

# **FREEDOM OF INFORMATION GUIDELINE**

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## PURPOSE

The Ontario Government is committed to a continually improving, effective access to information regime as a corporate priority of the Ontario Public Service. The purpose of this guideline is to support that commitment and to promote best management practices to improve the administration of the *Freedom of Information and Protection of Privacy Act* (the *Act*) and compliance with the Freedom of Information and Privacy Directive.

The Directive clearly holds Ministries responsible for implementing the *Act* and states that management practices of ministries and government agencies are to be consistent with its principles. Deputy Ministers are responsible for ensuring that ministry and organization structures and procedures have been established for the *Act*'s implementation.

The access to information regime established by the *Act* is based upon the following fundamental principles:

- Informed citizens are essential to the democratic process and the more that Ontarians know about their Government the better they will be governed;
- Openness in government is essential to accountability and the *Act* is an integral part of that process;
- Everybody has a basic right of access to their personal information which is collected and used by the Ontario Government.

The relationship between access to information and accountable government was expressed by the Supreme Court of Canada in Dagg v. Canada (Minister of Finance) in the following terms: "Rights to state-held information are designed to improve the workings of government; to make it more effective, responsive and accountable."

Timely response to freedom of information requests meets another key objective: that of providing quality customer service. The Government has successfully embarked on the important Quality Service initiative which sets customer service response standards for a number of ministry functions. The provisions of the *Act* set mandatory standards for responding to access to information requests. The same commitment that has been given by all levels of government to the Quality Service initiative must be directed to the legislated response requirements of the *Act*.

## APPLICATION AND SCOPE

This guideline applies to provincial government institutions (institutions) which are under the jurisdiction of the *Act* and which are covered by the Freedom of Information and Privacy Directive.

## **SUMMARY OF ROLES AND RESPONSIBILITIES**

### **DEPUTY MINISTERS**

Deputy Ministers should ensure:

- 4) The proper administration of the *Act* within their ministries.
- 5) That decision making power is delegated to staff at a level appropriate for the type of decision to be made.

### **SENIOR EXECUTIVES**

"Senior executive" means an individual responsible for program staff and resourcing levels - usually an Assistant Deputy Minister.

- 1) Senior executives responsible for FOI should ensure that staffing and resource levels at FOI offices are adequate to respond to FOI access requests within the time limits set out in the *Act*.
- 2) Senior executives responsible for programs should ensure that staffing and resource levels within their program are adequate to respond to FOI access requests within the time limits set out in the *Act*.

### **DECISION-MAKERS**

"Delegated decision-maker" means an individual who has been delegated decision making power under the *Act* - often, the delegated decision-maker is a Deputy Minister or Assistant Deputy Minister. In some ministries and for limited purposes, the delegated decision-maker is the FOI Coordinator.

Delegated decision-makers:

- 1) Should be sufficiently familiar with the legislation to discharge their decision making duties properly and in a timely manner.
- 2) Are responsible for reviewing and returning decisions within the times established by the institution in order to comply with the legislation.

## **MANAGERS RESPONSIBLE FOR FOI OFFICES**

"Manager responsible for FOI office" means the FOI coordinator's direct report who is responsible for and oversees the operation of the FOI office - often a Director.

Managers responsible for FOI offices should ensure that:

- 1) Policies and procedures are in place to ensure that requests are dealt with in an expeditious manner consistent with the requirements of the *Act*.
- 2) FOI Coordinators and staff have the skills and training required to carry out their duties.
- 3) Delegated decision-makers are appropriately briefed to discharge their decision-making authority.
- 4) Annual training plans are developed and implemented to ensure that all FOI staff have appropriate training and knowledge of FOI legislation and procedures.
- 5) Training opportunities are provided to FOI staff and program area contacts which emphasize principles of open government and the purposes of the *Act*.
- 6) Succession plans are implemented to identify and train potential candidates for the FOI Coordinator position for continuity and smooth succession when vacancies or absences occur.
- 7) Physical accommodations are available for the fulfillment of the FOI office's mandate.
- 8) Appropriate security is available.

