

APPENDIX 2 TO BY-LAW #68/08

ROUTINE DISCLOSURE GUIDELINES – PLANNING APPLICATIONS

Introduction

The Township of North Kawartha has developed Routine Disclosure Guidelines to:

- enhance transparency by routinely disclosing information about planning applications;
- provide better service to the public by providing access to information without going through a formal FOI process;
- be more cost effective to the Township of North Kawartha than FOI; and
- improve compliance with the principles of MFIPPA (Municipal Freedom of Information and Protection of Privacy Act).

These guidelines apply to planning applications including official plan amendments, zoning amendments, minor variances, site plan control, plan of condominiums etc... They do not apply to other types of planning files including: transportation studies, policy studies, research files, pre-application files, etc. For the release of information from these types of files, staff should contact the Freedom of Information Officer.

These guidelines generally apply to open/current/active development application files. Archived files that are straightforward can be considered through these routine disclosure guidelines. Requests for information from archived development applications files where significant research is required should be through a formal FOI request.

Requests to View Development Application Files

Before making the file available for viewing, staff should ensure that only documents listed in these guidelines are available for viewing in the file. Prior to viewing, a form is to be completed by the requester. If possible they should be set up in a place where staff can monitor.

Disclosure Guidelines

Below is a sample of documents found in a typical planning application file and guidelines on whether or not the information can be released through routine disclosure.

- 1. Planning Application Form**
 - can be viewed, copied and be released.
- 2. Drawings Prepared by Engineer or Architect, Property Surveys**
 - drawings can be viewed but should not be copied or released.
 - if a copy appears in a public agenda, a copy of that version can be copied and released.
 - if a request is for a copy of drawings, the requester should be referred to the applicant who can then make copies and provide appropriate copyright warnings. (Note: staff should encourage applicants to cooperate so as to avoid formal FOI requests.)
 - the above rules also apply to digital drawings.
- 3. Request for Comments Form (Circulation Form)**
 - can be viewed, can be copied, can be released.
- 4. Comments from Divisions/Agencies/Planning Staff**
 - formal comments can be viewed, copied and released, a formal comment can be a memo, letter or e-mail from a responding division or agency.
 - comments which have not been formally sent by a responding division or agency should not be viewed, copied or released, if there is a question on whether or not a comment is the formal position of a division or agency, seek clarification.
 - legal comments are confidential and should not be viewed, copied or released.

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- 5. Correspondence from/to Proponent**
 - all correspondence and documentation submitted by the applicant, which is used in assessing the application and forming a planning opinion, can be viewed, copied and released.
- 6. Proponent Studies (except Archaeological Studies)**
 - studies, can be viewed, but not copied or released.
 - requester should be referred to applicant if requesting copy of studies, the applicant can then make copies and provide appropriate copyright warnings. (Note: staff may wish to encourage applicants to cooperate so as to avoid formal FOI requests.)
 - exception is Archaeological Studies which are collected under the Ontario Heritage Act and not the Planning Act. They are not to be viewed, copied or released.
- 7. Staff Reports**
 - staff reports which have not been published on an agenda should not be viewed, copied or released.
 - once published on an agenda, staff reports can be viewed, copied and released.
 - requests for current agenda items, can also be referred to the Township of North Kawartha Clerk's office.
- 8. Mailing/Circulation Lists**
 - should not be viewed, copied or released.
 - in the case of Ontario Municipal Board directives to appellants to provide Notice of Hearing to interested parties, the following procedure applies:
 - the Solicitor for the appellant provides a copy of the OMB order and a request for the circulation/ mailing list, the list can then be released directly to the solicitor
- 9. E-mails/Letters from or to Residents**
 - when inviting the public to comment on a specific application or project, we will make every attempt to inform them that their submission will become part of the public record
 - if correspondence is received from the public, it is part of the public record and can be viewed, copied and released.
 - if someone specifically requests removal of the personal identity information, it must be severed before it can be viewed, copied and released.
- 10. Agreements (Section 41, Section 37, etc.)**
 - once they are finalized they are public documents and are available for viewing only, should not be copied or released.
 - for copies of registered agreements, requester should be referred to Land Titles Office to search title to ensure they get the most up-to-date version and any subsequent amendments.
 - draft agreements should not be viewed, copied or released.
- 11. Communication (e-mails/letters/memos) from/to Councillors**
 - can be viewed, copied and released subject to any severance of personal information about individuals.
- 12. Offer of Purchase and Sale**
 - should not be viewed, copied or released.

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Definitions

Individual Identifier: a unique piece of information that identifies a specific individual and is used to bring together or retrieve other personal information about the individual. Examples of individual identifiers may include: name, client number, home telephone number, SIN, e-mail address, employment information. An address on its own is not an individual identifier. The name or e-mail address of employees or councillors is not considered to be an individual identifier. A business name containing an individual's name, i.e. Mike Smith, Planning Consultant, is not considered to be an individual identifier.

Severing Information: this is simply making a copy of the document, putting a thick black marker through any individual identifiers and then copying again.

Fees

Photocopying charges should be applied at a cost of \$0.50 per page.

Interpretation

The Routine Disclosure Guidelines were developed by the Township of North Kawartha, Clerk's Department in consultation with the Planning Department and Freedom of Information Officer/CAO. If you have any questions respecting these guidelines, please discuss them with the Clerk or C.A.O.

Attachments: Request to View File form.

Approved by Resolution #08-131 on March 4th, 2008



REQUEST TO VIEW FILE

NOTE: Do not remove anything from the file.

****PLEASE PRINT****

Date: _____ Time: _____

Name: _____

Company/Association: _____

Address: _____

Telephone No. _____ Cell No.: _____

File No. _____

I understand and agree that the Township of North Kawartha may not permit the photocopying and release of some of the material in this file. During my review I agree to only record, if required, information from any materials, including drawings/plans on this file by transcription and tracing paper. I agree not to remove any material from the file.

Signature

Date