



**LOWER TRENT**  
CONSERVATION

# Lower Trent Conservation

## **Freedom of Information and Protection of Privacy Policy and Procedures Manual**

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*This manual outlines Lower Trent Conservation's policies and procedures to ensure compliance with the Municipal Freedom of Information and Protection of Privacy Act*

Approved by: Lower Trent Conservation Board of Directors  
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## 1.0 INTRODUCTION

Lower Trent Conservation operates in a manner that fosters and supports the principles of the *Municipal Freedom of Information and Protection of Privacy Act*.

Information dissemination and sharing is viewed by Lower Trent Conservation as a means of promoting, supporting and encouraging environmental awareness and conservation action.

General information pertaining to Lower Trent Conservation is available on the organization's website ([www.ltc.on.ca](http://www.ltc.on.ca)) and can be accessed free of charge. General information available on Lower Trent Conservation's website includes the following:

- Lower Trent Conservation's Business Plans, Annual Reports, and Financial Statements
- Lower Trent Conservation Board of Directors' meeting agendas & minutes
- Various Lower Trent Conservation reports
- Information related to Lower Trent Conservation programs & services
- Information related to fees
- Employment opportunities at Lower Trent Conservation

### 1.1 PURPOSE OF THIS MANUAL

The purpose of this Policies & Procedures Manual is to provide direction and procedures to Lower Trent Conservation staff and directors for releasing information and protecting privacy as per the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56 as amended* (MFIPPA).

### 1.2 SCOPE & APPLICATION

This policy applies to all information held by Lower Trent Conservation, including general information related to its operations, personal information collected from users of its services and programs, and personal information related to Lower Trent Conservation staff and Board members.

Compliance with this policy applies to the Lower Trent Conservation Board members, staff, and volunteers.

This policy manual is intended to interpret the MFIPPA for practical application at Lower Trent Conservation; for further specifics and clarification, the legislation should be consulted.

**The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA)** came into effect on January 1, 1991. It applies to all Ontario municipalities as well as local boards, agencies and commissions, including school boards and police services.

The *Act* provides the right of public access to municipal records, subject to certain limitations and exemptions, and the right to access one's own personal information and to correct it if it is inexact, ambiguous or incomplete. The *Act* further requires municipalities to protect personal information by imposing protection of privacy requirements that govern the collection, retention, use, disclosure and disposal of information.

The end result is a balance between both access to information and protection of personal privacy.

## 2.0 ACCESS TO INFORMATION AND PROTECTION OF PRIVACY POLICY

### 2.1 POLICY STATEMENT

Lower Trent Conservation will make information about the Conservation Authority available to the public and will protect the privacy of all individuals' personal information in its custody or control in keeping with the access and privacy provisions of the MFIPPA and other applicable legislation.

### 2.2 POLICY OBJECTIVES

- To ensure that Lower Trent Conservation complies with the spirit, principles and intent of the MFIPPA.
- To ensure that members of the public have access to information about Lower Trent Conservation programs and to their own personal information held by the Conservation Authority in accordance with the access provisions of the MFIPPA.
- To ensure that the privacy of individuals' personal information is protected in compliance with the privacy provisions of the MFIPPA.

### 2.3 PROTECTION OF PRIVACY: USERS

#### **Collection and Use of Information:**

1. Lower Trent Conservation will not collect any personal information about users without obtaining their consent to do so, subject to the exceptions as outlined in Sections 29(1) of the MFIPPA. Personal information that is collected will be limited to what is necessary for the proper administration of Lower Trent Conservation and the provision of Lower Trent Conservation services and programs.
2. Personal information will only be used for the stated purpose for which it was collected or for a consistent purpose.

#### **Disclosure of Information:**

3. Lower Trent Conservation will not disclose personal information related to a visitor or Lower Trent Conservation user to any third party without obtaining consent to do so, subject to certain exemptions as provided in Section 32 of the MFIPPA. For example, situations where Lower Trent Conservation may disclose personal information include:

a) to a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result to an institution or a law enforcement agency in Canada if,

(i) the disclosure is to aid in an investigation undertaken by the institution or the agency with a view to a law enforcement proceeding, or

(ii) there is a reasonable basis to believe that an offence may have been committed and the disclosure is to enable the institution or the agency to determine whether to conduct such an investigation;

b) in compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased (MFIPPA, Section 32(i)).

