



CITY CLERK

Clause embodied in Report No. 9 of the Policy and Finance Committee, as adopted by the Council of the City of Toronto at its meeting held on September 22, 23, 24 and 25, 2003.

15

Public Access and Involvement for City of Toronto Agencies, Boards and Commissions - Recommended Policy

(City Council on September 22, 23, 24 and 25, 2003, adopted this Clause, without amendment.)

The Policy and Finance Committee recommends the adoption of the Recommendation of the ABC Ad Hoc Committee embodied in the following communication (July 18, 2003) from the City Clerk:

Recommendation:

The ABC Ad Hoc Committee recommended to the Policy and Finance Committee and Council, the adoption of the attached report dated June 10, 2003, from the Chief Administrative Officer, subject to amending Attachment 1, entitled "Policy on Public Access and Involvement for City Agencies, Boards and Commissions", under VEXEMPTIONS, by adding the following sentence: "Boards may discuss matters in-camera in accordance with MFIPPA and Municipal Act provisions and to deal with the following exemptions".

Background:

The ABC Ad Hoc Committee, at its meeting held on July 15, 2003, had before it a report dated June 10, 2003, from the Chief Administrative Officer, forwarding a Public Access and Involvement Policy for City Agencies, Boards, Commissions, and Corporations, and submitting recommendations in regard thereto.

The Committee also had before it a communication dated July 14, 2003, from the Chair, Toronto Public Library Board, in connection with the foregoing matter.

(Report dated June 10, 2003, addressed to the
Ad Hoc Committee from the Chief Administrative Officer)

Purpose:

This report recommends adoption of the Public Access and Involvement Policy for City Agencies, Boards, Commissions and Corporations included as Attachment 1 to this report.

Financial Implications and Impact Statement:

Financial implications arising from the recommendations in the report include costs to Boards to ensure that information and access to Board meetings is available to the public and costs to provide or upgrade Web sites.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) the Public Access and Involvement Policy for City of Toronto Agencies, Boards, and Commissions included as Attachment 1 to this report be forwarded to the Policy and Finance Committee and to Council for consideration; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The ABC Ad Hoc Committee workplan outlined the need for the City to clearly articulate its objectives and to clarify its expectations and ground rules for agencies, boards, and commissions (Boards). The City has delegated varying levels of authority to its ABCs to deliver services on Council's behalf. With this assignment of responsibilities, also comes the obligation to conduct business in a manner consistent with City objectives for public involvement and citizen engagement. The public can only get involved in the decision-making process when the process is open and inviting and information is readily available. At issue is the need for clear processes for citizen involvement at board meetings, stated expectation for reporting publicly and to the City including requirements for annual reports and business plans, and clarity on applicability of access to information.

On March 4, 2003, the ABC Ad Hoc Committee received a report from the Chief Administrative Officer, dated February 24, 2003, including a draft Public Access and Involvement Policy. The Committee directed that staff seek comments from stakeholders regarding the draft and report back with a recommended policy. The report and draft policy were circulated to all City ABCs and to the Toronto Community Housing Corporation with a request for comments. Staff have met with most ABC's individually to discuss items relating to the ABC review, including the public access process.

The recommended policy, included as Attachment 1 to this report, is intended to articulate Council's expectations for openness, for providing information to the public and encourage public accessibility to board involvement.

Comments:

Federal, Provincial and Municipal Context:

Opportunities for public involvement and public access to information help ensure integrity in decision-making in government and in government boards. Most provincial and territorial governments in Canada have freedom of information legislation that provide a guaranteed, statutory right of access to government records. In Ontario, the *Municipal Act* and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) provide requirements for openness and public access to information and the context for municipal policy development for Toronto.

Municipal Act, 2001

The *Municipal Act*, Sections 238 and 239 require that all meetings of Council and local boards be open to the public, except when the following matters are being considered:

- (i) Security of property;
- (ii) Personal matters about an identifiable individual;
- (iii) Proposed or pending acquisition or disposition of land;
- (iv) Labour relations or employee negotiations;
- (v) Litigation or potential litigation;
- (vi) Advice subject to solicitor/client privilege;
- (vii) Where provided for under other Acts; and
- (viii) Consideration of requests under MFIPPA.

