

**TRI VILLAGE REGIONAL SEWAGE SERVICES COMMISSION  
BY-LAW # 4**

**A BY-LAW OF TRIVILLAGE REGIONAL SEWAGE SERVICES  
COMMISSION IN THE PROVINCE OF ALBERTA, RESPECTING  
ACCESS TO INFORMATION AND THE PROTECTION OF PRIVACY**

**WHEREAS** Section 216 of the Municipal Government Act R.S.A. 1994 and any amendments thereto provides that every person has a right to obtain information in the possession of a Commission unless there is a reason why the information should not be disclosed and

**WHEREAS IT IS DEEMED ADVISABLE TO ENACT A BYLAW TO APPOINT A PERSON AND/OR POSITION AS THE Head of the Local Public Body for the purposes of the Freedom of Information and Protection of Privacy Act and to facilitate access to information in the possession of the Commission and to prevent the release of information that would amount to an invasion of any person's privacy;**

**NOW THEREFORE**, the Commission of Trivillage Regional Sewage Services Commission, in the Province of Alberta, duly assembled, enacts as follows:

**DEFINITIONS:**

- 1.1 "Act" means the Municipal Government Act, S.A. 1994, c.M-26.1, as amended from time to time.
- 1.1 "Applicant" means a person who makes a request for access to information under this bylaw.
- 1.2 "Secretary Treasurer" means the Secretary Treasurer of Trivillage Regional Sewage Services Commission.
- 1.3 "Commission" means the Commission of Trivillage Regional Sewage Services Commission.
- 1.4 "Enactment" means an act of the Legislature of Alberta and a regulation made under an Act of the Legislature of Alberta.

**2. APPOINTMENT OF THE HEAD OF THE LOCAL PUBLIC BODY**

- 2.1 The Secretary Treasurer is hereby appointed Head of the Local Public Body for the purposes of the FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.
- 2.2 The Secretary Treasurer may further delegate any authority delegated by the Commission to a designated person or position as deemed necessary.

**3. ACCESS TO INFORMATION**

- 3.1 All requests for information must be in writing, must provide enough detail to enable administrative staff to identify the information requested and must state clearly why information is being requested. To obtain access to Information, the Applicant must make a request in the form attached as Schedule "B" to this bylaw to the municipal administration office.
- 3.2 Upon receipt of the request, the Secretary Treasurer or his/her designate must review the request.
- 3.3 The Secretary Treasurer must withhold the following information, within the possession of the Commission unless its disclosure is required by this or any other enactment or by an order of the court or its disclosure is consented to by the person to whom the information relates:
  - a) commercial information, the disclosure of which would

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- (i) likely prejudice the commercial position of the person who supplied it,
  - (ii) reveal a trade secret,
  - (iii) likely prejudice the Commission's ability to carry out its activities or negotiations, or,
  - (iv) allow the information to be used for improper gain or advantage;
- b) information that is subject to obligations of confidence, the disclosure of which would
- (i) likely prejudice the future supply of similar information or advice,
  - (ii) likely prejudice the Commission's ability to carry out its activities or negotiations,
  - (iii) place Commission members or employees of the Commission at risk of improper pressure or harassment,
  - (iv) breach legal professional privilege, or
  - (v) prejudice measures protecting health and safety;
- c) personal information, including personnel information, unless its disclosure
- (i) is for the purpose for which the information was obtained or for a consistent purpose,
  - (ii) is required so that the Commission can carry out its duties and functions, or
  - (iii) is in a statistical or other form so that the names of persons are not revealed or made identifiable;
- d) information of a deliberative kind and draft reports that are likely to be released to the public in a final form in due course except when the information or draft report is placed before a meeting held in public;
- e) information, the disclosure of which could prejudice security and the maintenance of the law;
- f) information about requisitions, except as provided for the Municipal Government Act or any other enactment;
- g) information placed before the Commission or Commission planning meeting that is closed to the public, except when the information is later placed before a meeting held in public;
- h) information that is prohibited from being released by the Municipal Government Act or any other enactment.
- 3.4 If the Secretary Treasurer or his/her designate determines that the information may be released, a copy of the information shall be provided within sixty (60) days of the request and a charge for the copy or copies shall be made in accordance with the Schedule of Fees (Schedule "A") attached.
- 3.5 If the Secretary Treasurer, or his/her designate, determines that the information must be withheld under Section 3.3, he/she must give written notice within sixty (60) days of receiving the request, that the information is withheld and the reason why it is withheld to the person who requested it along with instructions for appealing the decision to the Commission.

