

**TOWN OF ARBORG
POLICY NO. 4-2013**

**Being a Policy Regarding Release of Information Under
*The Freedom of Information and Protection of Privacy Act (FIPPA)***

The Town of Arborg has deemed that it cannot disclose the names and personal information of those parties involved with the enforcement of *The Noxious Weeds Act*, nor the recommendations provided in the course of this enforcement. This is in accordance with the following Exceptions to Access as outlined in FIPPA:

Under Section 17(2)(b).

Disclosure deemed to be an unreasonable invasion of privacy

17(2) A disclosure of personal information about a third party is deemed to be an unreasonable invasion of the third party's privacy if:

(b) the personal information was compiled and is identifiable as part of an **investigation into a possible violation of law**, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

Since a "**violation of law includes...an offence under a provincial statute or regulation or a contravention of a municipal by-law**" the Town of Arborg is exempt from disclosing records pertaining to the Provincial *Noxious Weeds Act*.

Under Section 17(2)(c)

(c) disclosure could reasonably be expected to **reveal the identity of a third party who has provided information in confidence** to a public body for the purpose of **law enforcement or the administration of an enactment**;

Most weed notices issued result from a neighbor's complaint. As part of the Town's internal record keeping, in confidence, the name, phone number and often address of the complainant are collected and noted. Since the manual defines law enforcement as including "a wide variety of investigations and actions by public bodies, if they are undertaken for the purpose of an enactment" and an Enactment as "an Act or regulation", any records that would identify the weed complainant cannot be disclosed.

Under Section 23(1)

Advice to a public body

23(1) The head of a local public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to reveal:

(a) advice, opinions, proposals, **recommendations**, analyses or policy options **developed by or for the public body** or a minister;

Weed notices issued always include a recommendation for the control measure required. The FIPPA manual states that "The exception in clause 23(1)(a) applies to advise, etc. that is developed by officials or staff of the public body"

Under Section 18(1)(c)(iii)

18(1) The head of a public body shall refuse to disclose to an applicant information that would reveal:

(c) commercial, financial, labour relations, scientific or **technical information** the disclosure of which could reasonably be expected to

(iii) **result in significant financial loss** or gain to a third party,

The presence of noxious weeds on a property may negatively affect the property value and represent a significant financial loss. A weed notice would reveal this presence, and would be considered technical information that could result in significant financial loss.

Adopted by Resolution No. 103-2013 passed at the Regular Meeting of Council held on **May 8, 2013.**

Randy Sigurdson
Mayor

Lorraine Bardarson
Chief Administrative Office