## **FOI COORDINATORS**

FOI Coordinators should:

- 1) Promote routine disclosure and active dissemination by taking an active role in identifying records and holdings which are not exempt and can be disclosed outside the FOI process.
- 2) Ensure that work on requests begins early as set out in this guideline.
- 3) Identify difficult or voluminous requests early and institute an appropriate processing plan for them.
- 4) Foster communication and rapport with requesters as set out in this guideline.
- 5) Negotiate with requesters whenever it is likely to increase client satisfaction and reduce the size or complexity of a request.
- 6) Prepare decision letters according to the criteria set out in this guideline.
- 7) Implement case management and monitoring processes to ensure that the time lines set out in the contentious request process are followed.

- 8) Implement the contentious request process according to this guideline.
- 9) Periodically review institution FOI performance and compliance.
- 10) Identify training for themselves, decision-makers, and FOI staff.
- 11) Consider contracting outside help to assist with FOI processing when an institution's FOI workload unexpectedly exceeds the capacity of FOI staff.
- 12) Ensure that appropriate procedures and timetables are in place for approvals and signoffs to avoid delays.
- 13) Clearly communicate to decision-makers what their time limits are for responding to the FOI office.

### **PROGRAM AREA MANAGERS**

"Program area manager" means a manager responsible for a program area - in most cases, an Assistant Deputy Minister in charge of a division.

Program area managers should:

- 1) Ensure that the performance of FOI duties is given priority and is not subordinate to other program area functions.
- 2) Promote routine disclosure and active dissemination by examining record holdings to identify records or classes of records which are not exempt and can be disclosed outside the FOI process.
- 3) Specifically identify program area contacts responsible for FOI functions.
- 4) Establish, in consultation with the FOI Coordinator, the specific duties for all program area contacts.
- 5) Ensure that program area contacts give high priority to processing FOI requests so that records and recommendations on release are provided to the FOI office within time limits specified by the FOI office.
- 6) Where program area contacts locate records and make recommendations on release, ensure that program area staffing levels are sufficient to ensure that these tasks are completed within time limits set by the FOI office.
- 7) Ensure that other program area staff are available to replace program area contacts as needed.
- 8) Ensure all program area contacts are clearly advised of their FOI duties.
- 9) Ensure the ongoing availability of properly trained program area contacts who are able to find records responsive to FOI requests and who understand the *Act*.

- 100 Ensure an adequate level of funding to implement the measures described in these guidelines.
- 110 Ensure the integrity and organization of record holdings by ensuring compliance with Ministry and Government policies respecting recorded information including:
- \_ The Archives Act.
  - \_ The Information and Information Technology Security Directive.
  - \_ The Management of Recorded Information Directive.
- 40 Ensure that any records kept in off-site storage are organized and maintained so as to enhance accurate, rapid retrieval.

### **PROGRAM AREA CONTACTS**

"Program area contact" means a program area staff member who has been designated as responsible for assisting the FOI office with the processing of FOI requests.

Program area contacts should:

- 10 Be trained to identify records responsive to requests and to make complete and useful recommendations respecting their release in the context of FOI legislation.
- 20 Prepare and provide issues notes for the contentious request process in consultation with communications staff as requested by the FOI Coordinator.
- 30 Consult with communications staff in the preparation of issues notes.
- 40 Ensure completeness and clarity of issue notes for the contentious request process.

### **GENERAL REQUIREMENTS**

A key component of the implementation of the legislation is ensuring compliance with the requirement to provide responses to access requests within timeframes established by the *Act*.

This guideline is designed to reinforce the importance of the full commitment and support of all ministry staff to the access to information process, and to assist ministries in meeting their responsibilities. This includes not only those staff members who work directly in responding to access requests, but also senior ministry managers and all ministry staff who hold primary responsibilities in other areas. Without this support, the Government will not meet its goal of open and responsible government within the quality service framework.

Factors which Institutions should consider to ensure timely FOI decisions include:

- \_ Appropriate levels of delegated authority;
- \_ Signoff of decisions;
- \_ Human resources practices that support the institution's FOI programs;
- \_ Accommodation planning that meet the needs of the institution's FOI programs;
- \_ Examination of possible improvements in the FOI process.