The *Municipal Act*, 2001, Section 201 provides that a City board shall at all times and in the form requested provide the municipality with information requested by the municipality relating to a municipal service. It provides that the municipality shall establish and maintain for public inspection, a list of the requirements it has imposed on a municipal service board.

Municipal Freedom of Information and Protection of Privacy Act:

MFIPPA provides individuals with a right of access to both general information and their own personal information maintained by municipal government, including local Agencies, Boards and Commissions. The legislation was adopted to ensure government institutions and political leaders remain accountable to the people they serve, in the belief that accountability is the key to promoting integrity in public life. A decision by a municipal government, agency, board or commission to deny access to certain types of information can be appealed to the Information and Privacy Commissioner of Ontario. MFIPPA also provides a privacy protection scheme relating to the collection, use, disclosure and retention of personal information in the custody and/or control of municipal governments and their local Agencies, Boards and Commissions.

Bill 206, Transparency in Public Matters Act:

The proposed legislation in Bill 206 would require specified provincial and municipal councils, boards, commissions and other public bodies, as listed in the Bill or as prescribed, to hold meetings which are open to the public.

The public can only be excluded from meetings if certain specified matters are being discussed. These matters are consistent with the *Municipal Act* provisions. Minutes of meetings open to the public have to be made available to the public in a timely fashion, and must contain sufficient detail. The body is also required to set rules respecting public notice of its meetings and the meetings of its committees, the availability of minutes to the public and the availability of the body's rules. The body is required to appoint a person responsible for compliance with the rules. The draft legislation imposes a penalty (fines) for failure to comply with the requirements for notice, minutes and rules.

Policy Considerations and Challenges:

Research shows that while calls for greater citizen engagement have been traditionally more frequent at the local level; all government levels are now attempting to improve the quality of their engagement and consultation processes. The effective sharing and communication of information about public affairs is a crucial condition of government success in achieving civic engagement and accountable governance.

An optimal public access to information policy makes extensive disclosure and generous access to information a basic requirement. An effective access to information policy fosters a culture of transparency, collaboration and reasoned dialogue with the public resulting in accountable governance. While this governance context calls for an open approach to access to information, this raises some key challenges for managing government information and its disclosure to citizens.

In a world dominated by complex information and knowledge flows, bureaucracies need to be willing to share information and knowledge and provide clear policies and procedures on how this is to be achieved. The City has a responsibility to ensure that the public has access to its information, as it is the only source of some unique data of relevance for meaningful public participation. As democracies are becoming more inclusive and participative, the quantity and quality of information needed is much greater. This places a higher demand on scarce resources.

The best policy is routine, ongoing, timely disclosure of accurate information. A broad and explicit policy that actively makes information widely and easily accessible, without having to resort to access to information procedures is desirable. The distribution of government information through the use of information technologies, such as the Web, should be part of a stated policy of routine disclosure of information.

The principle of broad disclosure must be tempered by necessary confidentiality to guarantee that such transparency does not result in personal harm or unreasonably hamper the ability of the board to operate effectively in the public interest. For example, public access to personal information about an individual's health or financial status can violate the right to privacy. In this

context, the protection of the fundamental rights and basic interests of citizens should be a central concern in establishing the boundaries of access to government information. When the disclosure of board information would result in inflicting harm to an individual, public access to this information should be denied. In the event of a conflict between the public good and individual harm, clear and publicly known procedures for weighing both against each other should be developed. Reasonable limits must be agreed upon to protect the ability of boards to receive candid, independent advice about policies being considered.

Board information should also be readily available to City Council and staff as well as the media. Currently, this basic information – minutes, agendas, reports etc., is not always easily available.

