

## ATIPP Requests – The Role of Councillors

MNL, Gander, 2017

# Agenda

Part 1 - Introduction

Part 2 – Roles

Part 3 – Gathering Records

Part 4 – What may be released about you

Part 5 – Possible Consequences

Part 6 - Resources

# Part 1 – Introduction

# ATIPP Requests

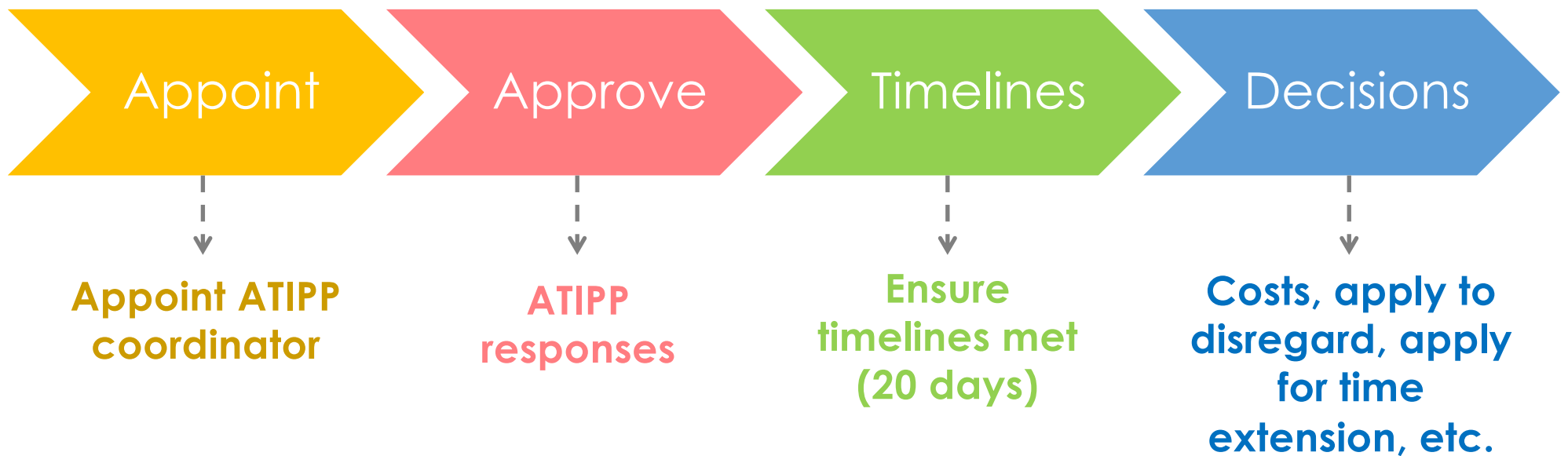
- ATIPP Requests (aka Access to Information Requests)
- Requests can be made by anyone (individuals, journalists, organizations, etc.). The person who makes the request is called the applicant
- Municipalities are required to provide access to documents
- Some information can or must be withheld
  - Eg. “Please send my regrets. I am unable to attend the meeting tonight because [REDACTED]”

## Part 2 – Roles

# The Head of the Public Body

- Often the CAO, but can be someone else
- The Head is ultimately responsible for ensuring the municipality complies with the Act

# Responsibilities of the Head



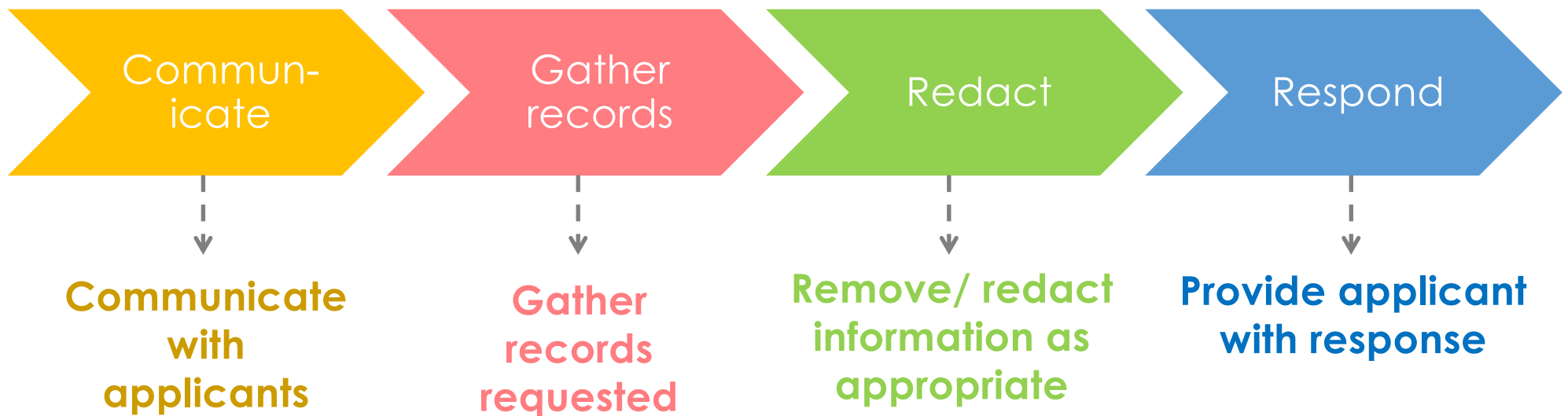
# Designating a Head

- Municipalities must designate a head
- Can be a person or a group of persons
- Can be done by by-law, resolution or “other legal instrument)
- Let the ATIPP Office know if you have designated a head