## 2.4 PROTECTION OF PRIVACY: STAFF

### **Collection and Use of Information:**

1. Lower Trent Conservation will not collect any personal information about staff members without obtaining their consent to do so, subject to the exceptions as outlined in Sections 29(1) and 52 of the MFIPPA. Personal information that is collected will be limited to what is necessary for the appointment and management of staff and the administration of staff wages, salaries and benefits.

2. Personal information will only be used for the purpose for which it was collected.

### **Disclosure of Information:**

3. Lower Trent Conservation will not disclose personal information related to staff to any third party without obtaining consent to do so, subject to exemptions as provided in the MFIPPA Section 32. In particular, in accordance with Section 32, Lower Trent Conservation will disclose personal information to:

a) third party service providers for the purpose of administering employee wages and benefits.

b) third parties for the purpose of reference checks and confirmation of employment with Lower Trent Conservation, including wage and salary rate information, with permission from the staff member concerned.

## 2.5 ACCESS TO INFORMATION

Lower Trent Conservation Board agendas and minutes, annual reports, policies and a variety of other information are routinely made a matter of public record through the Lower Trent Conservation website ([www.ltc.on.ca](http://www.ltc.on.ca)) and through Lower Trent Conservation publications.

### **Collection and Use of Information:**

1. Access to general records about Lower Trent Conservation operations will be provided to the public, subject to the exemptions outlined in the MFIPPA (Sections 6 through 16). These exemptions include, but are not limited to:

- records of in-camera meetings
- advice/recommendations

- economic and other interests
- danger to health or safety
- information soon to be published
- law enforcement
- third party information
- solicitor-client privilege
- personal information
- relations with government

2. As outlined in Section 36 of the MFIPPA, access to personal information about a particular individual will be provided to that individual, upon verification of identity and subject to any applicable exemptions (Section 38).

3. Lower Trent Conservation will change an individual's personal information if it is incorrect. Lower Trent Conservation may ask for supporting documentation.

4. Lower Trent Conservation is committed to addressing all concerns related to providing access to general and/or personal information and to protecting the privacy of personal information in its custody.

5. Staff members have the right to access their individual personnel files upon request.

## 2.6 FEES

Lower Trent Conservation will charge fees as prescribed by the *Act*. The fee schedule is provided in Appendix 1.

There is a \$5.00 application fee, prescribed by Section 17 (1) (c) and 37 (1) (c) of the *Act*, which cannot be waived. Fee payment is required before records are released.

If asked by the requestor, the Head (defined below) shall waive all or part of the processing fees, in accordance with the *Act*, if in the Head's opinion it is fair and equitable to do so after considering:

- the extent to which the actual cost of processing, collecting and copying the record varies from the amount of payment required by Section 45(1);
- whether the payment will cause a financial hardship to the person requesting the record;
- whether dissemination of the record will benefit public health or safety;
- whether the person requesting access to the record is given access to it; and
- if the amount of a payment would be \$5.00 or less, whether the amount of the payment is too small to justify requiring payment.

If it appears that the costs of processing the request will be over \$25.00, the requester must be given a fee estimate before granting access to the records. If the cost estimate is \$100.00 or more, we may require the requester to pay a deposit equal to 50% of the estimate before taking any further steps to respond to the request.

## 3.0 ACCESS TO INFORMATION AND PROTECTION OF PRIVACY PROCEDURES

### 3.1 ACCOUNTABILITY

The Head of the Conservation Authority (the Chair of the Board) is responsible for overseeing the administration of the MFIPPA legislation within the organization and for decisions made under the legislation. This responsibility includes complying with the access provisions of that Act and ensuring that personal information held by the institution is accurate, up to date and collected, used and disclosed only as authorized. This responsibility has been delegated to the Chief Administrative Officer by a resolution of the Board of Directors (RES:G33/12).

The Freedom of Information Coordinator is responsible, under the direction of the Head, for responding to inquiries, documenting, implementing, and monitoring implementation of Lower Trent Conservation's Freedom of Information & Protection of Privacy Policy & Procedures Manual. The Chief Administrative Officer will assign the responsibilities of Freedom of Information Coordinator to an appropriate staff position.

### 3.2 PROCEDURES FOR PROCESSING A FREEDOM OF INFORMATION OR CORRECTION OF INFORMATION REQUEST

Requesters interested in obtaining access to information or records of the Conservation Authority, or requesters seeking a correction of their personal information held by the organization, should first be encouraged to contact Lower Trent Conservation to see if the records can be accessed or corrected without making a formal request.