### **ACCOUNTABILITY**

## **PROGRAM AREA SUPPORT AND ACCOUNTABILITY**

The performance of FOI duties is part of the business of the program area. It is not separate from the process of delivering a program. It should be given priority so as not to exceed the statutory time limits for issuing FOI decisions.

Where program area contacts are relied upon to locate records and make recommendations on release, it is important that resources be in place and that the program area be committed to processing of requests within time limits set out by the FOI office.

Program area managers should:

- \_ Specifically identify program area contacts responsible for FOI functions;
- \_ Establish the specific FOI duties for all program area contacts;
- \_ Ensure that all program area contacts are clearly advised of their FOI duties;
- \_ Ensure the availability of properly trained program area contacts at all times;
- \_ Ensure that program area contacts are able to find records subject to FOI requests and understand the *Act*;
- \_ Ensure that program area contacts give high priority to processing FOI requests;
- \_ Ensure that records and recommendations on release are provided to the FOI office within time limits set out by the FOI office.

## **RELATIONSHIPS WITH LEGAL STAFF**

It is often necessary to seek legal opinions or assistance to process FOI requests. To ensure service quality and rapid processing, it is important that when required, legal advice be sought early on in the processing of a request, and that legal counsel provide its advice in a timely manner, within the time-lines set out by the FOI office.

## **DELEGATION OF AUTHORITY**

Most institutions delegate a head's authority to decide matters under the *Act* to various senior officials including the FOI Coordinator. An appropriate delegation can significantly expedite the FOI decision making process by eliminating the need for senior management to make all FOI decisions, particularly on routine matters.

FOI Coordinators should be delegated a level of decision-making authority and have a job classification which befit the nature and responsibility of the position.

Where delegation involves more than one level of review, ministries have a responsibility to ensure that the extra levels of review required to respond to requests do not compromise the statutory response times.

Deputy Ministers should ensure that decision-making power is delegated to staff at a level appropriate for the type of decision to be made. For example, routine matters can be delegated to less senior staff whereas decisions which require a more senior level of judgment should be delegated appropriately.

## **BEST PRACTICE:**

Ministries should determine which responsibilities can appropriately be delegated to the Coordinator. While some institutions have delegated decision-making power to Coordinators,

typically the Coordinator should at least be delegated authority over process-related decisions and routine requests, for example:

- Notices to affected parties are not discretionary - the *Act* requires them where disclosure is contemplated. Therefore, the rights of parties to a request or appeal in respect of notice are not affected by the identity of the decision-maker.
- Routine requests for which the ministry has a well established position may be appropriately delegated to the FOI Coordinator for decision.

The delegation of authority must provide for alternates to ensure continuity in decision making during unplanned absences such as illness or vacations or where the usual delegated decision-maker might be in a conflict of interest.

### **APPROVALS AND SIGNOFFS**

Approvals and signoffs require a high degree of communication and coordination. In institutions where they are necessary, their quick and correct completion is essential to meeting the time limits of the *Act*.

FOI Coordinators should ensure that appropriate procedures and timetables are in place for any required approvals and signoffs to avoid delays.

Decision-makers are responsible for reviewing and returning recommendations within the established time at the institution to avoid delays. FOI Coordinators should clearly communicate to decision-makers the time limits for the decision.

### **DETERMINING APPROPRIATE RESOURCE LEVELS**

Senior executives responsible for FOI and other programs should ensure that FOI offices and program areas have adequate financial and staff resources to respond to FOI access requests within the time limits set out in the *Act*.

The adequacy of FOI resources should be determined by the specific circumstances of each institution. To help determine appropriate resource levels, managers responsible for FOI offices and program area managers should identify resources and needs including:

- The available human resources;
- The skills of FOI staff;
- The adequate training of FOI staff;
- The availability of additional support for some FOI tasks as required;
- Succession and continuity planning for critical FOI positions;
- The financial resources available for FOI service delivery;
- Physical accommodation (e.g. computers, filing, places to view and copy records);
- Security (e.g. lockable offices and filing, arrangements for open plan offices).

### **HUMAN RESOURCES AND STAFFING**

Timely processing of FOI requests depends on the availability of sufficient staff with the necessary skills and training to manage the complexity and volume of FOI and privacy work they are assigned.

