



County of Lethbridge Policy Handbook

EFFECTIVE: December 15, 1998 **SECTION:** 100 NO. 125 Page 1
APPROVED BY: County Council **SUBJECT:** Access to Public Information
REVISED DATE: April 4, 2002

General Statement

Residents of the County of Lethbridge shall have the right to inspect municipal records and information, on payment of a designated fee, with the exception of the following:

- 1.1 Information the publication of which is prohibited by statute.
- 1.2 Information obtained in confidence.
- 1.3 Personnel records other than those required by law to be made public.
- 1.4 Information which if released would infringe on the right to privacy of any person.
- 1.5 Information which if released could prejudicially affect the legitimate financial interest of the County of Lethbridge or any member of the community or which would result in unfair competitive advantage or reveal a trade secret.
- 1.6 Drafts, proposals, reports, studies, consultations, recommendations, (preliminary or planning stage information not otherwise released at a public meeting) relative to projects or contract negotiations.
- 1.7 Any information, the disclosure of which could prejudice security and the maintenance of law.

A. Chief Administrative Officer

- 1) Subject to Section (2) below the chief administrative officer must on the request of any person and within a reasonable time,
 - a) provide information in the possession of the municipality, and
 - b) provide copies of the information on payment of a reasonable fee established by by-law.

- 2) The chief administrator officer must withhold the following information, within the possession of the municipality 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
 - i) likely prejudice the commercial position of the person who supplied it,
 - ii) reveal a trade secret,
 - iii) likely prejudice the municipality's ability to carry out its activities or negotiations, or
 - iv) allow the information to be used for improper gain or advantage;



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- b) information that is subject to obligations of confidence, the disclosure of which would:
 - v) likely prejudice the future supply of similar information or advice,
 - vi) likely prejudice the municipality's ability to carry out its activities or negotiations,
 - vii) place councillors or employees of the municipality at risk of improper pressure or harassment,
 - viii) breach legal professional privilege, or
 - ix) 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 municipality 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 assessments and taxes, except as provided in this or any other enactment;
- g) information placed before the council or council committee 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 this or any other enactment.



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- 3) Despite subsection (2), the chief administrative officer must provide information on the salaries of councillors, the chief administrative officer and designated officers of the municipality.
- 4) If a chief administrative officer withholds information, the chief administrative officer must give a written notice, within a reasonable time of receiving the request, that the information is withheld and the reason why is it's withheld to the person who requested it.
- 5) Despite subsection (2)(d), the council may release information when public interest considerations outweigh a reason for withholding it, unless the release is prohibited by this or any other enactment.

B. Appeal About Information Disclosure Decisions

- 1) A written appeal may be made to the council:
 - a) by a person who receives a written notice that information is withheld, within 15 days of receiving the notice, or
 - b) by a person who does not receive the requested information and does not receive a written notice that the information is withheld, within 60 days of requesting the information.
- 2) The only grounds for an 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.
- 3) The council 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) The council's decision to withhold or release information must be in writing and is final.

Fees – As per the County of Lethbridge Schedule of Fees By-Law.

