

LOCAL AUTHORITY FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Background

The Division recognizes that all information provided to individuals upon request, must be done in accordance with the provisions of the Local Authority Freedom of Information and Protection of Privacy Act. The Director will appoint a LAFOIP coordinator who is to be consulted on all issues.

Procedures

1. Subject to the limitations in the Local Authority Freedom of Information and Protection of Privacy Act, upon application to the Director, upon payment of the prescribed fee, and subject to the limitations of section 5 below, every person shall be permitted access to records that are in the possession or under the control of the Division.
2. Each applicant shall make application on the prescribed form specifying the subject matter of the record requested, along with sufficient particularity as to the time, place and event.
3. The Director or HR Manager shall consider each application and give written notice to the applicant within thirty (30) days regarding the disposition of the request.
4. The Director or HR Manager shall:
 - 4.1 Provide written notice to the applicant stating that access to the record or part of it will be given on payment of the prescribed fee and setting out the place where, or manner in which, access will be available;
 - 4.2 If the record requested is published, or is about to be published, refer the applicant to the publication;
 - 4.3 If access is refused, set out the reason for the refusal and identify the specific provisions of legislation on which the refusal is based;
 - 4.4 Where an application is made with respect to a record that is exempt from access, refuse to confirm or deny that the record exists or ever did exist;
 - 4.5 Where a record contains information to which an applicant is refused access, give access to as much of the record as can be severed without disclosing the information to which the applicant is refused access;
 - 4.6 Provide a copy of the record requested or, where it is not reasonable to produce, give the applicant an opportunity to examine the record;

- 4.7 State that, subject to section 38 of Local Authority Freedom of Information and Protection of Privacy Act, the applicant may request a review by the commissioner within one (1) year after the notice is given.
5. An applicant who has given notice pursuant to section 1 is entitled to obtain access to the record on payment of the prescribed fee. The Director shall have the right to waive payment of all or any part of the prescribed fee.

The Director or designate will provide a cost estimate to an applicant if the fee is likely to exceed fifty dollars (\$50) over and above the application fee.
6. Where the Director considers that another local authority or a government institution has a greater interest in the record, the Director:
 - 6.1 May, within fifteen (15) days after the application is made, transfer the application and, if necessary, the record to the other local authority or government institution;
 - 6.2 If the record is transferred, give written notice of the transfer and the date of the transfer to the applicant.
7. The Director shall refuse access to information contained in:
 - 7.1 Confidential documents from other governments, agencies, crown corporations or institutions;
 - 7.2 Documents pertaining to law enforcement and investigations;
 - 7.3 Draft bylaws or resolutions or agendas or substance of deliberations of meetings authorized to be held in the absence of the public;
 - 7.4 Advice from officials which has not yet been implemented;
 - 7.5 Documents that compromise the economic interests of the Division;
 - 7.6 Third party information which could compromise the third party;
 - 7.7 Testing or auditing procedures or techniques;
 - 7.8 Details of specific tests to be given or audits to be conducted;
 - 7.9 Documents that threaten the safety or the physical or mental health of an individual;
 - 7.10 Documents related to solicitor/client privilege;
 - 7.11 Documents considered to be confidential under other Acts.
8. The Director shall not disclose personal information without the written consent of the individual to whom the information relates.

The following does not constitute personal information:

 - 8.1 Salaries and benefits of employees;
 - 8.2 Personal views given in the course of employment, other than views with respect to another individual;
 - 8.3 Financial or other details of a contract for personal services;

- 8.4 Details of license, permit, membership, etc. granted to an individual;
- 8.5 Details of a discretionary benefit of a financial nature; and/or
- 8.6 Expense of an individual traveling.
9. Personal information may be disclosed without the individual's consent:
 - 9.1 For the purpose for which the information was compiled;
 - 9.2 To comply with court process;
 - 9.3 To the Attorney General of Saskatchewan or to his or her legal counsel for use in providing legal services to the government or to the Division;
 - 9.4 To legal counsel for use in providing legal services to the Division;
 - 9.5 To collect a debt owing by the individual to the Division or to make a payment owing by the Division to that individual;
 - 9.6 Pursuant to requests from law enforcement agencies and under agreements with governments or other local authorities to enforce the law or carry out a lawful investigation;
 - 9.7 To comply with the law;
 - 9.8 For statistical purposes where the identity of the individual will not be disclosed;
 - 9.9 In compassionate circumstances within the meaning of Local Authority Freedom of Information and Protection of Privacy Act, or where in the opinion of the Director it is in the public interest; and/or
 - 9.10 To the Governments of Canada and/or Saskatchewan to facilitate the auditing of shared cost programs.
10. Personal information of a deceased individual shall not be disclosed until twenty-five (25) years after the death of the individual, except where in the opinion of the Director disclosure to next-of-kin would not constitute an unreasonable invasion of privacy.
11. Subject to Part III and subsection (2) and (3) of Local Authority Freedom of Information and Protection of Privacy Act, an individual, whose personal information is contained in a record in the possession or under the control of the Division, has a right to access the record upon application and upon giving sufficient proof of identity.
12. The Director may refuse to disclose, to an individual, personal information that is evaluative or opinion material compiled solely for the purpose of determining the individual's suitability, eligibility or qualifications for employment or promotion.
13. An individual who has access to a record that contains personal information with respect to himself or herself is entitled to:
 - 13.1 Request correction of the personal information contained in the record if the person believes that there is an error or omission;
 - 13.2 Require that a notation be made that a correction was requested but not made.

14. Within thirty (30) days after a request pursuant to section 13 is received, the Director shall advise the individual in writing that:
 - 14.1 The correction has been made;
 - 14.2 A notation pursuant to section 13 has been made.
15. Where the Director intends to give access to a record that contains information supplied in confidence, information which could financially prejudice a third party, or is personal information which in the opinion of the Director is in the public interest, the Director shall:
 - 15.1 Give the third party written notice, where reasonable to do so, allowing them twenty (20) days in which to make representations where they object to access being given;
 - 15.2 Within thirty (30) days after the notice is given decide whether to allow access in written notice to the third party and applicant.
16. The Director may delegate the decision making power regarding access to information, in writing, upon any conditions the Director deems necessary. The Director may appoint an Access Officer, Administrative Coordinator and an Office Representative in accordance with Local Authority Freedom of Information and Protection of Privacy Act. The Coordinator will be consulted on all issues.
17. The fee schedule shall be that as contained in the Local Authority Freedom of Information and Protection of Privacy Act as determined from time to time by the Government of Saskatchewan.

Reference: Local Authority Freedom of Information and Protection of Privacy Act