#### **Processing a Formal Request**

If the records are not subject to routine disclosure, a formal request will be required in accordance with MFIPPA. The process assures the requester's anonymity. The requester does not have to explain why the information is required. The requester's residency, age or citizenship does not restrict right of access.

The following process applies to formal requests:

1. Applicants are to complete the Request Form (see Appendix 2) and submit the completed Form to the Lower Trent Conservation administration office.
2. Identity will need to be confirmed before access is provided to one's personal information.
3. Request Forms (Appendix 2) are available as follows:
  - a. for downloading from the Service Ontario Central Forms Repository at:  
<http://www.forms.ssb.gov.on.ca>
  - b. upon request from the Lower Trent Conservation administration office (613-394-4829) or  
(information@ltc.on.ca)

4. The applicant will be required to pay the \$5.00 application fee (prescribed by regulations under the *Act*) when the form is submitted. If paying by cheque, the cheque should be made payable to Lower Trent Conservation.
5. The applicant will be advised at the time of application in person, or by follow up correspondence, of the applicable fees.
6. The Conservation Authority will generally respond to a request within 30 days, as required under the *Act*. A requester will be notified when:
  - Further information or clarification is needed;
  - A time limit has been extended, giving a reason;
  - Record-severing is required, giving a reason;
  - Access is denied, giving a reason (the exemptions that apply); and
  - The estimated fee exceeds \$25.00. The fee schedule, prescribed under the *Act*, is provided in Appendix 1.
7. Fee payment is required before records are released.
8. If the requester is seeking correction of information, Lower Trent Conservation may ask for documentation to indicate where the files are incorrect.

### 3.3 GENERAL PROCEDURES

1. Procedures to be followed in making a request for information will be made available by contacting Lower Trent Conservation.
2. A notice of collection statement, in compliance with the MFIPPA, will be included on all Lower Trent Conservation forms used to collect personal information. The notice statement will include:
  - Lower Trent Conservation's legal authority for the collection;
  - the principal purpose(s) for which the personal information is to be used;
  - the title, business address and business telephone number of a Lower Trent Conservation officer or employee who can answer questions about the collection.
3. Third party service providers will be required to ensure, by means of a statement in their contract, that any staff or users' personal information to which they have access is only to be utilized for the purposes of carrying out the service they provide to Lower Trent Conservation and for no other purpose.
4. Lower Trent Conservation staff will protect personal information and will ensure proper destruction of personal records no longer required.
5. Lower Trent Conservation staff will be provided with training in the access and privacy provisions of the MFIPPA and in the contents of this policy.



6. The Freedom of Information Head will report annually to the Information and Privacy Commissioner, as required by the Act.

### 3.4 RIGHT TO APPEAL AN ACCESS DECISION

Requesters of information can appeal Lower Trent Conservation's decision about access to the Ontario Information and Privacy Commissioner. A completed Appeal Form or letter must be sent to the Information and Privacy Commissioner's Registrar within 30 days of receiving Lower Trent Conservation's decision. This correspondence must include a description of the circumstances of the case, a copy of Lower Trent Conservation's decision, and, if available, a copy of the original access request to Lower Trent Conservation. The appropriate fee will also need to be submitted, as required by the Information and Privacy Commissioner. Once the appeal request has been processed, the Information and Privacy Commissioner will send a written confirmation to the requester, explaining whether the appeal will be:

- Handled through an informal mediation;
- Handled through a formal inquiry by an Adjudicator; or
- Dismissed

A complaint may also be lodged with the Commissioner if it is felt that the Conservation Authority has breached personal privacy.

### 3.5 ONLINE PRIVACY

#### **Logging Practices**

All web servers automatically record Internet Protocol (IP) addresses of visitors to their sites. The IP address is a unique number assigned to every computer on the Internet. The web server keeps track of the pages visited on our own site, the amount of time spent on those pages, and the type of searches done on them. Lower Trent Conservation only uses this information for statistical purposes, to find out what pages users find most helpful, and to improve the website.

#### **External Links Disclaimer**

Some of Lower Trent Conservation's websites link to other sites created and maintained by other public and/or private sector organizations. Lower Trent Conservation provides these links solely for the information and convenience of our customers. When a customer chooses to follow a link to an outside website, the customer leaves Lower Trent Conservation's website and Lower Trent Conservation's information management policies no longer apply. Lower Trent Conservation does not have any control over how affiliated third party websites function or what information they may record and keep. Customers are encouraged to read any and all privacy policies found on websites before using them.

