

Authority: Government Management Committee Item 32.7,
as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

CITY OF TORONTO

BY-LAW No. 1053-2014

To amend City of Toronto Municipal Code Chapter 169, Officials, City, with respect to certain responsibilities of the City Clerk.

Whereas section 49 of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* provides that the City may, in writing delegate a power or duty granted or vested in the head, as defined in that Act to an officer or officers of the City; and

Whereas the City Clerk has previously been delegated the responsibility to exercise the powers and duties of the head under *Municipal Freedom of Information and Protection of Privacy Act* on behalf of the City; and

Whereas it is necessary to amend Chapter 169, Officials, City, of The Toronto Municipal Code to provide for an alternative delegated head in circumstances where the delegated head is unable to exercise the powers and duties of the head, in accordance with recommendations from the Information and Privacy Commissioner (Ontario); and

Whereas it is necessary to amend Chapter 169, Officials, City, of The Toronto Municipal Code to improve readability and reflect the terminology of previously approved administrative reorganizations;

The Council of the City of Toronto enacts:

1. Municipal Code Chapter 169, Officials, City, is amended by adding the following as § 169-13:

§ 169-13. Information and records management.

- A. The City Clerk shall set objectives for the management of information and records.
 - B. The City Clerk shall consult with other City divisions, and develop the framework of policies, standards, procedures, programs, and systems needed for the effective and efficient fulfillment of objectives for the management of City information and records.
2. City Council hereby confirms, in writing, the delegation to the City Clerk of the powers and duties of the head set out in the *Municipal Freedom of Information and Protection of Privacy Act*, by amending Municipal Code Chapter 169, Officials, City:
 - A. by replacing the current § 169-14 with the following:
 - A. Subject to Subsection B, City Council hereby delegates to the City Clerk the powers and duties of the head set out in the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), and the City Clerk

shall exercise all of the powers and duties granted or vested in the head of the City under MFIPPA for the City;

- B. Where the City Clerk is aware of a situation where the City Clerk is unable to exercise the powers or duties of the head, the City Manager, upon notification from the City Clerk, shall be empowered, as an alternate, to exercise those powers and perform those duties.

- B. by replacing the current § 169-68B(3) with the following:

- (3) In the event a power or duty under the *Municipal Freedom of Information and Protection of Privacy Act* has previously been delegated to an official, employee or body of the former municipalities, other than the Clerks of the former municipalities, then the City Clerk shall be empowered to exercise those powers and perform those duties.

Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)