

RM OF REYNOLDS

Title: Access to Documents Policy

Policy No. 62

PURPOSE:

The purpose of this policy is to provide guidance to Council and administration regarding disclosure to the public of copies of documents in the possession of the Municipality.

STATEMENT OF GENERAL INTENT

WHEREAS the Council of the Rural Municipality of Reynolds desires to have a consistent basis for information to be gathered and used by administration to evaluate requests from the public for copies of documents;

NOW THEREFORE BE IT RESULTED THAT the Council of the Rural Municipality of Reynolds adopts the Access to Documents Policy.

POLICY GUIDELINES

All requests for copies of documents must be made in writing to the RM of Reynolds administration for distribution to the appropriate department at admin@rmofreynolds.com or via Box 46 Hadashville, MB R0E 0X0.

- Upon a written receipt of a request for a copy of a document(s) (the “**Application**”), the Municipality will acknowledge receipt of the Application and advise the requesting party (the “**Applicant**”) that the Application will be processed in due course.
- The Municipality will determine whether the Application is subject to disclosure in accordance with *The Freedom of Information and Protection of Privacy Act*, C.C.S.M. c. F175 (“**FIPPA**”).

Notice of Estimated Fee

- The Applicant is responsible for all estimated fees related to the Application including costs of photocopying and staff time to complete the request as set out in Section 82 of the FIPPA and in accordance with the Municipality's Fees, Fines, and Charges for Municipal Services By-law No. 02/2021, as amended from time to time (the "**Fee By-Law**").
- If the Application is subject to disclosure pursuant to FIPPA, the Chief Administrative Officer shall write to the Applicant providing the estimate of the total fee before providing the document(s) requested as determined in accordance with the Fee By-law, and all amendments thereto (the "**Notice of Estimated Fee**") and advise that payment in advance of disclosure is required.
- The Notice of Estimated Fee shall include the following information:
 - An inquiry as to whether the Applicant intends to proceed with the Application and payment of the estimated fee;
 - An inquiry as to whether the Applicant will modify the Application in order to change the amount of the estimated fee; and
 - Notice that if the Applicant does not respond to the Notice of Estimated Fee within 30 days, the Application will be considered abandoned.
- If the Applicant does not respond within 30 days, the Application will be deemed abandoned and the Chief Administrative Officer shall advise the Applicant in writing that the Application has been deemed abandoned.
- If the Applicant proceeds with the Application or an amended application, the Applicant must pay the estimated fees in advance of the Municipality's disclosure of any documents.
- The period of time for the Municipality to respond to the Application pursuant to section 11(1) of FIPPA is suspended until the Applicant notifies the Chief Administrative Officer that they are proceeding with the Application.

Provision of Document(s)

- Upon the Applicant's payment of the estimated fee, the Chief Administrative Officer or designated staff member will provide a copy of the document(s) with all required redactions pursuant to FIPPA to the Applicant.

- If at the time of disclosure of the documents the actual fee pursuant to By-Law No. 02/2021, as amended from time to time, is determined to be more or less than the estimated fee collected from the Applicant, the Municipality shall account for any adjustments and refund any amounts owing to the Applicant or collect payment of the final determined fee accordingly.
- If the requested document(s) are not disclosable pursuant to FIPPA, the Chief Administrative Officer, or a delegated staff member, shall notify the applicant indicating that the document(s) are not available for distribution pursuant to FIPPA.
- Approved requests for copies of documents will be provided in hard copy form only after receipt of payment. Electronic copies will not be provided. NOTE: some documents may only be available for in person examination.

Disregarding Requests Under FIPPA

Under section 13 of FIPPA a public body may disregard a request for access if it is determined:

- The request is trivial, frivolous, or vexatious
- The request is for information already provided to the applicant
- The request is unduly repetitive or systematic, excessively broad or incomprehensible, or not made in good faith
- Responding to the request would unreasonably interfere with operations of the public body