Senior executives responsible for FOI should ensure staffing levels in FOI offices which are at least sufficient to process the institution's FOI caseload properly within the time limits set out in the *Act*, by considering factors such as:

- The number of FOI requests per year.
- The complexity of requests received by the institution including:
  - The number of records.
  - The size of records.
  - The number of exemptions claimed.
  - The number of contentious requests.
- Other FOI/privacy duties of the FOI Coordinator and office which may include:
  - Processing and preparation of submissions for FOI appeals.
  - Advising program areas on privacy complaints.
  - Resolving privacy complaints taken to the IPC.
  - Advising program areas on FOI and privacy issues relating to their work.

Senior executives responsible for setting program area budgets should ensure that program area staffing levels are sufficient to ensure that records are located and recommendations on release are completed within time limits provided by the FOI office.

### **SKILLS REQUIRED FOR FOI STAFF**

Staff responsible for FOI service delivery must possess the skills and training necessary to deliver FOI services effectively and promptly as required by the *Act*.

Managers responsible for FOI offices should ensure that FOI Coordinators and staff have the skills and training required to carry out their duties including:

- Knowledge of the *Act*.
- Knowledge of the institution's programs and records.
- Communications skills.
- Negotiation/mediation skills.
- Issues management experience.
- Sound judgment.
- Strong analytical skills.
- Strong organizational skills.
- The ability to deal with legislation in a fast-paced case-driven environment.

Program area managers should ensure that program area contacts have the skills and training required to carry out their duties including:

- \_ Knowledge of the *Act*.
- \_ A thorough knowledge of program area record holdings.
- \_ An understanding of the significance and context of records in the program area and the ability to clearly brief Coordinators on the release of those records.
- \_ Issues management experience.
- \_ Sound judgment.
- \_ Strong analytical skills.
- \_ Strong organizational skills.

## **TRAINING**

Knowledge of FOI legislation and procedures by FOI staff, program area contacts and delegated decision-makers is essential for the proper, timely processing of FOI requests.

Institutions are responsible for ensuring that:

- \_ Delegated decision-makers are sufficiently familiar with the legislation to properly discharge their decision making duties in a timely manner.
- \_ FOI Coordinators have an excellent knowledge of FOI legislation and procedures to coordinate and process requests and provide thorough and useful analysis of FOI issues for requesters, decision-makers and program area staff as required.
- \_ Program area contacts are trained to identify records responsive to requests and to make complete and useful recommendations respecting their release in the context of FOI legislation.

To promote effective training, managers responsible for FOI offices should ensure that:

- \_ Delegated decision-makers are appropriately briefed to discharge their decision-making power.
- \_ All staff who work with FOI have the appropriate training and knowledge of FOI legislation and procedures by developing and implementing annual training plans.
- \_ Training of FOI staff and program area contacts emphasizes principles of open government and the purposes of the *Act*.
- \_ FOI staff and program area contacts are provided with training opportunities including FOI Coordinators= meetings and annual FOI conferences hosted by the Management Board Secretariat Freedom of Information and Privacy Office.
- \_ The institution's FOI office has adequate resources to provide FOI training to program area contacts.

Further assistance in developing or identifying training resources can be obtained through the Management Board Secretariat Freedom of Information and Privacy Office.

Senior executives responsible for setting FOI office or program area budgets should ensure that adequate funds are available to FOI offices and program areas to train FOI and program area staff properly as required.

### **ADDITIONAL SUPPORT**

When an institution's FOI workload unexpectedly exceeds the capacity of its FOI staff, the institution should take measures that enable it to continue processing requests within the time limits set out in the *Act*.

For example, an institution may receive an unusually large number of requests in a short time period or a single request for a large number of records. In these circumstances, FOI Co-ordinators should consider contracting outside help to assist with the processing of the FOI request(s). For example, former FOI Co-ordinators or other qualified FOI consultants could be contracted to assist with high-volume requests. External contractors may also be retained to electronically scan and store documents on CD-ROM to simplify document management.

Additional information or advice in obtaining external services to process FOI requests may be obtained from ministry or corporate procurement staff and from the MBS FOI Office.

