



Staff Report for Committee of the Whole Meeting

Date of Meeting: December 5, 2016

Report Number: SRCFS.16.047

Department: Corporate and Financial Services

Division: Office of the Clerk

Subject: Access and Privacy Policy

Purpose:

To recommend the adoption of an Access and Privacy Policy to enhance the Town's compliance with the *Municipal Freedom of Information and Privacy Act*.

Recommendation(s):

- a) That Staff Report SRCFS.16.047 be received.
- b) That the proposed Access and Privacy Policy, attached as Attachment A to staff report SRCFS.16.047, be approved.
- c) That the Town Clerk be authorized to make amendments to the Access and Privacy which will, in the Town Clerk's opinion, better align the policy with the *Municipal Freedom of Information and Privacy Act*, including decisions and best practice recommendations of the Information and Privacy Commissioner of Ontario.

Contact Person:

Ryan Ban, Manager, Records and Information Management, Extension 5547

Submitted by:

David Dexter
Acting Commissioner of Corporate and Financial Services

Approved by:

Neil Garbe
Chief Administrative Officer

Background:

Access to government held records and information is an essential and important democratic right for Canadian citizens and residents. It ensures that institutions are held to account and the decisions made are transparent to the public. The protection of personal information collected by government institutions is also a fundamental democratic right. To maintain the confidence of its citizens, public institutions need to ensure that any personal information they collect is kept secure and private, and used only for the purpose it was collected for originally.

The Town is subject to the provisions contained in the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (“MFIPPA” or the “Act”). MFIPPA enhances the accountability and transparency of the Town. Section 1 of MFIPPA states that:

- “1. The purposes of this Act are,
- (a) to provide a right of access to information under the control of institutions in accordance with the principles that,
 - (i) information should be available to the public,
 - (ii) necessary exemptions from the right of access should be limited and specific, and
 - (iii) decisions on the disclosure of information should be reviewed independently of the institution controlling the information; and
 - (b) to protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information.

MFIPPA came into force in 1991. The Town has been complying with the dual purpose of the Act by providing the public with access to information in response to Freedom of Information (FOI) requests, as well as implementing collection, use and disclosure procedures related to personal information on an as-needed-basis. The Town does not, however, have a policy framework that is capable of enhancing our responsibility to provide access to information and protect personal information beyond those rules set out in MFIPPA.

On October 24, 2016, Council adopted a new Accountability and Transparency Policy. This policy includes the following principle:

- “Council and staff will follow these guiding principles in the development of policies, practices and processes related to all aspects of operations:
- Open access to information regarding Town policies, practices, reports, and decision making processes in keeping with the *Municipal Freedom of Information and Protection of Privacy Act* and other relevant legislation and regulations.”

In keeping with this principle, staff are recommending the adoption of the proposed Access and Privacy Policy (Attachment A). The proposed policy will enhance the

Town's openness and transparency, and better align the Access and Privacy Program with the Accountability and Transparency Policy.

This proposed Access and Privacy Policy is a necessary tool to renew the Access and Privacy Program and move the Town beyond mere compliance with MFIPPA. It is based on best practices in the industry, and is designed to ensure an efficient, robust, systematic and proactive approach to access and privacy issues. It does so by establishing the following key general principles:

1. A commitment to open and transparent government in the management of records and information;
2. A commitment to implement best practices in access and privacy; and
3. Accountability in how the Town manages personal information.

In line with these principles, the policy commits staff to the ongoing development of best practice procedures that:

1. Promote routine disclosure/active dissemination of records and information;
2. Protect personal information; and
3. Align program costs to MFIPPA rules and principles.

If adopted by Council, staff will create procedures to revitalize the Access and Privacy Program based the policy principles and policy rules. As a first step, for example, staff will be implementing a Routine Disclosure Procedure starting on January 1, 2017. The Routine Disclosure Procedure will ensure that, wherever possible, classes of records and information are made available to the public without the need to submit a formal MFIPPA FOI request. Routine Disclosure is a best practice that is regularly recommended to municipalities by the Information and Privacy Commissioner of Ontario. Staff will also use the Access and Privacy Policy as a guiding document in the development of the Town's new Records and Information Management Program through the recently approved Records and Information Program capital project.

Financial/Staffing/Other Implications:

There are no financial implications from the adoption of the recommendations in this report. This policy is, however, consistent with the approved 2017 Tariff of Fees By-law (By-law No. 95-16), which includes fees for Routine Disclosure of Records that is consistent with the principles and rules of this policy.

Relationship to the Strategic Plan:

The implementation of this Policy will ensure that the Town continues to be transparent with its records and accountable for its use of personal information. This is in keeping with Goal One of the Strategic Plan, Stronger Connections in Richmond Hill, specifically by "keeping lines of communication open" and "[improving] access to local information and services". Additionally, the implementation of the proposed policy supports Goal

Four, Wise Management of Resources in Richmond Hill, by ensuring the ongoing development of an efficient Access and Privacy Program.

Conclusion:

The proposed Access and Privacy Policy aligns the Town's Access and Privacy Program with the recently adopted Accountability and Transparency Policy. With the implementation of the Access and Privacy Policy, the Town will be able to enhance its compliance with MFIPPA, as well as develop an efficient, robust, systematic and proactive approach to access and privacy issues.

Attachments:

- Attachment A – Access and Privacy Policy

Report Approval Details

Document Title:	Staff Report - Access Privacy Policy - v6 - FINAL.docx
Attachments:	
Final Approval Date:	Sep 7, 2017

This report and all of its attachments were approved and signed as outlined below:

Tina Arbuckle - Sep 7, 2017 - 3:09 PM