#### **Electronic Communication**

If a customer chooses to contact Lower Trent Conservation staff using an email or other electronic communication method, or if a customer chooses to complete an online form provided on the Lower

Trent Conservation website, the customer may be asked to provide his or her name, email address or other personal information.

The purpose of collecting this information is to allow Lower Trent Conservation staff to respond to customer inquiries or to evaluate individual web services. Only authorized staff will have access to the information provided and the information will only be used for the purpose it was intended.

## 4.0 CONTACTS

All formal access requests will be directed to the Freedom of Information Coordinator, who will then review each request to determine if Lower Trent Conservation will disclose the requested information. The Freedom of Information Coordinator can be reached at:

### **Freedom of Information Coordinator**

Lower Trent Conservation  
714 Murray Street  
Quinte West, ON K8V 5P4  
Phone: 613-394-4829  
Fax: 613-394-5226  
E-mail: [information@ltc.on.ca](mailto:information@ltc.on.ca)

Formal complaints should be addressed to the Chief Administrative Officer.

### **Chief Administrative Officer**

Lower Trent Conservation  
714 Murray Street  
Quinte West, ON K8V 5P4  
Phone: 613-394-4829  
Fax: 613-394-5226  
E-mail: [information@ltc.on.ca](mailto:information@ltc.on.ca)

# Appendix 1

## **Fee Schedule**

## FEE SCHEDULE

### **MANDATORY APPLICATION FEE** (as prescribed by regulations set out under the *Municipal Freedom of Information and Protection of Privacy Act*)

A \$5.00 mandatory application fee must accompany a request for either personal information or general records under FIPPA/MFIPPA.

### **FEE SCHEDULE** (as prescribed by regulations set out under the *Municipal Freedom of Information and Protection of Privacy Act*)

- Application Fee: \$5.00
- Search Time: \$7.50 per ¼ hour \*
- Record Preparation: \$7.50 per ¼ hour \*
- Photocopying: \$0.20 per page
- Computer Programming \$15.00 per ¼ hour
- Disc: \$10.00 per disc
- Any shipping costs

\*Not applicable to a request for personal information made by an individual (or another person acting on his/her behalf) for the individual's own information.

### **APPEAL FEES**

There are mandatory fees for a requester appealing decisions to the Information and Privacy Commissioner:

- \$10 for requests related to access to or correction of one's personal information;
- \$25 for requests related to access to general records.

The fee must accompany the appeal and may be paid by personal cheque or money order, payable to "The Minister of Finance."

If you are appealing an organization's decision to release your personal information or business information to someone else, no fee is required.

# Appendix 2

## **Request Form**

*under the Freedom of Information and Protection of Privacy Act/  
Municipal Freedom of Information and Protection of Privacy Act*

# Request Form

under the *Freedom of Information and Protection of Privacy Act*/  
*Municipal Freedom of Information and Protection of Privacy Act*

Please Note: A \$5.00 application fee is required for all requests.

<b>Request for:</b> <input type="checkbox"/> Access to General Records <input type="checkbox"/> Access to Own Personal Information <input type="checkbox"/> Correction to Own Personal Information	<b>Name of Institution request made to:</b>
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If request is for access to, or correction of, own personal information records:

Last name appearing on records:  same as below, or: \_\_\_\_\_

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Miss	Last Name: _____
First Name: _____	Middle Name: _____
Address: (Street/Apt. No./P.O. Box/R.R. No.) _____	City/Town: _____
Province: _____	Postal Code: _____
Telephone Number (Day): (   ) _____	Telephone Number (Evening): (   ) _____

Detailed description of requested records, personal information or personal information to be corrected. (If you are requesting access to or correction of your personal information, please identify the personal information bank or record containing the person information, if known.)

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Note: If you are requesting a correction of personal information, please indicate the desired correction, and if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require that a statement of disagreement be attached to your personal information.

<b>Preferred method of access to records:</b> <input type="checkbox"/> Examine Original <input type="checkbox"/> Receive Copy	<b>Signature:</b>	<b>Date:</b>
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For Institution Use Only		
Date Received:	Request Number:	Comments

Personal Information contained on this form is collected pursuant to the Freedom of Information and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Freedom of Information and Privacy Co-ordinator at the institution where the request is made.