

Type of Decision									
Meeting Date	Friday, December 4, 2009				Report Date	November 30, 2009			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	x	Information Only			Type of Meeting	X	Open		Closed

REPORT TITLE
Policy and Guidelines for Divulging Personal Information over the Telephone 04/12/09/205

Subject: Divulging personal information over the telephone to ratepayers, real estate agents and lawyers.

RECOMMENDATION: That Council adopt the following resolution and policy providing direction to office staff regarding sharing information about property taxes.

WHEREAS office staff is routinely being contacted for information about the taxation of private properties from various individuals;

AND WHEREAS there is currently no definitive direction for staff in divulging tax information to ratepayers over the phone, to real estate agents or to lawyers;

THEREFORE BE IT RESOLVED that the following policy be adopted as presented providing direction to staff in addressing requests for information about taxes owing and annual taxes payable.

Background/Executive Summary: We have an obligation to notify ratepayers of the amount of taxes owing on their properties annually. We mail tax bills to each address on file. Occasionally, and normally during income tax time or when considering a land sale, property owners require additional information. Currently there is no policy governing procedure.

We also have other individuals, real estate agents and occasionally lawyers requesting taxation information. As the roll book is a public document, anyone is allowed to view it. You may not however; copy it. Also the tax rates are public and are posted on our website. If any individual would like to know how much tax any other property owner owes each year, they may look at the roll book, then the tax by-law, do the calculation and figure it out. This would give anyone the amount of taxes being charged for any property. This is public knowledge. The challenge is with the amount of taxes currently owing on a property. This would be considered private financial information under the MFIPPA and we need to protect it.

We have had instances in the past where what staff thought was a close family member was given information about someone else's taxes. We subsequently learned that we should not have divulged that information. Also, in the past, with a small community, people knew each other's voices so giving the information over the phone to the ratepayer was common practise. Now however, with new staff and new residents, we cannot be sure that we know who is getting the information; hence our request for a formal policy.

Normally, when there is a sale of land, the lawyer requests a tax certificate (which traditionally has been \$25) for final disbursements on closing. This certificate tells what is actually owing on the property and includes past due taxes. This is where we can get in trouble by divulging this personal information to anyone other than the ratepayer. Although we are a small municipality, the requests for this type of information occur frequently.

Policy:

“POLICY

To establish what information can be divulged to real estate agents, lawyers, property owners and others regarding tax information or any other information that might constitute an unjustified invasion of personal privacy considering provincial and federal laws concerning the protection and privacy of information.

GUIDELINES

1. If a ratepayer or mortgage company requests any information pertaining to their tax bill, they must come into the office in person with appropriate identification if needed. If the individual is unable to come into the office we will accept a letter, original or faxed, signed by the ratepayers requesting the information required and authorizing the release of that information to another person.
2. This service will be provided at no fee.
3. Staff can advise that the roll book is a public document and is available for viewing and that our tax rates are posted on-line, however; the individual would need to come to the office to view the tax roll. It is not up to staff to locate the information or to provide the calculation.
4. Lawyers, or others, acting on behalf of the property owner making requests for the amount of taxes actually owing on any property will have to make a formal request for a tax certificate accompanied by the fee of \$25.
5. Individuals other than lawyers will have to provide staff with written authorization to obtain personal information.”

We have surveyed County municipalities and have included the results.

In summary, out of the 9 emails sent only 4 municipalities give information over the phone to the property owner.

Out of the 9 municipalities 7 give the assessment and tax rate to real estate agents so as they can do the multiplication to figure out the taxes for the year.

Approved and Recommended by the Clerk

Prepared by: **Tracy Pearce**

Municipal Clerk: *Melinda Reith*