### **SUCCESSION PLANNING AND BACKUP**

A qualified, trained FOI Coordinator is essential to the proper and timely conduct of an institution's FOI business and acts as its liaison with requesters, appellants and the IPC. Consequently, institutions should identify the FOI Coordinator as a critical position for succession planning purposes and ensure that a qualified individual is available at all times to discharge the Coordinator's responsibilities.

Institutions are responsible for developing a succession plan to ensure the availability of staff who are trained and capable to assume the duties of the FOI Coordinator as vacancies occur. These staff should also be available to assume the Coordinator's responsibilities when necessary such as during unplanned absences or vacations.

Managers responsible for FOI offices should:

- Identify potential candidates for the FOI Coordinator responsibilities.
- Ensure mentoring and training of candidates for smooth succession when vacancies occur.
- Ensure the continuous availability of individuals capable of discharging the Coordinator's responsibilities.

Where program area contacts are relied upon to locate records and make recommendations on release, continuous availability of qualified program area contacts is essential to the institution's ability to respond to FOI requests within the time limits set out in the *Act*.

Program area managers are responsible for ensuring the availability of program area contacts who are trained and capable to locate records and make recommendations on release on a timely basis as required by the FOI office.

Program area managers should also ensure that other program area staff are available to replace program area contacts on a temporary or permanent basis as needed.

## **FINANCIAL RESOURCES**

Senior executives responsible for FOI and program areas should ensure an adequate level of funding to implement the measures described in these guidelines.

Adequate financial resources for the processing of FOI requests are essential to the effective and timely delivery of FOI services.

FOI offices and program area FOI staff must have sufficient financial resources to maintain and obtain necessary equipment and supplies, to implement appropriate staff training and when necessary, to contract for outside assistance required to meet time limits in the *Act*.

## **ACCOMMODATION AND SECURITY**

FOI offices and program area FOI staff must have physical accommodations sufficient to enable them to meet the time limits in the *Act* and security arrangements appropriate to the nature of FOI and privacy work.

Managers responsible for FOI offices should identify physical accommodations and needs necessary to deliver FOI services effectively in a timely manner. This includes resources such as:

- \_ Adequate offices for the number of staff needed for proper FOI service delivery;
- \_ Computers, copiers, furniture and other equipment/supplies required to perform FOI work;
- \_ Filing facilities of sufficient capacity for secure storage of the institution's FOI requests and related records;
- \_ Necessary space and facilities for requesters to view and copy records.

## **SECURITY**

Because FOI staff handle records which are often sensitive or confidential, including the identities of requesters, institutions should ensure the presence of accommodations and procedures to safeguard and maintain confidential all FOI records, correspondence and other documents.

Managers responsible for FOI offices should ensure the availability of appropriate security for the FOI function including:

- \_ Lockable file rooms and filing cabinets;
- \_ The provision of keys and combinations only to individuals who need access;
- \_ The destruction or return of records to program areas as appropriate;
- \_ Proper security for FOI materials in open offices or cubicles.

Managers responsible for FOI offices should secure electronic information holdings as required by the Information and Information Technology Security Directive.

## **PROCESS IMPROVEMENTS**

Process improvements, such as better client service, communication and early issue resolution, enhance the quality and timeliness of the FOI process.

In most cases, a helpful approach and full explanation of the process to customers - as early in the process as possible - increases customer satisfaction and reduces institution FOI workload.

## **ROUTINE DISCLOSURE/ACTIVE DISSEMINATION**

Where records can be disclosed outside of the FOI process, every effort should be made to establish practices for doing so to promote open government and minimize unnecessary use of FOI resources.

To promote routine disclosure and active dissemination, program area managers should examine record holdings to identify records or classes of records which are not exempt and can be disclosed outside the FOI process. When possible, FOI Co-ordinators and their staff should take an active role in the identification of such records.

Electronic record disclosure should be used when it would increase client satisfaction.

For further information, institutions may wish to consult "Routine Disclosure/Active Dissemination", a paper jointly published by the Management Board Secretariat Freedom of Information and Privacy Office and the Information and Privacy Commission/ Ontario (the IPC) and available on both organizations' websites.

## **QUALITY CUSTOMER SERVICE**

FOI coordination requires quality service to various clients including requesters and appellants, the Government, ministries, and program areas, all of which have a strong interest in quality customer service which is delivered in a timely manner.