**4. APPEAL TO THE COMMISSION**

- 4.1 A written appeal may be made to the Commission by:

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- a) a person who has received written notice that the information is withheld, within 15 days of receiving the notice; or
  - b) a person who does not receive the requested information and does not receive a written notice that the information is withheld, within sixty (60) days of requesting the information.
- 4.2 The only grounds for appeal are that the released information was not complete, that the information has been withheld without any reason being stated, or that the reason for withholding the information was insufficient or wrong.
- 4.3 The Commission may not consider an appeal unless the persons to whom the information relates, and the persons who would be affected by the release of the information, have been notified or reasonable attempts have been made to notify them of the appeal.
- 4.4 The Commission may release information which would normally be withheld if it is determined that public interest considerations outweigh a reason for withholding it, unless the release is prohibited by the Municipal Government Act or any other enactment.
- 4.5 The Commission's decision to withhold or release information must be in writing, must include reasons for the decision, must be signed by the Chairman of the Trivillage Regional Sewage Services Commission, and is final.
5. PROTECTION OF PRIVACY
- 5.1 No personal information may be collected by or for the Commission unless:
- a) the collection of the information is expressly authorized by bylaw or statute,
  - b) that information is collected for the purposes of law enforcement, or
  - c) that information relates directly to and is necessary for an operating program or activity of the Commission.
- 5.2 The Commission may only collect Personal Information directly from the individual that it is about unless:
- a) another method of collection is authorized by bylaw, statute or the individual concerned,
  - b) the information is to assert the Commission's legal rights, enforce laws or conduct investigations for the purpose of disciplinary action against its employees, or
  - c) the information is to determine the individual's eligibility for any program or benefit.
- 5.3 When the Commission collects personal information that is required under Section 5.2 to be collected directly from the individual the information is about, the Commission must inform the individual of:
- a) the purpose for which the information is collected,
  - b) the specific legal authority for the collection, and
  - c) the title, business address and business telephone number of an officer or employee of the Commission who can answer the individual's questions about the collection.
6. PERSONAL INFORMATION
- 6.1 The Commission may only use Personal information for:
- a) the purpose for which it was collected,
  - b) another use consistent with that purpose,

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- c) law enforcement,
  - d) civic or alternative dispute resolution proceedings, involving the Commission, or
  - e) for statistical or demographic analysis, as long as individuals are not identified, unless the individual the information is about has consented to another use or the Commission is required by the Act or any other enactment or by an order of the court to use the information for another purpose.
- 6.2 If an Applicant's personal information will be used by the Commission to make a decision that directly affects the individual, the Commission, at its discretion, must
- a) make every reasonable effort to ensure that the information is accurate and complete, and
  - b) retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.
- 6.3 An Applicant who believes there is an error or omission in the Applicant's Personal Information may request the Secretary Treasurer to correct the Information.
- 6.4 If no correction is made in response to the request under section 6.3, the Treasurer must annotate or link the information with the correction that was requested but not made.
- 6.5 On correcting, annotating, or linking personal information under this section, the Secretary Treasurer shall, at his or her discretion, notify anyone to whom that Information has been disclosed during the one year before the correction was requested that a correction, annotation or linkage has been made.
- 6.6 The Commission must protect Personal Information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.
- 6.7 Upon payment of the appropriate fee, an Applicant is entitled to access Personal Information in the possession of the Commission about the Applicant, unless that Information may be withheld because:
- a) releasing it could reasonably be expected to threaten anyone's safety, mental or physical health, interfere with public safety,
  - b) releasing it could reasonably be expected to cause immediate and grave harm to the health and safety of the Applicant him/her self, or
  - c) the Information is about collective bargaining, arbitration or ongoing investigations for the purpose of disciplinary action or personnel selection.
7. EFFECTIVE DATE
- 7.1 This bylaw shall come into effect on the day of the final passing thereof.

READ a first time this 20 day of January, <sup>2000</sup>1999.

READ a second time this 23 day of March, <sup>2000</sup>1999.

READ a third and final time this 23 day of March, <sup>2000</sup>1999.

  
Chairman

  
Secretary Treasurer

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**SCHEDULE "A"**

**ACCESS TO INFORMATION**

**FEE SCHEDULE**

- | <b>1. TYPE OF INFORMATION</b>   | <b>CHARGE</b>                   |
|---|---------------------------------|
| Reports generated by the Trilvillage<br>Regional Sewage Services Commission | \$20.00 plus<br>\$ .25 per page |
| Reports adopted by Commission   | \$20.00 plus<br>\$ .25 per page |
| Minutes, Bylaws, Correspondence   | \$ .25 per page                 |
2. All information supplied will be subject to an administrative fee of \$35.00 per hour if research or production of the information exceeds one hour of staff time.
  3. If the Commission incurs any costs or charges by third parties to access or produce the information, these will be charged to the person requesting the information.