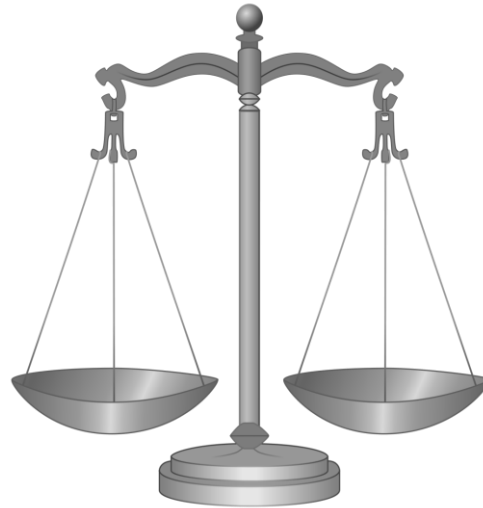


Managing Information and Protecting Privacy



Council Orientation 2019

COW April 1, 2019 COW-03-19
File# 180-04-01

Why this is important

IPC Orders the Release of Email Sent From City Councillor's Personal Account

Former Dalton McGuinty chief of staff sentenced to four months in jail over deleted gas-plants records

Lethbridge mayor calls councillor a 'moron' in leaked email exchange



Chris Spearman says harsh conversation was intended to be private

More than 2,000 people affected by privacy breach: City of Guelph

B.C. attorney general taking Nanaimo city councillor to court over privacy breach

What is a record?

- “any record of information **however recorded**, whether in printed form, on film, by electronic means or otherwise.”

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

- Information that provides **evidence of action, service or decision**, regardless of format.
- The output of a **process or service**.
- Information with **legal, financial, business or historical value**.

Who is Responsible for Records at COB?

Official Authority for Records & Information

- City Clerk (aka “Head” under MFIPPA)
 - Manager of Records and Information (Access & Privacy Coordinator; Information Management & Archives Coordinator; Records & Information Assistant)

Members of Council

- Responsible for Corporate records (City Business)

Departmental Authority: Director/Manager

- Responsible for departmental/divisional records
- Final approval for disposition of records



Employees

- Organize records in a manner that facilitates efficient and effective retrieval of information

Corporate or Constituent?

Constituent Record

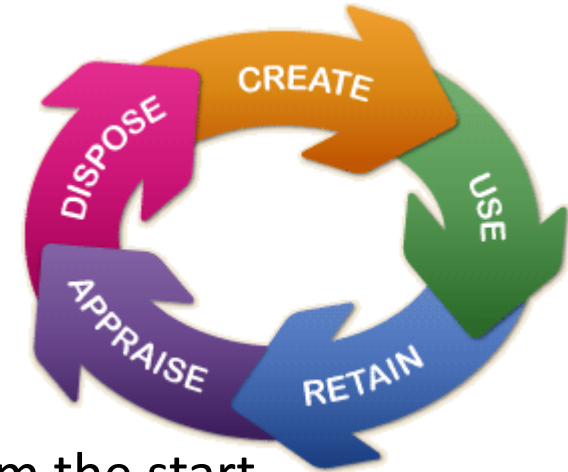
- Not subject to MFIPPA
- Example: email from constituent about a tree on their property



Corporate Record

- Accessible under MFIPPA
- Under the *Municipal Act*, the Mayor is considered an Officer of the Corporation and MFIPPA applies to its records
- Example: email from a constituent about a tree – forward to RPF staff
- Example: Museum Board minutes on your personal devices
- Keep in accordance with the Retention Schedule

Best Practices



How to Manage Effectively

- Assistants
- Keep records separate from one another from the start
- Importance of safeguarding confidential and records containing personal information
- Retention Schedule

Awareness

- Ongoing training is offered to all staff for managing records, both paper and electronic.
- Manual and Guides

Retention Schedule

General Correspondence

Records of correspondence between the City of Burlington, local stakeholders, levels of government, associations, citizens and stakeholders, with a short-term value, not leading to the preparation of a subsequent record or provision of service, unrelated to an ongoing matter.

Includes

Letters, memoranda, mail logs, email and other correspondence that does not lead to a decision, action or completion of service, regardless of format; correspondence provided by other municipalities to the City for information purposes only.

Excludes

Correspondence and/or emails that lead to a critical business decision, action, process or completion of service. Also excludes the “correspondence” section of larger files that may exist for particular projects or ongoing issues.

Office Responsible for Retention and Disposition of Original Records

Department Director.

Retention Timeline



Citations

Government of Canada, Retention Guidelines for Common Administrative Records of the Government of Canada, [General Administration Function](#).

Common Record Series

Record Series	Retention Period
General Correspondence Letters, memoranda, mail logs, email and other correspondence that does not lead to a decision	1 year
Staff Committees and Collaboration - Local boards Agendas, minutes, meeting notes, action items, Terms of Reference, membership lists, presentation materials, reports and recommendations	1 year
Issue Resolution Records of public inquiries and complaints, received through all available channels including in person, telephone, website inquiries, email, social media, and online	2 years
Budget Development Budget working papers, financial analyses, reference documents and other related materials used as rationale for current and capital budget planning purposes	2 years