Quality customer service improves customer satisfaction and can reduce processing times for FOI requests. Early work on requests, and frequent, effective communication and negotiation with requesters are important components of service quality.

## **EARLY WORK ON REQUESTS**

Beginning to process requests immediately on receipt can enhance quality customer service, reduce work that must be done later, and provide early warning of emerging issues.

### **BEST PRACTICE:**

FOI and program area staff should, as early as possible in the process:

- \_ Personally contact requesters to establish a rapport;
- \_ Advise requesters that the institution is proceeding with their request;
- \_ Provide requesters an approximate timetable of the FOI process;
- \_ Review requests to identify and resolve uncertainties and ambiguities;
- \_ Ensure complete understanding of requests by:
  - Identifying what requesters really want and confirming it in writing;
  - Focussing requests as early and as much as possible, with requesters;
- \_ Compile information needed to complete decisions, including:
  - Whether it is possible to satisfy requesters outside of the FOI process;
  - Precisely what is required to respond to all aspects of requests;
  - Whether mandatory exemptions apply to responsive records;
  - Whether access can be granted where discretionary exemptions apply;
  - Where access is denied, set out precise, complete reasons for the denial.

## **VOLUMINOUS RECORDS; DIFFICULTY OF INDIVIDUAL FILES**

As time extensions under the *Act* are only available where a request is for a large number of records, necessitates a search through a large number of records or consultations outside the institution, institutions should quickly identify such requests as they are received and take appropriate action in a timely manner.

FOI Coordinators should institute a processing plan to identify difficult or voluminous requests and guide their processing according to factors including:

- \_ Threshold criteria for voluminous or difficult requests.
- \_ The identification of voluminous or difficult requests immediately on receipt.
- \_ The number and complexity of documents involved.
- \_ What additional staff and/or resources are required to reply to the request.
- \_ The availability of external professional contractors (such as ex FOI Coordinators) who can be hired to assist the FOI office with processing of the request.
- \_ The possible availability of a time extension to make a decision under the *Act*.
- \_ Clearly communicating to program area managers the need for program area resources or staff needed to process the request.
- \_ The program area responsibility to assist with requests in such unusual circumstances.
- \_ The availability of outside companies to scan voluminous records for speedy electronic access and manipulation, for example, on CD-ROM.

### **GOOD COMMUNICATION AND RAPPORT**

Good communication helps at every stage of the FOI process by providing opportunities to eliminate misunderstandings while improving client service by making the process more accessible and less bureaucratic. Frequent communication underscores the government's commitment to FOI and can strongly enhance rapport with requesters.

### **BEST PRACTICE:**

FOI Co-ordinators and their staff should:

- \_ Communicate with parties clearly, completely and often.
- \_ If possible, undertake to contact and update parties regularly at agreed times.
- \_ Use plain language, tailor communications to clients, avoid government jargon.
- \_ Call requesters to discuss reasons for decisions before sending decision letters.
- \_ Suggest alternate modes of access where a denial of access is expected.

### **NEGOTIATION**

Negotiation usually requires less time and resources than fully processing a request or appeal and gives the parties more control over the outcome, enhancing client satisfaction, processing speed and overall efficiency of the FOI process. FOI Co-ordinators and their staff should undertake negotiation whenever it is likely to increase client satisfaction and reduce the size or complexity of a request.

FOI Co-ordinators and staff negotiating a request should consider all factors including:

- \_ The parties' true needs in seeking access to records.
- \_ The specific applicability of the *Act* to records and issues in the request.
- \_ Any alternative ways of satisfying parties' needs such as:
  - Routine disclosure outside the FOI process when possible.
  - Creative problem solving to find alternatives to requested records.
  - Focussing requests by more accurately articulating requester needs.

Once a matter has been negotiated in whole or in part, FOI staff should:

- \_ Immediately confirm the terms of settlement in writing to the parties.
- \_ Where appropriate, immediately implement settlement terms.

## **DECISION LETTERS**

Decision letters are a critical communication between parties and the institution. Quick, complete, clear decisions enhance client service by effectively communicating to parties the government's commitment to the time limits of the *Act* in the context of each request.

