

Protection of Accountability Officers' Information Directive

Introduction

Information management in the offices of the Auditor General, Integrity Commissioner, Lobbyist Registrar, and the Ombudsman ("Accountability Officers"), raises unique issues regarding both the independence of their offices and the confidentiality of their information.

The offices of the Accountability Officers were established by by-law in Toronto's Municipal Code (Chapter 3). The offices are directly accountable to City Council and have budgetary, operational and staffing independence. The independence of their office and the confidentiality of information received and generated by Accountability Officers is recognized by both statute and the traditions of representative democracy.

Purpose

This Directive outlines the requirement for City staff to establish appropriate boundaries between information administered by the Accountability Officers and City information. This applies to information in any media and includes information in paper-based and technology systems.

Legislated Independence and Confidentiality

- The *City of Toronto Act, 2006* requires the Ombudsman, Auditor General, Integrity Commissioner, and Lobbyist Registrar to perform their duties in an independent manner. For that reason these Officers report directly to City Council.
 - *City of Toronto Act, 2006*, ss. 159(1), 168(1), 171(1), 178 (1.1).
- Maintaining their records separately from the rest of the City administration enables the Accountability Officers to fulfil their statutory duty of confidentiality of their investigative records.
 - *City of Toronto Act, 2006*, ss. 161(1), 169(3), 173(3), 181(4).

Directive

The City provides both technology and support to the offices of the Accountability Officers. Any technology system or other information management resource or support provided to Accountability Officers by the City must protect the confidentiality of their records and preserve the independence of those offices.

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- Any enterprise technology system that contains records of the Accountability Officers and City staff must allow for the **separation** of the Accountability Officers' records from the records of City Staff.
- In addition, it must allow for the records of one Accountability Officer to be **segregated** from the records of other Accountability Officers.
- This fundamental requirement must be considered at the **planning stage** of the acquisition or implementation of any technology system, (such as the Silverdane email system or the Unified Voice Communications system).

Service Level Agreements or Memorandums of Understanding may need to be developed to document this separation and segregation.

Requirement for Separation of Information

Divisions who provide support or interact with the Accountability Officers should ensure that information related to these offices is kept separate and distinct from information for City divisions.

In addition to this directive, Divisions should follow all protocols, including protocols involving investigative records, developed by the Accountability Officers.

The requirement to separate records of Accountability Officers from City Staff is not new. Separation applies to records in all media, including both paper and digital records and can be achieved in various ways.

For example:

- Separation of Accountability Officers' email was achieved by ensuring a separate server for Accountability Officers' email.
- Separation of Accountability Officers' records in the Unified messaging system was achieved through a third-party agreement.
- A separate procedure is in place for the handling of information requests for the records of Accountability Officers.
- A service level agreement regarding the storage of records held at the City Record Centre is in place.

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Questions to Ask

The following are questions to consider when planning to implement or purchase a technology or paper-based system.

1. Will the technology or system be used by City staff and Accountability Officers?
2. Is there budget set aside to take into account separation and segregation requirements?
3. Is separation and segregation built into the technology through physical (separate databases for example) logical design or other means such as third party agreements?
4. Is this an enterprise financial, human resources or communications system? These systems are most likely to contain both Accountability Officers' and Staff information and will most likely have a requirement for separation and segregation.

Contact

For additional information and assistance, please contact:

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Directive Approval

Signature:

A handwritten signature in black ink, appearing to read 'J. Pennachetti', written over a horizontal line.

Figure 1 - City Manager's Signature

Joseph P. Pennachetti, City Manager

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Date: Nov 5, 2014

Figure 2 - Date signed - November 2, 2014