

BYLAW NO. 47

A BYLAW OF THE MUNICIPAL DISTRICT OF CLEAR HILLS NO. 21, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING THE ADMINISTRATIVE STRUCTURE OF THE MUNICIPALITY IN RELATION TO THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, AND TO SET FEES THEREUNDER.

WHEREAS, Section 89(a) of the Freedom of Information and Protection of Privacy Act states that a local public body must designate a person or group of persons as the head of the local public body for the purposes of this Act; and

WHEREAS, pursuant to Sections 87 and 89 of the Freedom of Information and Protection of Privacy Act, the Municipal District of Clear Hills No. 21 may set fees payable to the Municipality for services under the Act and Regulations;

NOW THEREFORE, the Council of the Municipal District of Clear Hills No. 21, in the Province of Alberta, duly assembled, enacts as follows:

1. **Definitions:**

The following words and terms are defined as follows:

- (a) **ACT** means the Freedom of Information and Protection of Privacy Act, S.A. 1994, c.F-18.5;
 - (b) **APPLICANT** means a person who makes a request for access to a record under section 7(1) of the Act;
 - (c) **MUNICIPALITY** means the Municipal District of Clear Hills No. 21 and includes any board, committee, commission, panel, agency or corporation that is created or owned by the Municipal District of Clear Hills No. 21 and all the members or officers of which are appointed or chosen by the Municipal District of Clear Hills No. 21.
 - (d) **MUNICIPAL MANAGER** means the person appointed as Chief Administrative Officer of the Municipal District of Clear Hills No. 21, and includes any person who holds the position of Municipal Manager in an Acting capacity;
 - (e) **PROVINCE** means the Province of Alberta.
2. For the purpose of the Act, the Municipal Manager is designated as the Head of the Municipality.
 3. Where an Applicant is required to pay a fees for services, the fee payable is in accordance with the Freedom of Information and Protection of Privacy Regulation, AR 200/95, as amended from time to time or any successor Regulation that sets fees for information from the Province.

To Establish the Administrative Structure and Set Fees Under
The Freedom of Information and Protection of Privacy Act

4. This bylaw shall come into force and effect on the date of final reading hereof.

READ a first time this 14TH day of SEPTEMBER A.D., 1999.

READ a second time this 14TH day of SEPTEMBER A.D., 1999.

READ a third time this 14TH day of SEPTEMBER A.D., 1999.



Marlene Maxwell, Reeve



Faye Kary, Chief Administrative Officer

MUNICIPAL DISTRICT OF CLEAR HILLS NO. 21
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
DELEGATION ORDER

1. In this Order

- a) "Act" means the Freedom of Information and Protection of Privacy Act.
- b) "FOIP Head" means the delegated head for the purposes of the FOIP Act.
- c) "Line Manager" means the head of a Department of the M.D. of Clear Hills No. 21.
- d) "FOIP Coordinator" means the Freedom of Information and Protection of Privacy Coordinator, M.D. of Clear Hills No. 21.

2. The duties, powers and functions of the head of the Municipal District of Clear Hills No. 21 under the Freedom of Information and Protection of Privacy Act are delegated to the persons holding the positions in accordance with the Delegation Matrix in section 4 of this Order.

3. The delegation under Section 2 is subject to the following stipulations:

- a) that the person to whom the duties, powers and functions are delegated are bound by the same jurisdictional, legislative and administrative limitations to which the head is subject pursuant to the Act;
- b) that the duties, powers and functions may also be exercised by any person who holds the position in an acting capacity;
- c) that notwithstanding this delegation, the head retains full authority to exercise any duty, power of function under the Act at any time.

