

# SUMMER VILLAGE OF LARKSPUR

BY-LAW # 5199

## A BY-LAW OF THE SUMMER VILLAGE OF LARKSPUR IN THE PROVINCE OF ALBERTA, RESPECTING ACCESS TO INFORMATION AND THE PROTECTION OF PRIVACY

WHEREAS Section 216 of the Municipal Government Act R.S.A. 1994 and any amendments thereto provides that every person has a right to obtain information in the possession of a municipality unless there is a reason why the information should not be disclosed and

WHEREAS IT IS DEEMED ADVISABLE TO ENACT A BYLAW TO APPOINT A PERSON AND/OR POSITION AS THE Head of the Local Public Body for the purposes of the Freedom of Information and Protection of Privacy Act and to facilitate access to information in the possession of the municipality and to prevent the release of information that would amount to an invasion of any person's privacy;

NOW THEREFORE, the Council of the Summer Village of Larkspur, in the Province of Alberta, duly assembled, enacts as follows:

### 1. DEFINITIONS:

- 1.1 "Act" means the Municipal Government Act, S.A. 1994, c.M-26.1, as amended from time to time.
- 1.2 "Applicant" means a person who makes a request for access to information under this bylaw.
- 1.3 "C.A.O." means the Chief Administrative Officer of the Summer Village of Larkspur.
- 1.4 "Council" means the Council of the Summer Village of Larkspur.
- 1.5 "Enactment" means an act of the Legislature of Alberta and a regulation made under an Act of the Legislature of Alberta.

### 2. APPOINTMENT OF THE HEAD OF THE LOCAL PUBLIC BODY

- 2.1 The C.A.O. is hereby appointed Head of the Local Public Body for the purposes of the FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.
- 2.2 The C.A.O. may further delegate any authority delegated by Council to a designated person or position as deemed necessary.

### 3. ACCESS TO INFORMATION

- 3.1 All requests for information must be in writing, must provide enough detail to enable administrative staff to identify the information requested and must state clearly why information is being requested. To obtain access to Information, the Applicant must make a request in the form attached as Schedule "B" to this bylaw to the municipal administration office.
- 3.2 Upon receipt of the request, the C.A.O. or his/her designate must review the request.
- 3.3 The C.A.O. must withhold the following information, within the possession of the municipality unless its disclosure is required by this or any other enactment or by an order of the court or its disclosure is consented to by the person to whom the information relates:

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- a) commercial information, the disclosure of which would
  - (i) likely prejudice the commercial position of the person who supplied it,
  - (ii) reveal a trade secret,
  - (iii) likely prejudice the municipality's ability to carry out its activities or negotiations, or,
  - (iv) allow the information to be used for improper gain or advantage;
- b) information that is subject to obligations of confidence, the disclosure of which would
  - (i) likely prejudice the future supply of similar information or advice,
  - (ii) likely prejudice the municipality's ability to carry out its activities or negotiations,
  - (iii) place Councillors or employees of the municipality at risk of improper pressure or harassment,
  - (iv) breach legal professional privilege, or
  - (v) prejudice measures protecting health and safety;
- c) personal information, including personnel information, unless its disclosure
  - (i) is for the purpose for which the information was obtained or for a consistent purpose,
  - (ii) is required so that the municipality can carry out its duties and functions, or
  - (iii) is in a statistical or other form so that the names of persons are not revealed or made identifiable;
- d) information of a deliberative kind and draft reports that are likely to be released to the public in a final form in due course except when the information or draft report is placed before a meeting held in public;
- e) information, the disclosure of which could prejudice security and the maintenance of the law;
- f) information about assessments and taxes, except as provided for the Municipal Government Act or any other enactment;
- g) information placed before a council or council planning meeting that is closed to the public, except when the information is later placed before a meeting held in public;
- h) information that is prohibited from being released by the Municipal Government Act or any other enactment.

3.4 If the C.A.O. or his/her designate determines that the information may be released, a copy of the information shall be provided within sixty (60) days of the request and a charge for the copy or copies shall be made in accordance with the Schedule of Fees (Schedule "A") attached.

3.5 If the C.A.O., or his/her designate, determines that the information must be withheld under Section 3.3, he/she must give written notice within sixty (60) days of receiving the request, that the information is withheld and the reason why it is withheld to the person who requested it along with instructions for appealing the decision to Council.



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**4. APPEAL TO COUNCIL**

4.1 A written appeal may be made to Council by:

- a) a person who has received written notice that the information is withheld, within 15 days of receiving the notice; or
- b) a person who does not receive the requested information and does not receive a written notice that the information is withheld, within sixty (60) days of requesting the information.

4.2 The only grounds for appeal are that the released information was not complete, that the information has been withheld without any reason being stated, or that the reason for withholding the information was insufficient or wrong.

4.3 The Council may not consider an appeal unless the persons to whom the information relates, and the persons who would be affected by the release of the information, have been notified or reasonable attempts have been made to notify them of the appeal.

