



BUILDING BULLETIN

Building Services

Subject:	Public Access to Building Permit Records
Building Bulletin No:	BD.BB.18.04
Date Issued:	July 3, 2018
Date Revised:	May 10, 2019
Reference:	s. 1.1(6) <i>Building Code Act</i>

A. Purpose

The purpose of this Building Bulletin is to provide clarification when providing public access to and disclosure of (viewing and copying) “*building records*” and “*building plans*” in accordance with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* and to provide guidance on what constitutes personal information.

B. Background and Definitions

The *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* provides the public a right of access to records held by the Town. Individuals may request any record of information in any form, including letters, reports, computer tapes, electronic records, e-mail, and video or audio tapes.

The Act, however, provides for specific exemptions from the general right of access, such as:

- Personal information about an identifiable individual, or
- Records, the disclosure of which could reasonably be expected to endanger the security of a building.

Records other than those exempt from disclosure must be made available to a member of the public upon request. It is the Town’s policy to determine which records may be disclosed in a

routine manner and to do so whenever possible as part of the business unit's (Building Division) normal business practices.

Building records means all documents, whether electronic or physical (hard copy) format, contained within or forming part of an application or permit file/folder held by the Division and includes applications/files/folders for : preliminary Zoning review; pre-applications (future job files); construction, demolition, mechanical, on-site sewage systems, sign and pool fence enclosure permits.

Building drawings/plans means architectural, structural, and mechanical (plumbing, HVAC, and fire safety systems) drawings submitted to the Building Services Division associated with applications for reviews and permits mentioned in the definition of *building records* but does not include site plans, surveys and drainage plans.

C. General Interpretation and Requirements

C.1. General Provisions

1. The Chief Building Official, in accordance with the provisions of MFIPPA and in consultation with the Town Clerk, will provide access to and disclosure of (viewing and copying) "building records" and "building drawings/plans", in accordance with this building bulletin.
2. *This does not apply to requests where buildings of high security or significant importance are involved such as banks, police stations, public, private schools and municipal offices without the written consent of the building owner.*
3. Access to and disclosure of personal information of an identifiable individual is prohibited, except in accordance with this building bulletin.
4. Requests for access to and disclosure of records other than those set out in this building bulletin shall be considered by the Town Clerk.
5. Requests for access to and disclosure of *building records* and *building plans* on file with the Town's archives shall be processed by the Town Clerk in accordance with corporate procedures administered by the Town Clerk.
6. Requests received in writing to the Chief Building Official will be processed no later than 30 days or as soon as practicable.
7. This building bulletin does not preclude Building Division staff from discussing and communicating with the property owner and/or the owner's authorized agent and design professionals when processing and dealing with an active application or permit file, including those applications for review identified in the definition *building records*.

8. Decisions relating to requests under MFIPPA for access to a record may be appealed to the Information and Privacy Commissioner (IPC). Further, disclosure of personal information under Section 32 of MFIPPA may be the subject of a privacy complaint and the IPC has the authority to investigate that complaint.
9. To reduce the cost and effort to produce *building plans*, the requester, if authorized, will be encouraged to view the plans in advance of copying to identify the plans desired.
10. Some drawings are protected under the Copyright Act and may not be copied for the requestor. Written authorization will be required from the designer for accuracy of the *building plans* (P. Eng. Architect, OLS, etc.).
11. Fees for photocopying, where authorized shall be in accordance with the applicable to the Town Fees & Charges By-law.

C.2. Access Provided to Authorized Officers, Town Council and Staff

1. Disclosure of (viewing and copying) *building records*, including personal information, shall be permitted in accordance with the provisions of Section 32 (c) and (d) of MFIPPA to: Town Council, Committees of Council and Town employees who require access and disclosure to carry out his or her duties on behalf of the Town.
2. Disclosure of (viewing and copying) *building records*, including personal information, shall be permitted in accordance with the provisions of Section 32(e) of MFIPPA to officers of:
 - TARION;
 - Professional Engineers of Ontario (PEO); and
 - Ontario Architects Association (OAA).
3. Disclosure of (viewing and copying) *building records*, including personal information, shall be permitted in accordance with the provisions of Section 32(g) of the MFIPPA to officers of the Ontario Provincial Police and Royal Canadian Mounted Police.

C.3. Access to Building Permit Drawings, Surveys and Site Plans

1. Access to *building records and permit drawings* will be considered in accordance with the following provisions:
 - Written requests are to be submitted to the Chief Building Official.
 - A reasonable search will be made by Staff in accordance with this building bulletin.

2. Where access is requested to *building records and permit drawings* for a non-residential building, only the following individuals will be considered:
 - an owner of the property that is the subject of the request,
 - a director of the management company responsible for the building on behalf of a property owner,
 - any person who has the written consent of a property owner or the management company,
 - Town Councillors – in these cases, written request the Town Clerk,
 - in the case of a Town-owned building, the Town Clerk, and
 - an officer of the Municipal Property Assessment Corporation (MPAC).

C.4. Personal Information

1. Routine disclosure of information and records is supported by Town Council and the IPC. Except as provided in the building bulletin, Town staff shall not provide any personal information of any identifiable individual to any one making such a request, including individual Town Councillors.
2. Applicants are advised by signage at the customer service counters that they are not to include personal information on *building plans* submitted for building permit and other reviews. Therefore, it is our policy that *building plans* and information contained on the plans is not personal information. However, other *building records* and information contained on Town computer servers and systems do contain personal information.
3. As a guideline, any **personal information** of an identifiable individual cannot be released or disclosed. The following are examples of personal information:
 - Name, address, postal code, phone number, and email address of an identifiable individual, including that of the property owner, applicant, builder, and designers when they are not a business or company.
 - Copies of the signature of any person.
 - *Building Code Act* Orders may contain personal information and such information shall not be included on the posted copy.
4. Information that is **not considered personal** and that can be released or disclosed, include:
 - The name, address, postal code, phone numbers, email address of companies, including the property owner, applicant, builder, and designers, provided they are a business or company. Please be sure this information relates to a business and/or company and not to an identifiable individual.

- Application and permit numbers.
- Date of application and permit issuance.
- Project information such as: building number, street name, lot and concession number, postal code, plan number, area of work and estimated construction value.
- Roll number of a property.
- Dates of declarations on application forms.
- *Building plans* disclosed in accordance with Sections A and B of this Standard.

C.5. Reasonable Search Guidelines

Staff are to carry out a reasonable search when responding to a request and the following should also be considered when searching for records:

- identify the specific files and databases that should be searched;
- ensure that if a requester claims certain records should exist, they have been searched for in the appropriate files; and
- establish whether other files and data banks and those of alternative media might contain records responsive to the request, i.e. microfilm.

D. Reference Information

- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*”.
- The Ontario Building Code

E. Attached

N/A

F. Review Cycle

This building bulletin will be reviewed annually by the Chief Building Official.

Greg Miller, BSSO, CBCO, C.E.T.,
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