

A GUIDE TO PROACTIVE DISCLOSURE



The Federation of Prince Edward Island Municipalities has prepared a toolkit to help municipalities implement practices that reflect principles of open government – accountability, engagement and transparency. This guide has been prepared to provide advice about proactively disclosing municipal records such as agendas and minutes, notices, bylaws and data.

What Is Proactive Disclosure?

The public has the right to review municipal records. Proactive disclosure is the act of releasing this information before it is requested. Routinely releasing information through the internet increases transparency by giving citizens access to municipal records at their convenience.

Why Is Proactive Disclosure Important?

Proactive disclosure is an essential component to open government. One of the principles of open government is transparency. Transparency means that information is open and freely available for public review and discussion.

The public has a right to access municipal records

Proactively disclosing information means that citizens can access information without filing a request for specific records. Easy access to information facilitates public engagement and promotes greater transparency and trust in government.

The public benefits from proactive disclosure because they are informed about laws and decisions that affect them. Proactive disclosure provides the public with the information so that they can participate in decision-making and provide fact-based opinions. Information that is disclosed proactively can be used to hold decision-makers accountable.

Council and committee minutes, agenda packages and financial statements should be proactively disclosed. While the *Municipal Government Act* requires that these records be provided for inspection during regular business hours, best practice is to post this information on your municipal website.

Proactive Disclosure and Technology

Information can be made readily available thanks to advances in technology. Posting information on your municipal website means that it can be accessed by everyone at their convenience.

Identifying opportunities for proactive disclosure and open dissemination of information through technology demonstrates Council's commitment to transparency, accessibility and accountability. By having access to information, both citizens and Council benefit.

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What Are Municipal Records?

Section 147 identifies classes of information that should be shared including:

- assessment information;
- approved financial plans, annual financial statements and auditor reports;
- bylaws that have received first reading;
- Council agendas, minutes, resolutions and information used to make a decision;
- council members remuneration and expenses;
- policies;
- strategic plan;
- grants and donations;
- contracts with exceptions; and
- other documents tabled or adopted at an open meeting of Council or council committee.

WHAT INFORMATION IS PROTECTED?

Protecting privacy is important. Releasing personal information is a breach of privacy. Records subject to solicitor-client privilege, legal proceedings, bylaw enforcement, human resources, commercial negotiations, or received in confidence must not be shared. Sharing confidential information could harm individuals or businesses and may jeopardize Council negotiations or legal actions.

Best practice is to release these records proactively.

What Other Information Can Be Proactively Disclosed?

Municipalities hold a lot of information. Much of it could be proactively disclosed. Examples of additional information that could be released on your municipal website includes:

- Contracts
- Staff position descriptions
- List of grants and donations to community groups, organizations and individuals
- Election results by ward
- Results of budget consultation survey
- Summary of input received at public consultation meetings
- Council member attendance records
- Requests for information
- Statistics from the Fire or Police Departments

When proactively releasing information, take care and make sure that personal or confidential information is not included.