



Municipal Affairs Access to Information and Protection of Privacy Regulations

January 19, 2019 – FPEIM Semi-Annual Meeting



Communities, Land
and Environment

Status of Regulations



- Access to Information and Protection of Personal Information Regulations have been drafted, along with two others.
- The draft regulations were made available online for review and comment in December. The online consultation process will end on January 31, 2019.
- Following a review and consideration of all feedback received, regulations will be forwarded to the Lieutenant Governor in Council (LGIC) for approval.

Purpose of Regulations



- The *Municipal Government Act* (MGA) requires each municipality to establish, by bylaw, processes and procedures for providing access to information and the protection of personal information under its control.
- The Regulations set out access to information and protection of personal information requirements and provide guidance on accessibility for those municipalities that have an established office and operating hours, as well as for those that do not.
- The Regulations also set out requirements for the collection, use, correction and disclosure of personal information gathered by or for the municipality.

Overview of Public Documents



- Section 147 of the MGA and associated Regulations require all municipalities to make certain documents promptly available to the public including, but not limited to:
 - Current approved financial plans
 - Auditor reports
 - Minutes of all meetings of the council and council committees
 - All council resolutions
 - Bylaws or proposed bylaws which have received first reading
 - All compensation, expenses and other payments made to council members, council committee members, board members or other bodies established by council annually
 - Current strategic plans
 - Policies

Requests for Information: All Municipalities



- A person does not need to submit a formal application to view public documents under the control of the municipality unless the information cannot be readily accessed in a reasonable amount of time.
- A person who requests information that is not required to be readily accessible under the regulations or is not considered to be a public document must submit a written application to request that information.
- Requests for information are accepted, assessed and processed by the Access to Information Coordinator appointed by council.

Access to Information Coordinator



- Under the Regulations, every municipality is required to appoint an Access to Information Coordinator.
- A CAO or a member of council is prohibited from being appointed as the Access to Information Coordinator for a municipality as it is the CAO who is responsible for reviewing requests for reconsideration after the refusal of a request for information from an applicant.

Access to Information: Municipalities Subject to FOIPP



- On April 1, 2019 the municipalities of Charlottetown, Summerside, Stratford and Cornwall will be subject to accessibility and protection of personal information requirements under both the MGA and the PEI *Freedom of Information and Protection of Privacy Act* (FOIPP).
- For these four municipalities, information covered under the MGA that is not readily available will be assessed and processed under the MGA and the MGA Regulations.
- A request for information that is not covered under the MGA and the MGA Regulations will be accepted, assessed and processed by the Access to Information Coordinator in accordance with the FOIPP Act.
- Where information is protected from disclosure under the FOIPP Act, that information may only be released in accordance with that Act.

Access to Information:

Municipalities Not Subject to FOIPP



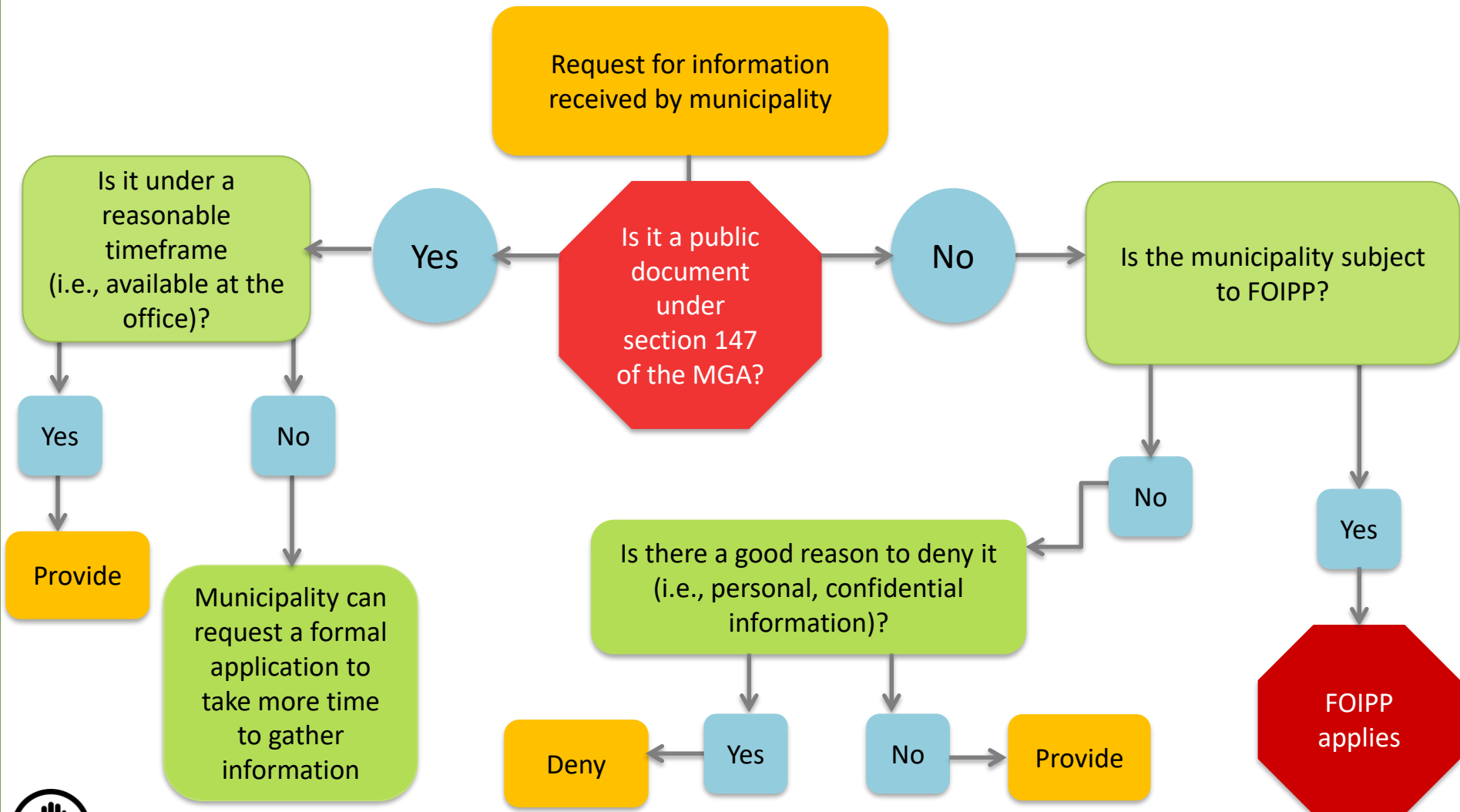
- For all other municipalities, the Access to Information Coordinator will accept, assess, process and respond to requests for information not already or readily available to the public in accordance with the Access to Information and Protection of Personal Information Regulations.

Protection of Personal Information



- Under the MGA and Regulations, each municipality must establish, by bylaw, processes and procedures for collecting, using, correcting and disclosing personal information.
- Where information contains personal information of an individual or a third party, access to information is limited to the information identified in the Regulations, such as but not limited to:
 - assessment information;
 - permit applications and approvals;
 - registration for recreation programs; or
 - voters lists

Process Map: Request for Information



Screen all for privacy considerations

Questions



WEB

princeedwardisland.ca/mga

TWITTER

Municipal Affairs [@PEImunaffairs](https://twitter.com/PEImunaffairs)

EMAIL

municipalaffairs@gov.pe.ca

PHONE

902-620-3558 or
1-866-368-5044 ext. 3