October 1, 1999
Date

Faye Kary
Faye Kary, Chief Administrative Officer

MUNICIPAL DISTRICT OF CLEAR HILLS NO. 21

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

DELEGATION TABLE

| Responsibility/Description | Act Section | FOIP Head | FOIP Coordinator | Line Manager |
|---|---------------|-----------|------------------|--------------|
| Access to Information | | | | |
| Authority to decide on severing of record | 6 | √ | | |
| Authority to receive and reply to requests and declare requests abandoned | 7 | √ | √ | |
| Authority to establish continuing requests | 8 | √ | √ | |
| Duty to assist applicants | 9(1) | √ | √ | √ |
| Duty to create records | 9(2) | √ | √ | |
| Authority to decide on content of response | 11(1(a) & (c) | √ | | |
| Authority to decide how access is granted (section 3 of the Regulation under the Act) | 11(1)(b) | √ | √ | |
| Authority to refuse to confirm or deny existence of a record | 11(2) | √ | | |
| Authority to decide how access will be given | 12 | √ | √ | |
| Authority to extend time limit | 13 | √ | √ | |
| Authority to request Commissioner's permission for extension of more than 30 days | 13 | √ | √ | |
| Authority to transfer a request | 14 | √ | √ | √ |
| Exceptions to disclosure | 15 to 28 | √ | | |
| Relationship to other Acts | 5 | √ | | |
| Giving third party notice | 29 | √ | √ | |
| Giving notice of decision | 30 | √ | √ | |
| Giving notices (personal privacy) | 16 | √ | √ | |
| Approval of disclosure in public interest (including giving notice) | 31 | √ | | |
| Protection of Privacy | | | | |
| Ensuring authorized purpose of collection | 32 | √ | | |
| Assuring proper collection | 33 | √ | | |
| Assuring accuracy of personal information | 34(a) | √ | | |
| Applying retention standards | 34(b) | √ | | |
| Approving correction of personal information | 35 | √ | √ | |
| Assuring protection of personal information | 36 | √ | | |
| Assuring appropriate use | 37 | √ | | |
| Assuring proper disclosure of personal information | 38 | √ | | |
| Disclosure for research and statistical purposes and administration of agreements | 40, 41 | √ | | |
| Disclosure to relative of deceased individual | 38(aa) | √ | | |

MUNICIPAL DISTRICT OF CLEAR HILLS NO. 21

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

DELEGATION TABLE

| Responsibility/Description | Act Section | FOIP Head | FOIP Coordinator | Line Manager |
|----------------------------|-------------|-----------|------------------|--------------|
|----------------------------|-------------|-----------|------------------|--------------|

| Relationship with Information and Privacy Commissioner | | | | |
|---|-------|---|---|---|
| Advise and Recommendation | 52 | √ | | |
| Disregard Request | 53 | √ | | |
| Produce a record required for Commissioner's investigation or inquiry | 54(3) | √ | √ | |
| Require Commissioner to examine original record on site | 54(4) | √ | | |
| Make representations to the Commissioner | 66 | √ | √ | |
| Asserting burden of proof | 67 | √ | √ | |
| Duty to comply with Commissioner's order | 68 | √ | | |
| Other Responsibilities | | | | |
| Maintain description of public body's information in FOIP Directory | 82 | √ | √ | |
| Report uses or disclosures of personal information not in Directory | 82(4) | √ | √ | |
| Prescribe records available without formal request | 83 | √ | √ | √ |
| Make manuals available | 84 | √ | √ | √ |
| Authority to assess and collect fees | 87(1) | √ | √ | |
| Authority to assess fees for personal information | 87(2) | √ | √ | |
| Authority to prepare fee estimate | 87(3) | √ | √ | √ |
| Authority to waive fees | 87(4) | √ | | |

October 1, 1999
Date

Faye Kary
Faye Kary, Chief Administrative Officer

MUNICIPAL DISTRICT OF CLEAR HILLS NO. 21
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
PERSONAL INFORMATION BANK

Employee Personnel Files

Location: M.D. of Clear Hills No. 21, 313 Alberta Avenue, Worsley, Alberta
Information: Employee name, address, birthdate, marital status, education history, employer name and address, employment commencement date, gender, phone number, social insurance number, salary, information pertaining to participation in benefit plans or programs, performance appraisals and discipline files.
Individuals: All employees of M.D. of Clear Hills No. 21
Use: Maintain information on qualifications and payroll.
Users: Municipality staff for whom access is necessary in the performance of their duties.
Legal Authority: Freedom of Information and Protection of Privacy Act.