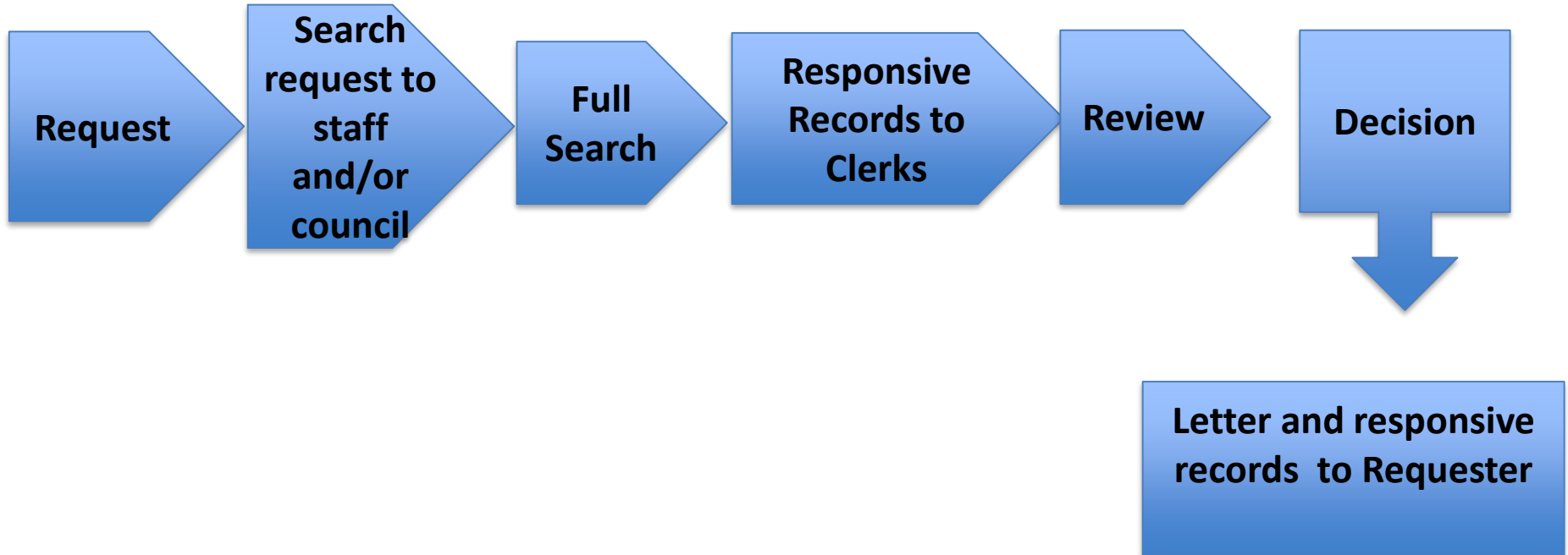
Principles of Access and Privacy

Municipal Freedom of Information and Protection of Privacy Act
(MFIPPA – Provincial legislation)

- Governs how the city manages information
- collection, storage, use, disclosure, access, retention and disposal of personal information
- Information should be available to the public;
- Grounds for denying access should be necessary, limited and specific;
- Disclosure decisions should be independently reviewed (IPC);
- Personal privacy must be protected – about themselves and to provide individuals with the right to access that information

Freedom of Information Requests

Process:



Dashboard - COB

- 61 requests in 2015
- 68 requests in 2016
- 115 requests in 2017
- 131 requests in 2018
- 1 IPC Order against COB in 2015
- 1 Appeal to IPC in 2016 (ongoing)
- 14 appeals to IPC in 2017 (ongoing)
- 4 appeals to IPC in 2018 (ongoing)
- Requests to nearly every service area
- COB meets legislated timelines 100%
- Request volume is increasing across Ontario



Corporate Privacy Policy

Protection of Privacy and Confidentiality of Information

- Ensure the protection of personal and confidential information and how it's collected, retained, used, disclosed and disposed of by the City of Burlington.
- Establish Privacy Impact Assessments (PIAs) usage to assure the public that the city builds privacy protective measures into its services, programs, technologies, and/or systems.
- Establish investigation and reporting for privacy breaches.
- All breaches should be reported to the City Clerk

Collection of Personal Information

- Must have the legal authority to collect personal information
- Collection must be expressly authorized by law or statute; or
- Used for the purpose of law enforcement; or
- Necessary to the proper administration of a lawfully authorized activity.
- Must collect the information directly from the individual
- Must provide notice of collection
 - Example: *“The personal information collected on this form is collected under the authority of the Municipal Act and will be used to determine eligibility for lottery licensing within the Municipality. Questions about this collection should be addressed to the Manager of Licensing at 519-555-5555.”*

Personal Information - MFIPPA

Personal information is any recorded information that can identify an individual, including (but not limited to):

- Name, race, age, sex, marital status
- Education, medical, employment, criminal history
- Number or symbol assigned to individual
- Address, telephone number, personal email address
- Opinions or views of the individual

Not Personal.....

- business information
- professional/official information
- about a property

Legislative Obligation

Municipal Act - Records

- Secure and accessible manner
- Retain and preserve records
- Retrieved within a reasonable time frame
- May be destroyed if,
 - Retention period has expired
 - Record is a copy of the original

Legislative Obligation

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

- Governs how the city manages information
- collection, storage, use, disclosure, access, retention and disposal of personal information

Public Sector and MPP Accountability and Transparency Act (Bill 8)

- Offences for the willful destruction of records
- Record keeping and record retention obligations
- Offence of altering, concealing or destroying

Legislative Obligation

Information Privacy Commission of Ontario (IPC)

- Provincial regulator for compliance - provide oversight of rules
- Order PO-3035 - “records should be kept in a consistent and easily searchable manner”

Corporate Contacts

Angela Morgan, City Clerk – *Municipal Act*, designated “Head” under
MFIPPA

Andrea Holland, Records & Information Manager

Twyla Nicholson, Access & Privacy Coordinator

Lesley Simpson, Information Management & Archives Coordinator

Ginette Wright, Records & Information Assistant

Thank-you

