

Town of Portugal Cove-St. Philip's

**Application Documents Release Policy**

Pursuant to the authority vested in the Town Council of Portugal Cove- St. Philip's, the following policy was adopted on January 21, 2025.

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**1.0 TITLE**

1.1 This document shall be known and cited as the Application Documents Release Policy

**2.0 INTERPRETATIONS**

- 2.1 "**Application Forms**" shall mean the Town's Building and Development Application or Business Development Application.
- 2.2 "**ATIPPA**" shall mean the Access to Information and Protection of Privacy Act, 2015, as amended.
- 2.3 "**Coordinator**" shall mean a staff person(s) designated by the Head of ATIPPA in accordance with Section 110 of ATIPPA.
- 2.4 "**Council**" shall mean the Town Council of Portugal Cove – St. Philip's.
- 2.5 "**Head of ATIPPA**" shall mean the head of a local public body as per ATIPPA.
- 2.6 "**Public Forum**" shall mean a public meeting of the Planning and Development Committee or a public meeting of Council.
- 2.7 "**Supporting Records**" shall mean documentation submitted by an applicant to accompany an application form to either receive an approval in principle or permit from the Town. Examples of *Supporting Records* include surveys, plot/concept plans, building plans, supplementary correspondence, etc.
- 2.8 "**Town**" shall mean the Town of Portugal Cove – St. Philip's.

**3.0 POLICY STATEMENT AND SCOPE**

- 3.1 The Town of Portugal Cove-St. Philip's is committed to upholding residents' fundamental right to access information in compliance with ATIPPA. This Policy will guide the release of records related to application forms and supporting records submitted to the Planning and Development Department, in accordance with ATIPPA, ensuring transparency and accessibility for residents. The measures within this Policy will ensure that while the Town remains transparent, sensitive and private information is appropriately safeguarded.
- 3.2 Application forms and/or supporting records shall be released (in accordance with ATIPPA) when:
  - (a) The application form and/or supporting records are required to be released by ATIPPA;
  - (b) The application requires public notice in accordance with the Town's Municipal Plan 2014-2024, Development Regulations 2014-2024, or motion of Council (for

example new subdivisions, discretionary uses, variances, etc.) that has been distributed to area property owners, advertised in a local newspaper, and/or posted on the Town's website prior to discussions at a public forum;

- (c) The application has been discussed in a public forum; or
  - (d) The Head of ATIPPA authorizes the release of information prior to public notice or discussion in a public forum.
- 3.3 The following shall not be released:
- (e) In accordance with Section 40 of ATIPPA, which protects personal privacy, details such as personal addresses, phone numbers, or your opinions, that are not relevant to the public interest;
  - (f) In accordance with Section 39 of ATIPPA, third-party information such as proprietary business data (where the responsibility of proving that the information should not be disclosed lies with the third party);
  - (g) In accordance with Section 29 of ATIPPA, any policy advice or recommendations. This may include advice, proposals, recommendations, analyses, policy options, and the contents of formal research or audit reports;
  - (h) Internal building plans as the Town determines this to be an unreasonable invasion of personal safety, privacy, and security; and
  - (i) Matters discussed during the closed meeting portion of a public forum meeting (items covered under Section 41 of the *Towns and Local Service Districts Act*).
- 3.4 This policy does not apply to Access to Information Requests submitted using the request form by the ATIPP Office.

#### **4.0 APPLICATION**

- 4.1 This Policy shall be binding on all parties including Council, Town staff, and the general public.

#### **5.0 POLICY PROCEDURE**

- 5.1 A request for application information and/or supporting records from the general public shall be submitted to the Town in writing.
- 5.2 When a request is received, the staff person who received the request shall forward the requested document(s) to the Coordinator.
- 5.3 The Coordinator shall review the requested documents for required redactions in accordance with ATIPPA.
- 5.4 The Coordinator shall provide the staff person who received the request with the documents that may be released (including any required redactions).
- 5.5 The staff person who received the request shall forward the documents received from the Coordinator to the person who requested it.

**6.0 REPEALS OF PREVIOUS POLICIES AND AMENDMENTS**

6.1 None.

**7.0 AMENDMENTS**

7.1 None.

**8.0 INITIAL EFFECTIVE DATE / RESOLUTION**

8.1 Date effective: January 21, 2025 Motion #: 2025-012.