



STAFF REPORT ACTION REQUIRED

Opinion Regarding Council Member “Read Only” Access to the Integrated Business Management System (IBMS)

Date:	April 8, 2008
To:	Government Management Committee
From:	City Solicitor
Wards:	ALL
Reference Number:	

SUMMARY

The purpose of this report is to transmit the outside legal opinion obtained by the City Solicitor as directed by City Council with respect to maximizing access to information by members of the public and members of Council while maintaining compliance with the *Municipal Freedom of Information and Protection of Privacy Act*.

RECOMMENDATIONS

The City Solicitor recommends that:

1. The legal opinion of George H. Rust-D’Eye of WeirFoulds LLP, contained within Attachment 1 – Outside Legal Opinion Regarding Council Member “Read Only” Access to the Integrated Business Management System (IBMS), be received and forwarded to City Council for its information and consideration.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

If Council chooses to implement the recommendation to expedite the technological solution, there will be financial and staffing implications. A further report outlining an implementation plan and its impact on the 2009 Budget would be required.

DECISION HISTORY

At its meeting on September 26 and 27, 2007, City Council considered recommendations from the Government Management Committee respecting “Read-Only” access by members of Council to the Integrated Business Management System (“IBMS”), Item No. GM 7.1. Council had before it a staff report dated May 28, 2007 from the City Manager, regarding the feasibility of allowing councillors and their staff "read only" access to IBMS. (<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6417.pdf>) On the basis of the above, City Council at its meeting on September 26 and 27, 2007, adopted the following motions:

1. Council receive the report (May 28, 2007) from the City Manager, for information.
2. Council endorse the principles recommended by the Licensing and Standards Committee with regard to by-law and provincial statute investigations [Item LS7.1].
3. Council direct the City Manager to commission a legal opinion from a law firm with respect to the right to access to information by:
 - a. Members of the public; and
 - b. Members of Council,such law firm to be determined by the City Solicitor based on proven expertise in municipal and privacy legislation.
4. The report advise what adjustments to City policies and practices will be necessary to maximize access to information by these groups, at the same time, remaining within the intent of the MFIPPA legislation, as well as placing sufficient limits to avoid prejudicing bylaw and provincial statute investigations.
5. Funds for the report be provided within the existing Legal Services divisional budget.
6. The report include comment on the feasibility of requesting the Province to amend the City of Toronto Act to change the role and status of Members of Council.

COMMENTS

In response to the motions adopted by City Council at its meeting on September 26 and 27, 2007, George H. Rust-D'Eye of WeirFoulds LLP, Barristers and Solicitors was retained to provide the requested opinion based upon the proven expertise of outside counsel in relation to municipal and privacy legislation.

The opinion of Mr. Rust-D'Eye provides legal advice and recommendations with respect to the right to access information by members of the public and members of Council, as well as comments on the feasibility of requesting the Province to amend the *City of Toronto Act* to change the role and status of members of Council. The full opinion of Mr. Rust-D'Eye is contained in Appendix 1 which is attached to this report.

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SIGNATURE

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City Solicitor

ATTACHMENTS

Attachment 1 – Outside Legal Opinion Regarding Council Member “Read Only” Access to the Integrated Business Management System (IBMS)