

Ref: 2008-MM24.19

September 30, 2008

EXECUTIVE COMMITTEE:

City Council on September 24 and 25, 2008, referred the following Motion to the Executive Committee:

MM24.19 To Discontinue the Practice of Providing Confidential Information to Members of Council

Moved by Councillor Moscoe, seconded by Councillor Jenkins

SUMMARY:

The Privacy Commissioner for the Province of Ontario has expressed the opinion that Members of Council are not considered to be officers of the Corporation of the City of Toronto and, as such, are not to be trusted with confidential information.

In the regular course of business, the City of Toronto currently provides confidential documents attached to City reports to Members of Council. These are provided on purple paper and are designed to assist Councillors to better do their jobs. In fact, this year to date, the Clerk's Office has used 108,200 sheets of purple paper for printing confidential reports for Council and Committee meetings.

If we are to accept Madam Cavoukian's determination that Members of Council are not to be trusted with confidential information, we then have an obligation to immediately cease the practice of providing confidential information to Members of Council.

RECOMMENDATIONS:

1. That City Council instruct the City Clerk to immediately end the practice of providing confidential information to Members of Council, Committees of Council and the Council in general.

2. That the use of purple paper be prohibited at City Hall.
3. That decisions that require the consideration of confidential information be delegated to staff and, where permissible, be documented in the Minutes of Council.
4. That prior to the close of each Council meeting, Council enact a "rubber stamp" By-law that will automatically adopt those confidential recommendations that Council has delegated to staff.
5. That, in future, confidential information that is required to be conveyed at the staff level be passed from person to person verbally, preferably in whispered tones.

Council also considered a Fiscal Impact Statement (September 23, 2008) from the Deputy City Manager and Chief Financial Officer.

for City Clerk

M. Toft/cd

Attach.