Another challenge to access to information is financial. It can be expensive to maintain, produce, provide and retain information, however information must also be made available at an affordable cost for it to be truly accessible. In striking a balance on affordability and accessibility the City has a by-law establishing charges for committee records held by Clerks beyond what is “to hand”. Items “to hand” are provided at no charge, for example extra copies of items currently before a committee. Fees are charged, to assist with cost management, for old material and material needing a search to be located. It would seem reasonable to expect Boards to have a fee policy consistent with the City by-law. Use of the Urban Affairs Library, which is well equipped to aid the public in locating material, should also be explored to assist in keeping costs to reasonably affordable levels.

Another challenge to access to information is the diversity inherent in the City’s Boards. The larger Boards have more resources to devote to public requests for information and systems in place to routinely make information available. It would not be desirable to place requirements on smaller ABCs that they cannot readily achieve without understanding the resource implications. Further study will be required to determine such implications.

Use of Technology:

One recent tool available to help provide citizens with access to information is the Internet. The City had an "amalgamated" Web presence in place January 1st, 1998. This site was redesigned and re-launched in December 2000. The City of Toronto Web site is extremely well used and its use has grown over time. For example, in 1999 the Web site had 1.9 million visits. Public use grew to 4 million in 2000, to nearly 6 million in 2001 and to nearly 9 million visits in 2002. Staff anticipate more than 11 million visits in 2003 as City services are added on the Web. The Internet's continuing growth encourages people to rely more on the Web for services and information. Web activity statistics show that the investment in electronic service delivery is meeting growing public expectations, and the numbers encourage the City to increase and improve its Web-based public (and internal) information and application services.

The TTC, Toronto Public Library, the Zoo, Police Services Board, the BIA’s and some of the other Boards currently make good use of the Internet to make information available to the public. For example, more than 60,000 visitors per month viewed more than 100,000 TTC schedules per month in 2001 on the Internet.

Although the Internet is available only to those persons with access to computers, modems, and Internet service provider accounts, access can be obtained increasingly in the workplace and public libraries. The Internet is a good way to provide citizens with information about their governments and promote accountability and integrity in their governments.

Consultation Feedback:

Groups consulted and their roles included:

- (1) to determine City interests – review legislative base for creating policy, inform Executive Management Team, consult with Legal, CAP and staff related to agency program; and
- (2) to develop the policy – Clerk's, CAP, Legal, and ABC Corporate Team and ABCs and ABC staff.

Generally the City ABCs supported the development of a City policy on access to information and access to Boards. Helpful comments were received from the ABCs and have been incorporated into the recommended policy. Staff also visited ABCs to monitor the existing state of access to information about Board meetings and openness of meetings to the public. Generally Board meetings were open to the public but availability of information on date, time and location and agenda of board meetings varied among the boards. For example, the Library Board, Board of Health, TTC, Police Services Board and have well established procedures for the public to follow in accessing and participating at the Board. Quasi-judicial tribunals such as the Committee of Adjustment and Licensing Tribunal also have well established procedures and City staff support to provide information to the public. The smaller community oriented boards had the most variation in having information readily available.

The draft policy included application to Toronto Community Housing Corporation (TCHC) because of Council's concern in ensuring that TCHC tenant interests were considered an integral part of the corporation's business. Previously, the Toronto Housing Company provided extensive information on meetings, minutes and reports on the City Web site, but this information is not now available on the Internet for TCHC, although it has advised it intends to develop a new Web site.

During consultation with TCHC, board members and staff noted that the Shareholder direction requires TCHC to be consistent with MIFIPA legislation and has a requirement for tenants to have access to corporate decision-making. TCHC is undertaking extensive work to ensure tenant consultation and input into decision-making. TCHC board meetings are open to the public. TCHC noted that it might not be appropriate for the City to require adherence on a blanket basis to a city policy, as they are an independent corporation. Upon consideration, staff agree that it would be more appropriate for the City to rely on TCHC to develop its own policies consistent with the provisions in the Shareholder Direction.

TTC, Library Board and Police Services Board staff noted that a less prescriptive and a more performance based approach should be employed in the final policy. The draft policy has been revised to achieve a performance-based approach, recognizing that most Boards require

flexibility to develop a policy consistent with City objectives and also be relevant to the Board's unique circumstances.

Discussion with AOCCS revealed concern about the financial implications of implementing the use of the Internet and strain on existing resources implied by the requirement to keep the information current. Some of the AOCCS have developed Web pages but this has often been the result of volunteer efforts and the effort has not always been easy to sustain. City Clerks and IT staff have noted that additional work is required to implement links on the city site for all ABCs to consider offering resources to ABCs to develop and/or maintain Web sites. The draft policy has been revised to address the current practical limitations to full use of the Internet.

Recommended Public Access to Information Policy:

The recommended policy is structured as follows:

- I Purpose
- II Principles
- III Scope
- IV Public Access and Involvement
 - (i) Meetings
 - (ii) Financial
 - (iii) Business Plans
 - (iv) Annual reports
 - (v) Web
 - (vi) Publishing
 - (vii) Media Relations
- IV Implementation
 - (i) Fees
 - (ii) Conflict resolution
 - (iii) Training and professional Development
 - (iv) Monitoring and Evaluation
 - (v) Severability
 - (vi) Relationship with other Access and Confidentiality regimes
- V Exemptions

The purpose of this policy is to ensure that public access to and involvement in the decision-making process of Boards are facilitated and encouraged by the Boards. This policy is also to ensure that the Boards are visible to the public, accountable to the City, and responsive to the diverse needs of the community, which they serve. It is intended to confirm and clarify roles, responsibilities and requirements to foster a culture of transparency and dialogue with the public. The policy identifies standards for availability of information to the public in accordance with MFIPPA and the *Municipal Act* in a manner appropriate to the City's Boards and requires consultation with the City's Access and Privacy Office to aid in conflict resolution.

The policy provides that as a general rule, all information contained in board records must be easily available to members of the public and specifically in regard to board meetings, financial information, Business Plans and Annual Reports. The draft policy contains an implementation

section to provide guidance on charging reasonable fees, severability and relationship to other access and confidentiality regimes. Exceptions to availability of information are limited to exemptions provided in the *Municipal Act* and MFIPPA.

Conclusions:

Information and knowledge generated and stored by government agencies are a resource which, when used skilfully by agencies and citizens, can contribute to democratic and accountable governance. It is in the public interest to ensure access to information, provide a "public space" on the Internet's electronic highway and use information technology to encourage civic engagement and participation in government. While the new governance context calls for an open approach to access to information policy, it also raises some key challenges for managing government information and its disclosure to citizens. In this context, maximum openness is a sensible goal, provided that it is offset by operational considerations to ensure that fundamental rights of citizens are protected and that the ability to act effectively in the public interest is preserved.

The City's Access and Privacy Office staff particularly advised on the City's access and privacy policy, and the proposed policy for ABCs to ensure compliance with the requirements of the *Municipal Freedom of Information Act*. The interdepartmental ABC Corporate Team composed of staff advising CAO staff on policy and operational implications also reviewed the draft policy. The recommended policy has been prepared upon consideration of comments from ABCs and consultation with staff from City Clerks, Corporate Communications and Legal.

Contact:

Karen Cooper, Corporate Management and Policy Consultant
Strategic and Corporate Policy Division, Chief Administrator's Office
Tel: (416) 397-5183, Fax: (416) 696-3645; e-mail: kcooper@toronto.ca

List of Attachment:

Attachment 1: Recommended Policy on Public Access and Involvement for City of Toronto Agencies, Boards and Commissions.

Attachment 1

Policy on Public Access and Involvement
for City of Toronto Agencies, Boards and Commissions

(I) Purpose:

The City of Toronto affirms its obligation to conduct its operations in ways that are open to public scrutiny and based on the principle of freedom of information. The City actively promotes civic engagement - the process of interaction between government and citizens to facilitate active community involvement in the operation of the City. Civic engagement involves

a mutual learning process and ultimately leads to more effective policy development and good governance. The City's obligation to reach out and communicate with the public is paralleled by the public's right to address and be heard by the City. In a democracy, listening to the public, researching, evaluating and addressing public needs are critical to achieving government effectiveness.

