

How to Access the Records of the City of Brandon



City of Brandon FIPPA Handbook: A Plain Language Guide to Access and Privacy Laws

Covered in this Booklet:

- The basics of Manitoba's access to information laws
- A review of some of the challenges associated with complying with these laws

The Purpose of this Booklet

Manitoba's main access to information law is called *The Freedom of Information and Protection of Privacy Act* (FIPPA) and came into force in 1998. Even a decade after it was implemented FIPPA is a source of confusion for many citizens and public employees. This booklet is intended to provide a plain-language guide to the principles behind FIPPA and explain some of the challenges of working with the legislation.

The Basics of FIPPA

The Freedom of Information and Protection of Privacy Act (FIPPA) and is Manitoba's access and privacy law and was created with the intent of bringing greater accountability to public bodies. FIPPA is based on two fundamental democratic rights:

1. the right to access information held by the government and other public bodies, subject to certain exceptions
2. the right to privacy for personal information collected, used, and disclosed by public bodies.

All records created, used and retained by the City of Brandon are subject to FIPPA. Therefore, the City of Brandon has a responsibility to make its records available to support public accountability and to protect citizen's personal information located in its records.

Why was FIPPA created?

The introduction of FIPPA marked a major change in the manner in which public bodies handle information. In some respects, FIPPA has made handling and accessing information more complicated, which has prompted many

frustrated citizens to say things like “what good is this law? For many years we got along just fine without it.”

In a democratic system citizens must be able to access information about the activities of their government.

The privacy component of FIPPA places limitations on the amount of personal information that public bodies can collect from citizens and protect what United States Justice Louis Brandeis eloquently described as: “the right to be let alone”

The need for privacy legislation has stemmed from the development new information and communication technologies that have increased the ability of government and private sector organizations to collect, retain and use tremendous quantities of personal information. Unscrupulous use of citizen’s personal information can lead to abuses such as excessive government surveillance, prying relatives, aggressive salespeople and professional identity thieves.

What’s in a name? Your identity in the modern information environment:

At first glance, the emphasis on protecting privacy may seem overdone. After all, most people’s names, addresses and phone numbers have always been available in basic phone books. However, computer programs have emerged that are capable of using very basic personal information to search the Internet for additional information about an individual, eventually constructing an identity profile for you. One your identity is stolen it can be used for credit card fraud, creating false documents and other illegal purposes.



What is personal information?

A short definition of personal information is: any information about an identifiable individual. Examples of personal information include:

- Name
- Address
- Banking Information
- Credit Card Information
- Nationality
- Political/Religious Association

The City of Brandon collects personal information from its citizens in order to deliver basic public services. Examples of City records that contain large volumes of personal information include:

- voter's lists for municipal elections
- registration lists for city recreational programs
- municipal licenses (pets, businesses, alarms etc.)



Personal information belongs to the individual that it describes. Under FIPPA, each individual owns their personal information and has a say in how their personal information can be used.

What does this mean from an access standpoint? The City of Brandon does not necessarily have the authority to release citizen's personal information without their consent.

How does the City of Brandon handle personal information?

The City of Brandon is obligated to preserve the confidentiality of any personal information it retains. FIPPA provides several basic guidelines that a public body must follow when collecting personal information, such as:

- Personal information should only be collected with the consent of the individual it describes.
 - *You must provide your permission for the City to collect your personal information. This also means that the City of Brandon cannot disclose your personal information to others without your consent.*

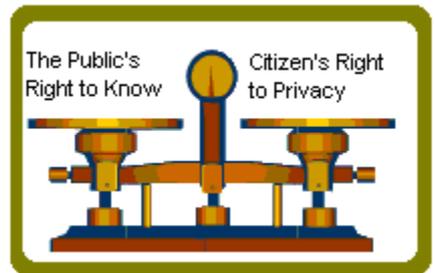
- Only the minimum amount of personal information necessary to support a certain business activity should be collected.
 - *The City of Brandon can only collect personal information to support authorized programs. For example, name, address and telephone number may be necessary to support enrolment in a composting clinic.*

- Personal information should only be used to support the activity it was initially collected for.
 - *The City of Brandon can only use your personal information for the purpose you originally provided it for. This means that if you provide some information to volunteer for community services your information cannot automatically be given to the Human Resources Department to support employment prospects.*

Although there are some exceptions mentioned in FIPPA the above rules govern most of the City of Brandon's practices when handling personal information.

What does personal information have to do with accessing public records?

Sometimes balancing the right of the public to view City of Brandon records with the responsibility to protect the privacy of citizens can be quite challenging. The records of the City are generally created in the course of delivering public service to the people of Brandon. Consequently, the City of Brandon's records often contain large volumes of citizen's personal information. Unfortunately, the presence of citizen's personal information in the City of Brandon's records can make public disclosure of these records difficult. Managing the public's right to know with the citizen's right to privacy can be a difficult balancing act.



"When it comes to privacy and accountability, people always demand the former for themselves and the latter for everybody else"

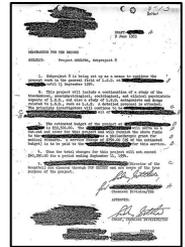
- David Brin

How can records containing personal information be made accessible?

Sometimes, especially if these records only contain your own personal information.

Some records containing personal information can be made available to the public. If a record contains information about the activities of the City of Brandon and/or opens the organization to public scrutiny efforts can be undertaken to make that record publicly available. Typically, all third-party personal information will be removed using a process called document severing. Under FIPPA, whenever the City of Brandon refuses to disclose a particular piece of information a reference to the FIPPA clause requiring that information to be withheld is provided.

Removing personal information from a record requested by a member of the public can be a very time consuming process. Under FIPPA, the City of Brandon has 30 days to respond to a request. Much of this time is usually spent processing records in preparation for release.



Can the release process be accelerated?

Sometimes. If specific information is provided about the records an applicant wishes to access it may be possible for the Access and Privacy Officer to locate that information in records that require minimal processing or are already publicly available.

Unfortunately, delays may occur if the person responsible for the records requested is on leave. Likewise, if the City of Brandon is already working on a large number of FIPPA requests it tends to slow the response process.

Finally, it should be noted that FIPPA contains many checks and balances to ensure public bodies are being accountable. Complying with these checks and balances takes time.



Sources to Consult for More Information

City of Brandon Access & Privacy Officer

To obtain general information about FIPPA, how to access the City of Brandon's records and assistance with making FIPPA applications the public is encouraged to contact the City of Brandon's Access & Privacy Officer.

Contact Attn: Access & Privacy Officer
City of Brandon
Brandon, Manitoba, R7A 6A2
(204) 729-2269
fippa@brandon.ca

Manitoba Ombudsman's Office

To obtain background information about the principles of access and privacy legislation, general information about FIPPA, case summaries of past complaints to the Ombudsman or to file a complaint contact the Manitoba Ombudsman.

Website <http://www.ombudsman.mb.ca>
Contact Ombudsman Manitoba
700-500 Portage Avenue
Winnipeg, Manitoba, R3C 3X1
1-800-665-0531

Additional Printed Material from City Hall

- "How to Access the Records of the City of Brandon"
- "Understanding Fees in the Freedom of Information and Protection of Privacy Act"