Job Competitions

Location: M.D. of Clear Hills No. 21, 313 Alberta Avenue, Worsley, Alberta
Information: Name, address, phone number, application form, resume, job advertisement, screening techniques and tools, results of the screening, and appointment of the successful candidate.
Individuals: Applicants that apply for positions within the Municipality.
Use: To document the hiring process and to ensure that proper procedure is followed.
Users: Municipality staff that require access to perform their duties as well as appropriate administrators.
Legal Authority: Freedom of Information and Protection of Privacy Act.

Councillor and Board Member Files

Location: M.D. of Clear Hills No. 21, 313 Alberta Avenue, Worsley, Alberta
Information: Name, address, phone number, social insurance number, birthdate and gender.
Individuals: All Councillors and Board members.
Use: As a contact list to be utilized by Municipality staff as well as the preparation of Income Tax forms.
Users: Municipality staff as required.
Legal Authority: Municipal Government Act.

Staff Directory

Location: M.D. of Clear Hills No. 21, 313 Alberta Avenue, Worsley, Alberta
Information: Name, contact information and job description.
Individuals: All staff members.
Use: As a contact list to be utilized by Municipality staff.
Users: Municipality staff as required.
Legal Authority: Freedom of Information and Protection of Privacy Act.

Expense Claims

Location: M.D. of Clear Hills No. 21, 313 Alberta Avenue, Worsley, Alberta
Information: Any information and documentation regarding expense claims applicable to work within the Municipality.
Individuals: All staff, Councillors and Board members submitting expense claims.
Use: To process expense claims and to track and maintain clear and accurate records for audit purposes.
Users: Accounts payable staff, claimants and supervisors of claimants. All expense claims require a signature from the individuals supervisor before the claim will be processed.
Legal Authority: Municipal Government Act.

Accounts Payable

Location: M.D. of Clear Hills No. 21, 313 Alberta Avenue, Worsley, Alberta
Information: Name, address, phone number of individuals and companies that the Municipality owes money.
Individuals: Companies and/or individuals that the Municipality owes money to.
Use: To ensure that accounts payable records are maintained accurately and consistently according to internal audit procedure and those requirements as identified in the Financial Act.
Users: Municipality staff that require access to perform their job.
Legal Authority: Municipal Government Act and the Financial Act.

Accounts Receivable

Location: M.D. of Clear Hills No. 21, 313 Alberta Avenue, Worsley, Alberta
Information: Name, address, phone number of individuals and companies that the Municipality is to receive money from.
Individuals: Companies and/or individuals that the Municipality is to receive money from.
Use: To ensure that accounts receivable records are maintained accurately and consistently according to internal audit procedure and those requirements as identified in the Financial Act.
Users: Municipality staff that require access to perform their job.
Legal Authority: Municipal Government Act and the Financial Act.

Municipal Election

Location: M.D. of Clear Hills No. 21, 313 Alberta Avenue, Worsley, Alberta
Information: Details pertaining to the municipal election including candidate packages, legislation, nomination papers, records of the Returning Officer, and any resolutions and bylaws passed by Council relating to the election.
Individuals: Returning Officer, candidates, agents, deputy returning officers, presiding deputy returning officers and any other individuals associated with election operations.
Use: To assist in the operation and tracking of the election process and procedure.
Users: Municipality staff as required to perform their job.
Legal Authority: Municipal Government Act and the Local Authorities Election Act.

Taxation and Assessment Files

Location: M.D. of Clear Hills No. 21, 313 Alberta Avenue, Worsley, Alberta
Information: Name, address and details pertaining to the assessment and taxation of properties located within the municipality.
Individuals: All property owners.
Use: To assess and levy property taxes and associated correspondence.
Users: Municipality staff as required to perform their job.
Legal Authority: Municipal Government Act.