The City of Toronto promotes and maintains a system of responsible and accountable governance where the interest of individuals and communities are balanced with those of the City as a whole. Public participation is an integral part of the City's decision-making processes. The City of Toronto's principles of civic engagement are:

- (i) Accessibility.
- (ii) Collaborative decision-making.
- (iii) Continuous improvement.
- (iv) Community capacity building.

The City has delegated specific responsibilities to its agencies, boards and commissions. With this assignment of responsibilities, also comes the obligation to conduct operations consistent with City objectives for public involvement. In government, the public plays both the role of service user as well as "shareholder" of the corporation. As agents of the City, agencies must be visible to the public, accountable to the City, and responsive to the diverse needs of the community, which they serve. The purpose of this policy is to ensure that public access to and involvement with the decision-making process of City agencies, boards and commissions are facilitated and encouraged by the agencies, boards and commissions.

This policy confirms and clarifies roles, responsibilities and requirements to foster a culture of openness, transparency and reasoned dialogue between the public and City agencies, boards and commissions, in order to achieve collaborative governance. The policy also identifies standards for availability of information to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and *Municipal Act*, in a manner appropriate to the City's agencies, boards and commissions.

This Policy is not intended to limit presently existing procedures and practices but rather to articulate a minimum standard of accessibility. City agencies, boards and commissions may adopt this policy or prepare policies consistent with this policy.

(II) Principles:

To welcome and encourage civic engagement in the decision-making process and operation of City agencies, boards and commissions (Boards), the following principles form the basis of this policy:

- (i) Board business should be conducted in public, unless otherwise provided by law.
- (ii) The public should have ready access to Board meeting schedules, agendas and minutes of board meetings in a timely fashion to encourage public participation.
- (iii) The public is welcome to provide comment and input to Boards and their staff on any issue.

- (iv) Boards shall reflect and depict the diverse nature of the City in their publications and services.
- (v) Boards shall consult the public and consider their concerns when establishing priorities, developing policies, planning programs and providing services.
- (vi) Communication between the public and Boards shall be continuous, open, inclusive, relevant, secure and reliable.
- (vii) Boards shall encourage Board staff to communicate openly with the public.
- (viii) Information should be easily and conveniently available to the public in a variety of forms to meet general and special needs of the public.
- (ix) Municipal staff have a right to access information about the business of the Board in a timely fashion.
- (x) Information is to be preserved, protected and retained over time for future access.
- (xi) Boards are required to comply with the *Municipal Act* and with the *Municipal Freedom of Information and Protection of Privacy Act*.
- (xii) Collection, retention, use and disclosure of personal information contained in Board records should be regulated in a manner that will protect the privacy of individuals who are the subject of such information.
- (xiii) Necessary exemptions from the general principle favouring access should be as limited and specific as possible.
- (xiv) Any fees charged for accessing information shall be the minimum required to cover costs.

(II) Scope of the Policy:

(1) This Policy applies to the following Boards:

Service Boards:

Board of Governors Exhibition Place
Board of Health
Board of Management Toronto Zoo
Hummingbird Performing Arts Centre
St. Lawrence Centre for the Arts
Toronto Centre for the Arts
Toronto Parking Authority
Toronto Police Services Board
Toronto Public Library Board
Toronto Transit Commission

Quasi-Judicial Boards:

Committee of Adjustment
Fence Viewers
Property Standards
Rooming House Licensing Commission
Toronto Licensing Tribunal

Program Operating Boards:

Heritage Toronto
TradeLink
Yonge Dundas Square
Arena Boards of Management
Forest Hill Memorial Arena
George Bell Arena
Leaside Memorial Community Gardens
McCormick Playground Arena
Moss Park Arena
North Toronto Memorial Arena
Ted Reeve Community Arena
William H. Bolton Arena
Association of Community Centres
519 Church Street Community Centre
Applegrove Community Complex
Cecil Street Community Centre
Central Eglinton Community Centre
Community Centre 55
Eastview Neighbourhood Community Centre