4.4 The Council may release information which would normally be withheld if it is determined that public interest considerations outweigh a reason for withholding it, unless the release is prohibited by the Municipal Government Act or any other enactment.

4.5 The Council's decision to withhold or release information must be in writing, must include reasons for the decision, must be signed by the Mayor of the Summer Village of Larkspur, and is final.

**5. PROTECTION OF PRIVACY**

5.1 No personal information may be collected by or for the municipality unless:

- a) the collection of the information is expressly authorized by bylaw or statute,
- b) that information is collected for the purposes of law enforcement, or
- c) that information relates directly to and is necessary for an operating program or activity of the municipality.

5.2 The municipality may only collect Personal Information directly from the individual that it is about unless:

- a) another method of collection is authorized by bylaw, statute or the individual concerned,
- b) the information is to assert the municipality's legal rights, enforce laws or conduct investigations for the purpose of disciplinary action against its employees, or
- c) the information is to determine the individual's eligibility for any municipal program or benefit.

5.3 When the municipality collects personal information that is required under Section 5.2 to be collected directly from the individual the information is about, the municipality must inform the individual of:

- a) the purpose for which the information is collected,
- b) the specific legal authority for the collection, and



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- c) the title, business address and business telephone number of an officer or employee of the municipality who can answer the individual's questions about the collection.

### 6. PERSONAL INFORMATION

6.1 The municipality may only use Personal information for:

- a) the purpose for which it was collected,
- b) another use consistent with that purpose,
- c) law enforcement,
- d) civic or alternative dispute resolution proceedings, involving the municipality, or
- e) for statistical or demographic analysis, as long as individuals are not identified, unless the individual the information is about has consented to another use or the municipality is required by the Act or any other enactment or by an order of the court to use the information for another purpose.

6.2 If an Applicant's personal information will be used by the municipality to make a decision that directly affects the individual, the municipality, at its discretion, must

- a) make every reasonable effort to ensure that the information is accurate and complete, and
- b) retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

6.3 An Applicant who believes there is an error or omission in the Applicant's Personal Information may request the CAO to correct the Information.

6.4 If no correction is made in response to the request under section 6.3, the CAO must annotate or link the information with the correction that was requested but not made.

6.5 On correcting, annotating, or linking personal information under this section, the CAO shall, at his or her discretion, notify anyone to whom that Information has been disclosed during the one year before the correction was requested that a correction, annotation or linkage has been made.

6.6 The municipality must protect Personal Information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

6.7 Upon payment of the appropriate fee, an Applicant is entitled to access Personal Information in the possession of the municipality about the Applicant, unless that Information may be withheld because:

- a) releasing it could reasonably be expected to threaten anyone's safety, mental or physical health, interfere with public safety,



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- b) releasing it could reasonably be expected to cause immediate and grave harm to the health and safety of the Applicant him/her self, or
- c) the Information is about collective bargaining, arbitration or ongoing investigations for the purpose of disciplinary action or personnel selection.

**7. EFFECTIVE DATE**

7.1 This bylaw shall come into effect on the day of the final passing thereof.

READ a first time in Council this 6 day of NOVEMBER, 1999.

READ a second time this 6 day of NOVEMBER, 1999.

READ a third and final time this 6 day of NOVEMBER, 1999.

Frank B. Atkinson  
Mayor

[Signature]  
Chief Administrative Officer

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**SCHEDULE "A"**

**ACCESS TO INFORMATION**

**FEE SCHEDULE**

- | <b>1.</b> | <b>TYPE OF INFORMATION</b>                                                                                                                                             | <b>CHARGE</b>                   |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
|           | Reports generated by the<br>Summer Village of Larkspur                                                                                                                 | \$20.00 plus<br>\$ .25 per page |
|           | Reports adopted by Council                                                                                                                                             | \$20.00 plus<br>\$ .25 per page |
|           | Minutes, Bylaws Correspondence                                                                                                                                         | \$ .25 per page                 |
| <b>2.</b> | All information supplied will be subject to an administrative fee of \$35.00 per hour if research or production of the information exceeds one hour of staff time.     |                                 |
| <b>3.</b> | If the municipality incurs any costs or charges by third parties to access or produce the information, these will be charged to the person requesting the information. |                                 |

SCHEDULE "B"

INFORMATION REQUEST FORM

This form must be completed by any person requesting information in the possession of the Summer Village. A fee will be charged for all information released.

PART ONE: TO BE COMPLETED BY THE APPLICANT

NAME:
ADDRESS:
PHONE/FAX:
ASSESSED PROPERTY (if applicable):
INFORMATION REQUESTED (Please be as specific as possible):
SIGNATURE OF APPLICANT:
DATE OF APPLICATION:

PART 2: TO BE COMPLETED BY THE MUNICIPALITY

DATE REQUEST RECEIVED:
REQUEST APPROVED: (Date)
INFORMATION RELEASED: (Date)
METHOD OF RELEASE (mail, fax, pick up, view)
ESTIMATED FEE:
REQUEST DENIED: (Date)
REASONS FOR DENIAL:
SIGNATURE:
NAME & POSITION: