracts.

Fire Department

The most common requests to the Fire Department are for fire incident reports and building inspection reports. These records are routinely disclosed — after all personal information contained in the records has been severed.

Looking to the Future: Electronic RD/AD

The City of Mississauga also uses its website as part of its initiative to provide ready access to records which may be of particular interest to the public. The site contains by-laws, committee and Council agendas and Council minutes. The City is in the process of creating a system which will provide the complete text of all Council decisions, including resolutions, recommendations and by-laws. This system, which will have a search capability, is expected to be available in 2001.

A Final Note

Government organizations must continually look for new and innovative ways to administer their programs. The City of Mississauga's success in administering its freedom of information program speaks for itself — low cost, and efficient and responsive service across the entire municipality. The City has succeeded in implementing a “culture of openness” through its RD/AD program, encouraging a more open and responsive relationship between the municipality and the public it serves.

The three key ingredients to an effective RD/AD program — all of which are found in the City of Mississauga — are:

- leadership that demonstrates an ongoing dedication and commitment to advancing open government;
- adoption of RD/AD as part of an organization-wide access strategy; and
- true empowerment of front-line staff to carry out an active access strategy.

The IPC and the City of Mississauga strongly encourage other municipalities to explore multiple or alternate formats for the release of information so that it is truly accessible to everyone. Formats and processes may vary depending on the size and complexity of record holdings in a particular organization, and flexibility is one key to success. Hopefully, some of the approaches taken by the City of Mississauga will help others find ways to nurture and promote open government through RD/AD.

Contacts

If you have questions regarding the City of Mississauga's approach to access requests, please contact:

Ms. Joan J. LeFeuvre
Manager of Administration and Records, FOI Co-ordinator
City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1
Telephone: 905-896-5421
Facsimile: 905-615-4181
Website: www.city.mississauga.on.ca



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