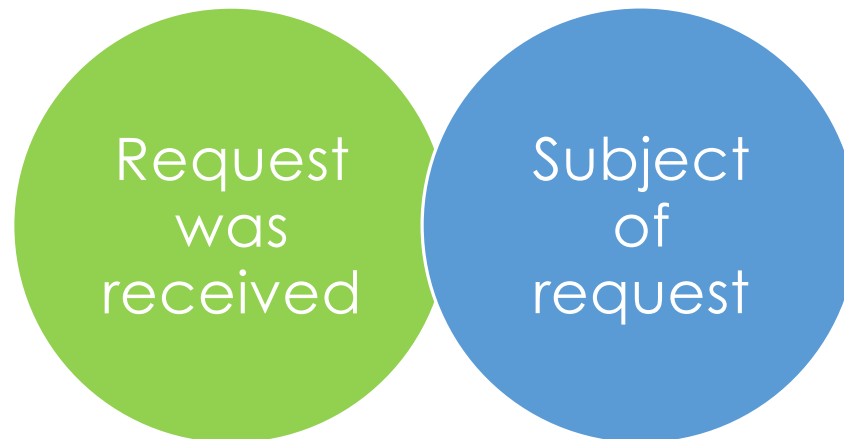
# Responsibilities of ATIPP Coordinator

- Usually the town clerk



## What information about requests can be shared?

- Applicants have a right to be anonymous
- Only ATIPP Coordinator can know who the applicant is
- The Coordinator can tell Council:



## Part 3 – Gathering Records

# Gathering Records

All records responsive to the request should be provided to the ATIPP Coordinator

## Note on Timelines

- A lot of work can be involved in processing a request
- All that work must be completed within **20 business days**
- When your ATIPP Coordinator asks you for records, you should provide them as soon as possible

# Scenario

The ATIPP Coordinator has received an ATIPP Request for:

- *All records related to the building of a new playground on main street*

The Coordinator knows you were on the committee to discuss building the playground. She emails you and asks for any records you have on this topic

# Scenario

Since the request is for any “records”, you provide the coordinator with:

- Emails – you search your inbox for ‘playground’ and forward her all the records that come up
- Paper files – you have some paper documents relating to the design of the playground which you provide
- Notes of phone calls on the playground
- Meeting minutes where playground was discussed

## Scenario – Sensitive documents

Your inbox contains several emails where there is a heated discussion about where the playground should be built, both from councillors and from residents

Your records also include minutes of a privileged meeting, which you don't think should go out



## Scenario – Sensitive documents

- All records should be provided to the ATIPP Coordinator, even if you don't think they should be provided to the applicant
- The coordinator and the head determine what should go out
- You cannot interfere with the request, but you can let the coordinator know if you have concerns about information being disclosed and why

## Scenario – Emails

You and the Mayor had a discussion about the playground using your personal Gmail accounts

You discussed comments made by residents and when to have the next meeting

## Scenario – Emails

- Emails relating to municipal business must be provided, even if they are sent from your personal email
- You should provide these emails to your ATIPP Coordinator
- It is best practice to keep your personal and work emails separate

## Part 4 – What may be disclosed about you

# What can be disclosed?



Councillor salaries (names removed)



Travel expenses



Emails and other docs relating to Council matters



Opinions relating to Council matters



Attendance at public events, honours and awards

## Part 5 – Consequences of Non-Compliance

# Complaints to the OIPC

If an applicant is not satisfied with the response they received, they can make a complaint to the Office of the Information and Privacy Commissioner (OIPC)

# Complaints to the OIPC

Complaints can result in:

- Informal Investigation
- Formal Investigation (decision made public)
- Court Declaration



# Offence Provisions

- A person can be charged for:
  - making a false statement to the Commissioner
  - obstructing someone who is trying to perform their duties under the Act
  - destroying or erasing information in order to evade a request
  - concealing Records
- Up to \$10,000 or six months imprisonment

## Part 6 – Resources

# Resources

## ATIPP Office

729-7072; (877) 895-8891 (toll-free)

[atippoffice@gov.nl.ca](mailto:atippoffice@gov.nl.ca)

## ATIPP website

[www.atipp.gov.nl.ca/](http://www.atipp.gov.nl.ca/)

# Resources

ATIPP Office Guide for Municipalities

[www.atipp.gov.nl.ca/info/pdf/ATIPPA-Guide\\_for\\_Municipalities.pdf](http://www.atipp.gov.nl.ca/info/pdf/ATIPPA-Guide_for_Municipalities.pdf)

OIPC Tips for Municipal Councillors

[www.oipc.nl.ca/pdfs/Quick\\_Tips\\_for\\_Municipal\\_Councillors.pdf](http://www.oipc.nl.ca/pdfs/Quick_Tips_for_Municipal_Councillors.pdf)