

Protecting the Security of Confidential Attachments to Council and Committee Reports

Date: March 12, 2024
To: General Government Committee
From: City Clerk
Wards: All

SUMMARY

At its meeting on February 13, 2024, the General Government Committee requested the City Clerk, in conjunction with the Chief Technology Officer and the Chief Information Security Officer, to report back to the General Government Committee regarding options and opportunities to enhance City Technology and protect confidential documents.

The City Clerk provides Members of Council and authorized City staff access to confidential attachments to Committee and Council agenda items via a secure log-in based application. The application incorporates robust protections and cyber security measures to prevent unauthorized access or inadvertent disclosure of confidential documents. The City Clerk asserts that this technology adheres to best practices in document security, access controls, encryption, and satisfies legislative requirements to securely distribute confidential materials.

The Chief Technology Officer and the Chief Information Security Officer were consulted in the preparation of this report.

RECOMMENDATIONS

The City Clerk recommends that:

1. The General Government Committee receive this report for information.

FINANCIAL IMPACT

There are no financial impacts as a result of adopting this recommendation.

DECISION HISTORY

This report responds to a request of the General Government Committee at its meeting on February 13, 2024. There are no previous Council or committee decisions that informed this report.

COMMENTS

Confidential information in Committee and Council reports is kept to a minimum

Staff reports prepared for Committee and Council are public documents. Report summaries and recommendations are published on the City's website at [toronto.ca/council](https://www.toronto.ca/council). Full reports are available as pdf background attachments to agenda items.

Where confidential information is provided as part of a staff report, it is contained in a separate attachment to the report. Information which is captured by one or more exemptions under sections 6 to 15 of the [Municipal Freedom of Information and Protection of Privacy Act](#) (MFIPPA), may be considered confidential, and reported in a separate attachment to the staff report. Confidential attachments to reports or confidential information disclosed during a closed session of a Council or committee meeting is not subject to routine disclosure by City business units and in most cases, cannot be obtained via a Freedom of Information Request.

City Council, or the appropriate Committee, must decide on the disposition of the confidential information provided to it, including determining when and under what circumstances confidential information will be made public. When confidential information is made public, the agenda item is updated on the City's website. The City Clerk also maintains a log of the status of confidential information at <https://www.toronto.ca/city-government/council/council-committee-meetings/release-of-confidential-information>

A secure log-in based application gives access to confidential materials to Members of Council and authorized City officials

Since 2019, secure digital access to committee and Council confidential agenda materials has been provided to Members of Council and authorized City officials via a secure log-in based application. Before its launch, the application underwent thorough cyber security assessments, including a privacy impact assessment screening and a vulnerability assessment. Identified vulnerabilities were addressed in the final design prior to implementation.

Members of Council and a limited number of senior City officials, by right of office or role at committee or Council, have access to confidential agenda materials. The City Clerk is diligent about expiring access of City officials who have changed roles or left the employ of the City of Toronto.

Access to confidential agenda materials for decision bodies with public members are managed in multiple ways

Local boards are considered separate institutions for the purposes of MFIPPA. Therefore, board records, including confidential attachments to staff reports are under the custody or control of the board or agency officials, not the City of Toronto.

Local boards not supported by the City Clerk have their own systems for distributing confidential material to board members.

Where the City Clerk is designated as the Board Secretary to a local board, access to confidential material is provided to only the Members of Council who are members of the local board.

When required, confidential agenda material is provided to public members of these decision bodies using secure file transfer software, which encrypts files and ensures that only authorized recipients can access them.

Members of Council and City staff are expected to adhere to the Code of Conduct for Members of Council and the Toronto Public Service By-law

No technological measures can completely prevent the disclosure of confidential material by an individual who is determined to do so.

Members of Council are expected to follow the Code of Conduct for Members of Council. Article 5 (Confidential Information) prohibits the disclosure or release of any confidential information acquired by virtue of their office or discussed at a closed meeting of Council or Committee. Members must not try to access confidential information unless it is necessary for the performance of their duties and not prohibited by Council policy. Confidential information must not be used for personal or private gain. Similar provisions are found in the codes of conduct for Members of Local Boards (Restricted Definition) and for Members of Adjudicative Boards. Code of conduct complaints are investigated by the Integrity Commissioner. City Council, or a local board or adjudicative board, may impose penalties on their members if the Integrity Commissioner reports a Code of Conduct violation.

City of Toronto employees and City Agency staff are subject to the Toronto Public Service By-law (Chapter 192 of the Toronto Municipal Code). Article IV of the by-law sets out provisions with respect to Conflict of Interest and Confidentiality. Staff are prohibited from using or disclosing confidential information while employed by the City or after they leave the Toronto Public Service. Individuals who breach confidentiality may be subject to legal action or disciplinary action up to and including dismissal.

CONTACT

Jennifer Forkes. (Acting) Deputy City Clerk, Secretariat, 416-392-7337,
jennifer.forkes@toronto.ca

SIGNATURE

John D. Elvidge
City Clerk

ATTACHMENTS