Fund Management Boards:

Metro Toronto Pension Plan Board of Trustees
Metro Toronto Police Benefit Fund Board of Trustees
Sinking Fund Committee
Toronto Atmospheric Fund
Toronto Civic Employees Pension and Benefit Fund
Toronto Fire Dept Superannuation and Benefit Fund Committee
York Employees' Pension and Benefit Fund Committee

Harbourfront Community Centre
Ralph Thornton Community Centre
Scadding Court Community Centre
Swansea Town Hall Community Centre

(2) This policy applies to the following records:

- (a) records created or made by or within a Board on or after January 1st, 2004, and within the custody or under the control of a Board, and
- (b) records created or made outside the Board and received into the custody and control of the Board on or after January 1st, 2004.

“Record” means: any document containing information, however recorded, whether in manuscript, printed, on film or in electronic form or otherwise.

Records under the control of a Board include those relating generally to the operation of the Board and its services.

Access to records created, made or received before the January 1st 2004 shall be governed by the applicable policies and procedures in effect immediately prior to that date.

(3) This Policy does not apply to the following Boards:

Boards of Business Corporation:

Toronto Community Housing Corporation
Toronto Economic Development Corporation
Toronto Hydro

Partnered Boards:

Toronto Waterfront Revitalization Corporation
Toronto Region Conservation Authority
Enwave

Non-City Boards with City Relationship:

CNEA
Toronto Arts Council

(III) Public Access and Involvement:

As a general rule, public access to and involvement in the decision-making process of Boards is to be encouraged and facilitated by Boards. The following specific provisions establish minimum requirements and Boards are encouraged to make access and all information available, subject to the exemptions of this policy.

(1) Meetings:

- (1) Regular Board meetings shall be open to the public to attend.
- (2) Any person shall have an opportunity to provide information, or to make requests, in deputation or written form to a Board for consideration at regular meetings.
- (3) Every Board shall prepare a process for public involvement at Board meetings that ensures receipt, documentation, deputation, consideration and disposition of the views expressed, information provided or request made. The process adopted by the Board and any amendments shall be published and posted in the Board office and places of business, forwarded to the City Clerk and provided free of charge to the public.
- (4) Regular Board meetings shall be determined on an annual basis and the schedule of meetings, including date, time and location and any amendments to the schedule shall be made available at no cost and in a timely manner to the public.
- (5) Notice of meetings, minutes, agendas and copies of reports shall be posted in the Board office and places of business, delivered to the City and where possible posted on Web sites at least one week in advance of the meeting.
- (6) The Secretary of any Board shall ensure that notice of meetings, agendas, minutes or copies of reports requested shall be sent by mail or e-mail.
- (7) The current agenda, reports and minutes of regular meetings shall be made available at nominal cost to the public.
- (8) Historical records of agendas, reports and minutes shall be made available on a reasonable cost recovery basis to the public.
- (9) Copies of the meeting schedule, amendments, agendas, minutes, reports and information provided at regular meetings shall be forwarded to the City in electronic form, on a monthly basis, and forwarded to the Urban Affairs Library in hard copy format.

(2) Financial:

- (1) Boards shall provide meaningful opportunities for public review and comment on proposed annual budgets and shall report to Council on the impact of the consultation process.
- (2) Boards shall make approved annual budgets available to the public.
- (3) Boards shall make Annual Financial Statements available to the public.

