

TITLE: BYLAW ENFORCEMENT - MANAGEMENT OF RECORDS
POLICY NO. 5.29
APPROVAL DATE: June 27, 1995
AMENDMENT DATE: September 12, 2017

POLICY STATEMENT:

The creation, use, disclosure, and disposition of bylaw enforcement records shall be governed by the following principles.

(1) Creation:

A record shall be kept of enforcement action when there is an identifiable complainant, including the municipality itself, regarding a perceived or real infraction of a regulatory bylaw. The record may contain the following information collected explicitly for law enforcement purposes:

- Date, time, property location and nature of the complaint.
- Name, address, and telephone number of the complainant.
- Owner(s) of property.
- Occupant(s) of property.
- Bylaw Enforcement Officer(s) involved.
- Log of enforcement actions.
- Resolution date and time

(2) Use:

The information in the record shall only be used for purposes of:

- (a) responding to complaints regarding alleged bylaw infractions;
- (b) investigating the validity of a complaint;
- (c) enforcing, if required, the respective bylaw(s); and,
- (d) compiling information to report or evaluate appropriate enforcement actions.

(3) Disclosure:

Access requests to bylaw enforcement records must be made in writing to the Office of Primary Responsibility (OPR). The following summary information is routinely available:

- Date of the complaint.
- Nature of the complaint.
- Property location of complaint.
- Bylaw Enforcement Officer(s) involved.
- Outcome.

A full copy of a complaint file may be obtained through a Freedom of Information and Protection of Privacy request through the Clerks department. Personal information that is reasonably capable of identifying a particular individual either alone or when combined with information available from other sources, where the information reasonably permits identification of the individual to those seeking to collect, use or disclose it, will not be released.

Pursuant to Section 15(1)(d) of the *Freedom of Information and Protection of Privacy Act* the City will not reveal the identity [complainant name, personal information of the complainant or information that reasonably permits the identification of the complainant] of a confidential source of law enforcement information. Personal information recorded about an identifiable individual, including the complainant and alleged violator shall be kept confidential unless written consent for disclosure is received from that person.

(4) **Disposition:**

Bylaw enforcement records shall be maintained for a period of seven years by the OPR after a case is closed. Records which document precedents or protect the legal rights and obligations of the municipality shall be retained permanently in the archives and the remainder destroyed in accordance with procedures outlined in the City of Maple Ridge Records Management Manual.

PURPOSE:

To set a policy for managing bylaw enforcement records in compliance with both the access and privacy provisions of the *Freedom of Information and Protection of Privacy Act*

DEFINITIONS:

Bylaw Enforcement Record: A record containing information created or collected by the municipality for purposes of conducting a law enforcement investigation or proceeding

Confidence/Confidential: Information supplied to the municipality with the understanding that the information will not be disclosed without the written consent of the source.

Disclose/Disclosure: To reveal, show, expose, provide copies of, sell, give or state personal or general information from records under the custody or control of the municipality.

Disposition: The length of time records are to be retained and the method of disposal (i.e., the physical destruction of records).

Enforcement Action: The investigative activities undertaken in response to a perceived or real infraction of a regulatory bylaw.

Office of Primary Responsibility (OPR): The office or section which is the main custodian of the master record, record copy, or information for the department responsible for bylaw enforcement.

Personal Information: Recorded information about an identifiable individual as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*.

Use: The purposes for which information is obtained or compiled by the Municipality.