FOI Co-ordinators should implement a timetable and checklist for the steps in the preparation and issuance of decision letters to ensure quality and timeliness.

In order to structure decision letters so as to enhance client service and prevent appeals, FOI Co-ordinators should, when appropriate:

- \_ Use plain language.
- \_ Organize reasons clearly for the requester (e.g., according to the request).
- \_ Clearly respond to all issues and points in the request.
- \_ Explain reasons for denials of access as fully as possible.
- \_ Avoid bare restatements of sections of the *Act*.
- \_ Where practicable, link exemptions to the appropriate records or portions of the record (e.g., show exemptions in margins, use an index of records).
- \_ Where records were destroyed, indicate the authority for destruction, according to the relevant retention schedule.

## **FOI COORDINATION PROCESS FOR CONTENTIOUS FOI REQUESTS**

All institutions which receive contentious requests need to ensure that request coordination is integrated with their ministry-s issues management processes. Effective integration will help ensure that timelines for responding to access requests under the *Act* are strictly followed.

The coordination procedures for Contentious FOI Requests (the contentious request process) is designed to not interfere with the processing of FOI requests within time limits specified in the *Act*. The contentious request process is designed to provide advance notice of the imminent release of records for contentious requests. The effective and prompt implementation of the contentious request process is essential to the timely processing of these requests.

FOI Coordinators should:

- \_ Use the contentious request process only for appropriate cases.
- \_ Notify program areas of the need for issues notes in a timely manner.
- \_ Provide issues notes 5 working days before decisions are due.

Program area contacts should:

- \_ Prepare and provide issues notes for the FOI coordination process as requested by the FOI Coordinator.
- \_ Prepare issues notes in consultation with their communications/issues management department.
- \_ Ensure completeness and clarity of issues notes for the contentious request process.

## **MANAGEMENT REPORTING AND CASE MANAGEMENT TOOLS**

Management reporting and case management tools are an effective means to evaluate whether FOI requests are being processed in a timely way. A central purpose of management reporting is to generate discussion to improve compliance and timeliness in the FOI process. Regular management reporting can be an effective service quality aid for equipping managers and decision-makers with the information they need for early identification of undue delay and its causes in the FOI process. In these ways, management reporting and case management empower management and staff to better meet the *Act*'s standards including timely FOI decision making by optimizing time management, client service and processing speed.

Institutions may have developed their own FOI request tracking and management systems. Additionally, the Management Board Secretariat Freedom of Information and Privacy Office has developed a computer FOI tracking tool for management reporting and case management which it can make available to institutions.

## **CASE MANAGEMENT AND REPORTING**

FOI Coordinators should:

- \_ Implement case management and reporting procedures.
- \_ Implement specific time requirements for each step in processing FOI requests.
- \_ Set and frequently review and improve standards for FOI compliance.
- \_ Periodically review institution FOI performance and compliance.

Types of management and reporting summaries which can be automatically generated by computerized FOI tracking tools could include:

- \_ Notice of upcoming FOI releases for senior decision making and issue management.
- \_ Reports of all requests received by an institution and their status at any time.
- \_ Reports summarizing overall FOI compliance and timing in an institution.
- \_ Reports of time spent on all steps of FOI requests.
- \_ Periodic reviews and reports for overall FOI performance in an institution.

## **INFORMATION MANAGEMENT**

### **LOSS OF CORPORATE MEMORY/RECORDS MANAGEMENT ISSUES**

Timely response to FOI requests can only be accomplished when program area record holdings are properly maintained and records can be quickly identified and retrieved.

Program area managers should ensure the integrity and organization of record holdings by ensuring compliance with Ministry and Government policies respecting recorded information including:

- \_ *The Archives Act.*
- \_ The Information and Information Technology Security Directive.
- \_ The Management of Recorded Information Directive.

### **OFF-SITE STORAGE**

When records are stored off-site, record identification and retrieval processes can be time consuming, particularly when retrieval errors are made. So in these situations, quick and correct identification and retrieval of records is more critical than for on-site record storage situations.

Managers of program areas which use off-site record storage should ensure that off-site records are organized and maintained so as to enhance accurate, rapid retrieval.