-
- (4) Copies of the proposed budgets, approved budgets and Annual Financial Statements shall be forwarded by Boards to the City.
 - (3) Business Plans:
 - (1) Boards shall provide an opportunity for public review and comment on proposed business plans.
 - (2) Boards shall make approved business plans available to the public.
 - (3) Copies of the proposed business plan and approved business plan shall be forwarded to the City.
 - (4) Annual Report:
 - (1) Boards shall prepare an annual report, submit it to the City Clerk in electronic form for posting on the City Web page and make it publicly available.
 - (2) A Board Annual Report shall contain at a minimum the following information:
 - (i) Overview of mandate and objectives.
 - (ii) Board Activities.
 - (iii) Overview of Past Accomplishments and Challenges.
 - (iv) Upcoming Objectives and Challenges.
 - (v) Board Members Profile.
 - (vi) Board Activities.
 - (vii) Financial Statement.
 - (5) Web:
 - (1) Boards are encouraged to maintain an active presence on the Internet to enable 24-hour electronic access to Board programs, services and information.
 - (2) Boards are encouraged have a Web page linked to the City Web page outlining:
 - (i) Purpose and Mandate.
 - (ii) Contact Information.
 - (iii) Board Contact Information.
 - (iv) Board Members.
 - (v) Opportunities for Public Involvement.
 - (vi) Schedule of Meetings.
 - (vii) Agendas and Minutes.
 - (viii) Reports
 - (ix) Business Plan Summary.
 - (x) Approved Budget Summary.
 - (xi) Approved Financial Statements.
 - (xii) Annual Report.
 - (3) Boards shall maintain a capacity for innovation and currency with technological innovations to connect with the public in meaningful ways.

- (4) Board investments in new technology shall serve to enhance public access to Board decision-making information, programs and services.
- (6) Publishing:
 - (1) Boards shall facilitate public access to their publications, including all information materials produced for public dissemination or circulation.
 - (2) To ensure public access to publications Boards shall:
 - (i) Maintain a list of all published works for public review indicating if they are available free or at cost.
 - (ii) Make publications available in multiple formats to meet diverse needs of the public.
 - (iii) Provide a copy of all publications to the Urban Affairs Library free of charge.
- (7) Media Relations:
 - (1) Boards shall inform the City about Board initiatives concurrent with information about them being released to the media.
 - (2) Boards shall cultivate proactive relations with the media to promote public awareness and understanding of Board policies, programs, services and initiatives.
 - (3) Boards shall facilitate information or interview requests from the media and manage plans and strategies for communicating with the media.
 - (4) Boards shall ensure measures are in place to provide quality and consistency of information and media enquiries shall be addressed promptly.
 - (5) Board spokespersons shall at all times respect privacy rights, security needs, matters before the courts, and government policy when communicating with the media. They shall identify themselves by name and position and speak on the record for public attribution, confining their remarks to matters of fact concerning policies, programs, services or initiatives of the Board.
- (IV) Implementation:
 - (1) Fees:
 - (1) Boards may require the person who makes a request for access to a record or for correction of a record to pay:
 - (i) a search charge for every hour of manual search required in excess of two hours to locate a record;
 - (ii) the costs of preparing the record for disclosure;

- (iii) computer and other costs incurred in locating, retrieving, processing and copying a record;
 - (iv) shipping costs and
 - (v) the cost of adding to a record.
 - (2) The Board shall, before giving access to a record, give the person requesting access a reasonable estimate of any amount over \$25 that will be required.
 - (3) The Board may waive the payment of all or any part of an amount required to be paid where, it is fair and equitable to do so after considering:
 - (i) the extent to which the actual cost of processing, collecting and copying the record varies from the amount of the payment required
 - (ii) whether the payment will cause a financial hardship for the person requesting the record;
 - (iii) whether dissemination of the record will benefit public health or safety
 - (iv) whether the record contains personal information relating to the person who requested it; and
 - (v) any other relevant matter.
 - (4) A person who is required to pay a fee may ask the Board to review the staff decision to charge a fee or the amount of the fee.
- (2) Conflict Resolution:
- (1) Boards shall identify a staff contact to liaise with the City's Access and Privacy Office.
 - (2) Resolution of disputes concerning access to information and privacy protection matters should be completed in consultation with the City's Access and Privacy Office.
- (3) Training and Professional Development:
- (1) Boards shall provide Board members and staff with an orientation to this Policy.
- (4) Monitoring and Evaluation:
- (1) Boards shall track their performance in civic engagement and providing meaningful access to decision making, and measure results against objectives.
 - (2) Boards shall evaluate annually the effectiveness, including cost effectiveness, of programs and initiatives to engage and involve the public in Board decision making.

