

REQUEST FOR DECISION

— REGULAR MEETING —



To: Mayor and Council

From: CAO/CO/FOI Head

Date: February 28th, 2018

Subject: Freedom of Information Budgeting for 2018

Recommendation: **RESOLVED THAT Council determines to include in the 2018 Financial Plan, an amount of \$20,000 to address expenses due specifically to Freedom of Information requests.**

BACKGROUND: In the past, the organization received very little in the form of FOI requests and Staff dealt with them in accordance with the FOIPPA Act; most took little time to complete and expenses were extracted from the annual budget. In 2014 and onwards, the City has received an increasing amount of FOI's, and one substantial request equated to an additional funding request brought before Council to address the necessity of staff resources to meet the objectives of that request.

The City has recently received an FOI application that will impact our Staff resources due to the amount and natures of information requested. To sustain the City's normal operations and attempt to meet the needs of the FOI request, additional staff resources will be required for a period. Additionally, a portion of the information requested is of a sensitive nature and legal consultation will be required to ensure the legal security of the organization.

Although the City has the right to charge for a portion of the services rendered, it does not cover for any time taken for redaction or legal costs incurred. (See attached Schedule 1 of the FOIPPA Act for billable amounts) According to the Act, a Freedom of Information request is required to complete within 30 business days; although there are factors such as potential for 3rd party involvement, for which extended time periods are considered acceptable and reasonable.

The Chief Financial Officer has included the requested amount of \$20,000 in the Five Year Financial Plan Bylaw that is to be discussed at the March 12th COTW meeting and consequently Council's consideration of readings of the bylaw at the end of this month.

Benefits or Impacts of the Recommendation:

General: Due to the extent of the FOI request, it is not feasible to achieve with current staff complement and would unreasonably interfere with the day to day operations of the City

Strategic Impact: Fiscal responsibility indicator on amount of funds the organization is spending due to FOI requests.

Financial: Increased FOI requests result in more expenses to the organization and ultimately to the tax payer.

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Policy/Legislation: A Local Government body is mandated to observe the FOIPPA Act

Attachments: A copy of Schedule 1 of the FOIPPA Act

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OPTIONS:

1. RESOLVED THAT COUNCIL RECEIVES THE STAFF REPORT.
2. RESOLVED THAT COUNCIL DOES NOT ACCEPT THE STAFF REPORT.
3. RESOLVED THAT COUNCIL REFERS THE MATTER BACK TO STAFF FOR FURTHER INFORMATION.

	
Department Head or CAO	Chief Administrative Officer

- (iii) a description of the purposes, key objectives and expected benefits or outcomes of the program or activity;
- (iv) a description of the respective roles and responsibilities of each public body and agency through which, or on whose behalf, the services are provided;
- (v) the date on which the program or activity will start and, if applicable, the date on which the program or activity will end.

Fees

- 13** The maximum fees for services provided to different categories of applicants are set out in Schedule 1 of this regulation.

Form respecting notice of disclosure

- 14** The form prescribed for the purposes of section 25 (4) of the Act is set out in Schedule 2 of this regulation.

Social media sites

- 15** The social media sites prescribed for the purposes of the definition of "social media site" in Schedule 1 of the Act are set out in Schedule 3 of this regulation.

Schedule 1

Schedule of Maximum Fees

Item	Column 1	Column 2
	Description of Services	Management Fees
1	For applicants other than commercial applicants:	
	(a) for locating and retrieving a record	\$7.50 per 1/4 hour after the first 3 hours
	(b) for producing a record manually	\$7.50 per 1/4 hour
	(c) for producing a record from a machine readable record from a server or computer	\$7.50 per 1/4 hour for developing a computer program to produce the record
	(d) for preparing a record for disclosure and handling a record	\$7.50 per 1/4 hour
	(e) for shipping copies	actual costs of shipping method chosen by applicant
	(f) for copying records	
	(i) floppy disks	\$2 per disk
	(ii) CDs and DVDs, recordable or rewritable	\$4 per disk
	(iii) computer tapes	\$40 per tape, up to 2 400 feet
	(iv) microfiche	\$3 per fiche
	(v) microfilm duplication	\$25 per roll for 16 mm microfilm,

			\$40 per roll for 35 mm microfilm
		(vi) microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
		(vii) photographs, colour or black and white	\$5 to produce a negative
			\$12 each for 16" x 20" photograph
			\$9 each for 11" x 14" photograph
			\$4 each for 8" x 10" photograph
			\$3 each for 5" x 7" photograph
		(viii) photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
		(ix) dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
		(x) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
		(xi) scanned electronic copy of a paper record	\$0.10 per page
		(xii) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
		(xiii) slide duplication	\$0.95 each
		(xiv) audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per 1/4 hour of recording
		(xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per 1/4 hour of recording
2		For commercial applicants for each service listed in Item 1	the actual cost to the public body of providing that service

Schedule 2

Prescribed Form under Section 25 (4) of the Act

..... *[name of public body]* has disclosed information that relates to you in compliance with the requirements of section 25 of the Freedom of Information and *Protection of Privacy Act* ("Act") which requires a public body to disclose, without delay, information

- (a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people, or
- (b) the disclosure of which is, for any other reason, clearly in the public interest.

The information disclosed is*[describe the information]*.....

The information was disclosed*[describe when and how the information was disclosed]*.....

The information was disclosed to *[tick the appropriate box and provide the information in the brackets unless doing so could reasonably be expected to threaten, or result in immediate and grave harm to the safety or mental or physical health of a person under section 19 of the Act, or unreasonably invade the personal privacy of a third party under section 22 of the Act]*