



Access to Information Policy A-033-21

Effective Date:

Part 1 Purpose

This policy is intended to clarify which records of the Municipality are available routinely upon request, and which requests for records require review by the Responsible Officer under *Part XX, Freedom of Information and Protection of Privacy*, of the *Municipal Government Act*.

Part 2 Definitions

- 2.1 **“Active publication”** means the release of information or records in the absence of a request, using the internet, libraries, or other mechanisms.
- 2.2 **“CAO”** means the Chief Administration Officer
- 2.3 **“FOIPOP”** means Freedom Of Information and Protection Of Privacy
- 2.4 **“MGA”** means the Nova Scotia Municipal Government Act
- 2.5 **“Municipality”** means the Municipality of the District of Yarmouth
- 2.6 **“Record”**, as defined in *Part XX* of the *MGA*, includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.
- 2.7 **“Responsible Officer”** means the CAO or his/her designate appointed to administer *Part XX (FOIPOP)* of the *MGA*
- 2.8 **“Routine access”** means the routine or automatic release, in full or in part, of certain types of administrative or operational records as a matter of course in response to a request without the need for an applicant to make a formal request for information under *Part XX* of the *MGA*.
- 2.9 **“Third-party”** means in relation to a request for access to a record or for correction of personal information, means any person, group of persons or organization other than
- 2.9.1 the person who made the request,
- 2.9.2 the Municipality to which the request is made, or
- 2.9.3 a municipal body, a majority of the members of which are appointed by, or which is under the authority of, the municipality to which the request is made.



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Part 3 Objectives

- 3.1 This routine access policy will improve access to the records of the Municipality which are not released through active publication, without the requirement to submit a formal request under *Part XX* of the *MGA*.
- 3.2 This policy will provide greater certainty to staff and the public as to which records can be routinely accessed by the public, and which records can be accessed only by application to the Responsible Officer.

Part 4 Procedure

- 4.1 Requests for routine access to information may be made in person, by phone, or in writing, depending on the nature and extent of the request. Staff may ask for any request in writing.
- 4.2 If the information requested is not routinely available, the applicant will be informed of the FOIPOP application process (application for attached as Appendix B).
- 4.3 Any requests for more than one copy of a record must be made in writing and applicants will be expected to pay for staff time and costs required to process the application.
- 4.4 Staff having custody of the requested record may copy and release to the public any record listed in Appendix A. The standard Municipal fees for photocopying will apply for anything more than one copy of a record.
- 4.5 Staff having custody of a requested record which is not clearly listed in Appendix A (Routine Access Records) shall not release the requested record except as directed by the Responsible Officer.
- 4.6 Records containing personal information of an identifiable individual or confidential business information of a third party shall not be disclosed unless that information has been severed from the record or with the written consent of the third party.
- 4.7 Complex requests for documents will continue to be addressed through the formal FOIPOP process (as per *Part XX* of the *MGA*).

Part 5 Fees

- 5.1 There is no charge for applicants requesting personal information or to make corrections to personal information.

MUNICIPALITY OF THE DISTRICT OF YARMOUTH



**Access to Information Policy
A-033-21**

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- 5.2 There is no charge for applications for routine access records.
- 5.3 The application fee for access to general records through FOIPOP is \$5.00.
- 5.4 There is no cost to the applicant for the first two (2) hours of staff time locating, retrieving and preparing information. After two (2) hours, the applicant will be charged at the rate of \$15.00 per staff per half hour (as outlined in the NS FOIPOP Regulations). The applicant will also be charged the Municipal rate for photocopying, as well as the actual postage fees.

Part 6 Third-party Information

- 6.1 The Municipality shall not disclose, share, or release any information related to a Third-party unless authorized or required by *Part XX of the Municipal Government Act* or otherwise authorized or required by law.

Chief Administrative Officer's Annotation for Official Policy Book	
Date of Notice to Council members of Intent to Consider (7 days Min)	
Date of Passage of current Policy	
I certify that this Access to Information Policy A-033-21 was adopted by Council as indicated above.	
_____ Chief Administrative Officer	_____ Date

Date last reviewed by Council:
Date last amended:



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Appendix A

Routine Access Records

1. All Policies and By-laws approved by Council
2. Any document received by Council or any committee of Council at any meeting which is not a “closed session” *under Sections 22 or 203 of the MGA*
3. All minutes of any meeting of Council or any committee of Council which is not a closed session, after the minutes have been approved by the Council or committee.
4. All agendas of any meeting of Council or any committee of Council which is not a “closed session”
5. Any permit or approval issued by any officer of the Municipality (including any document directly referenced by the permit or approval), except that the mailing address of the permit holder shall be excised. This specifically does not include the application for such permit or approval, or any document which is not directly referenced by the permit or approval.
6. Any finished map created and published by the Municipality.
7. Printed copies of map images produced by the Municipality. This specifically does not include:
 - a) raw data such as shape files or data tables required to produce the map and
 - b) printed copies of map images or other information pages produced by Property Online
8. Any newsletter, advertisement or other document publicly distributed by the Municipality.
9. Any document published by the Municipality on its website
10. Owner name, civic address, Property Identification Number, Assessment Account Number and assessed value of any property within the Municipality. This specifically does not include the capped assessment figure or the owner mailing address.
11. The amount of taxes or other debts owed to the Municipality.
12. Position, job description and salary band of any employee or Councillor of the Municipality.



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Amendment Log

Date	Amendment Description
March 13, 2025	<ul style="list-style-type: none">• Added definition 2.9 "Third-party"• Added Part 6 Third-party Information

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