- (3) Boards shall evaluate at least every term of Council the degree to which their management practices comply with this Policy.
- (5) Severability:
 - (1) Where a request for access pertains to a record containing material which is exempt from the general principle of access together with material which is not exempt, the Board shall make reasonable efforts to sever and disclose the non-exempt material.
- (6) Relationship with Other Access and Confidentiality Regimes:
 - (1) Where a written policy has been adopted under the authority of the Board's governing statute, its explicit provisions shall, in the event of conflict, take precedence over this policy, but not take precedence over legislation. For example, explicit policies on access or confidentiality may be adopted in the context of collective agreements, discipline codes and dispute resolution mechanisms. Such policies shall be developed in the light of the basic principles set forth in this policy. All such policies shall be referred to the City for review and comment.
 - (2) Examples of specific policies that take precedence over this general policy are:
 - (i) Personnel Files.
 - (ii) Collective Agreement.
 - (iii) Policy on Access to Administrative Staff Personnel Files.
 - (iv) Policy on Access to Client Records.
 - (v) Policy and Procedures: Sexual Harassment.
 - (vi) Code of Conduct.
 - (vii) Statement on Prohibited Discrimination and Discriminatory Harassment.
- (V) Exemptions:
 - (1) Threat to Safety or Health:
 - (1) A Board shall refuse to disclose a record where disclosure could reasonably be expected to seriously threaten the safety or health of an individual.
 - (2) Personal Privacy:
 - (1) A Board shall refuse to disclose information to any person other than an individual to whom the information relates where disclosure would constitute an unjustified invasion of the personal privacy of that person or of any other individual.

(3) Deliberative Processes:

- (1) A Board may refuse to disclose records containing matter relating to, opinions, references, assessments, advice or recommendations prepared or deliberations that have taken place for the purposes of the deliberative processes of the Board where such disclosure would undermine the effectiveness of those processes. A Board may refuse to disclose a record where disclosure would reveal the advice or recommendations of a person employed in the service of the Board or a consultant or advisor retained by it. The disclosure of purely factual information would, in the normal case, not be considered to undermine the effectiveness of such processes.
- (2) A Board may refuse to disclose a record where disclosure would reveal the substance of deliberations of its senior staff executives, including:
 - (i) an agenda, minute or other record of the deliberations or decisions of the committee of senior executives or its sub-committees;
 - (ii) record containing policy options or recommendations submitted, or prepared for submission, to the committee of senior executives;
 - (iii) a record that does not contain policy options or recommendations referred to above and that does contain background explanations or analyses of problems submitted, or prepared for submission, to the committee of senior executives or its sub-committees for their consideration in making decisions, before those decisions are made and implemented;
 - (iv) a record used for or reflecting consultation among senior executive officers on matters relating to the making of decisions or the formulation of Board policy;
 - (v) a record prepared to brief a senior executive officer in relation to matters that are being or are proposed to be brought before the committee of senior executives or its sub-committees, or are the subject of consultations among senior executive officers relating to Board decisions, or the formulation of Board policy; and draft legislation, policy statements, regulations, or procedures.
- (3) The exemption shall not be exercised with respect to a record more than 20 years old.

(4) Law Enforcement and Discipline:

- (1) A Board may refuse to disclose a record where disclosure could be reasonably expected to interfere with a law enforcement matter, investigation of misconduct or poor performance or a disciplinary proceeding, complaint or conflict resolution process of some kind within the Board.

(5) Solicitor-Client Privilege:

- (1) A Board may refuse to disclose records that are the subject of solicitor-client privilege or that have been prepared by or for counsel employed by or retained by the Board for use in giving legal advice or in contemplation or for use in litigation.

(A copy of an e-mail communication dated September 9, 2003, from Ms. Susan Fletcher, Applegrove Community Complex was distributed at the Policy and Finance Committee Meeting of September 11, 2003, and a copy thereof is also on file in the office of the City Clerk, City Hall).