

Halifax Regional Municipality Archives

FOIPOP Access Policy

Policy Statement

The Municipal Archives is committed to the principle of access to information within the limitations outlined in Part XX: Freedom of Information and Protection of Privacy (FOIPOP) of the Municipal Government Act (MGA) and the Personal Information Protection and Electronic Documents Act (PIPEDA). It is essential that access to restricted records is controlled and administered equitably. Archives staff will identify records that may be restricted; however final determination on access decisions is the responsibility of the FOIPOP Co-ordinator.

Objective

This policy will provide staff and researchers of the Municipal Archives with guidelines to administering access to archival records within the scope of relevant access and privacy legislation.

Scope

This policy applies to records defined within the scope of Part XX of the MGA, or PIPEDA, and in the custody and control of the Municipal Archives. The policy applies to everyone working with or using these records.

Pertinent Legislation, Policies and Procedures

- Part XX: Freedom of Information and Protection of Privacy (FOIPOP) of the Municipal Government Act (MGA)
- Personal Information Protection and Electronic Documents Act (PIPEDA)
- Personal Information International Disclosure Protection Act (PIIDPA)
- Access Policy provides more general guidelines on accessing archival holdings
- FOIPOP Access Procedures give more specific guidance on administering this Policy

Policy Statements

The Municipal Archives will:

- administer access to records as laid out in Part XX of the MGA, its Regulations, PIPEDA, and these procedures;
- set a routine disclosure date for personal information at 100 years after the information was created, to cover instances when an individual's date of death cannot be determined (Part XX of the MGA permits disclosure of personal information 20 years after death (section 485(5)); PIPEDA permits disclosure after the earlier of 20 years after death or 100 years after record-creation (section 3h i and ii).

- permit disclosure of personal information for research purposes, as permitted in section 485(4) and (5) and Regulation 9, and if the researcher signs a research agreement.
- permit disclosure of personal information if the record was in the custody of an archives and open in 1998. (section 485(5)).
- identify records that may be restricted and inform researchers of specific access restrictions in archival descriptive records, at the level to which the records have been described;
- ensure that descriptive records and listings available to the public do not disclose unauthorized personal information;
- facilitate researchers in requesting access to restricted records and refer these requests to the FOIPOP Co-ordinator.

Roles and Responsibilities

Manager, Information Management - will ensure that staff are aware of their responsibilities under Part XX of the MGA and this FOIPOP Access Policy.

FOIPOP Co-ordinator - will explain procedures and rights to researchers wishing to make an access request through Part XX of the MGA, and authorize any research agreements.

Municipal Archivist - will ensure that access is provided within the limitations set out in Part XX of the MGA and this Access Policy; will ensure that access restrictions are identified and explained in archival descriptions; maintain current and adequate Access Policies and Procedures, as well as a List of Restricted Series; and will pursue available FOIPOP training opportunities.

Staff and volunteers, Information Management - will provide access to the archival holdings within the limitations set out in Part XX of the MGA and this Access Policy, and pursue FOIPOP training opportunities when appropriate.

Researchers - Researchers have the right to submit an access request for records covered by Part XX of the MGA.

Review

This policy will be reviewed by the Municipal Archivist and FOIPOP Coordinator every three years or whenever there are changes to Part XX of the MGA. Comments or concerns should be directed to the Municipal Archivist.