

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

**An Information Session
by the City Clerk's Office**

March 3, 2017



Fostering a culture of transparency ...

City information:

- belongs to the public
- must be provided to the public, limited by a few exceptions
- should be released proactively and responsibly

Principles of Access and Privacy

- Information is available to the public;
- Grounds for denying access should be necessary, limited and specific;
- Disclosure decisions should be independently reviewed;
- Personal privacy must be protected

What is a City record?

- ◉ Correspondence – memos, letters, email
- ◉ Maps, plans, drawings
- ◉ Electronic/Digital records: video or audio recordings
- ◉ Pin to Pin, BBM and txt messages; Social Media
- ◉ Computer records, i.e. SAP or other database

Mandatory Exemptions

- Section 9 - Relations with Government
- Section 10 -Third Party Information
- Section 14 -Personal Information

Personal Information

- Recorded Information about an identifiable individual
 - Address, phone number, marital status, race, ethnic origin, medical information, financial information, employment history
- Not business information
- Not professional/official information

Collection, Use and Disclosure

An institution may collect personal information

- ◉ As long as the collection is authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity

Collection, Use and Disclosure

An institution may only use personal information

- ⦿ if the person to whom the information relates has identified that information in particular and consented to its use;
- ⦿ for the purpose for which it was obtained or compiled or for a consistent purpose;

Collection, Use and Disclosure

An institution may only disclose personal information

- ◉ With consent of the individual
- ◉ To an officer/employee who needs PI to carry out their job
- ◉ Law enforcement
- ◉ Act of Legislature/Parliament – i.e. Canada Customs & Revenue, WSIB, Coroners

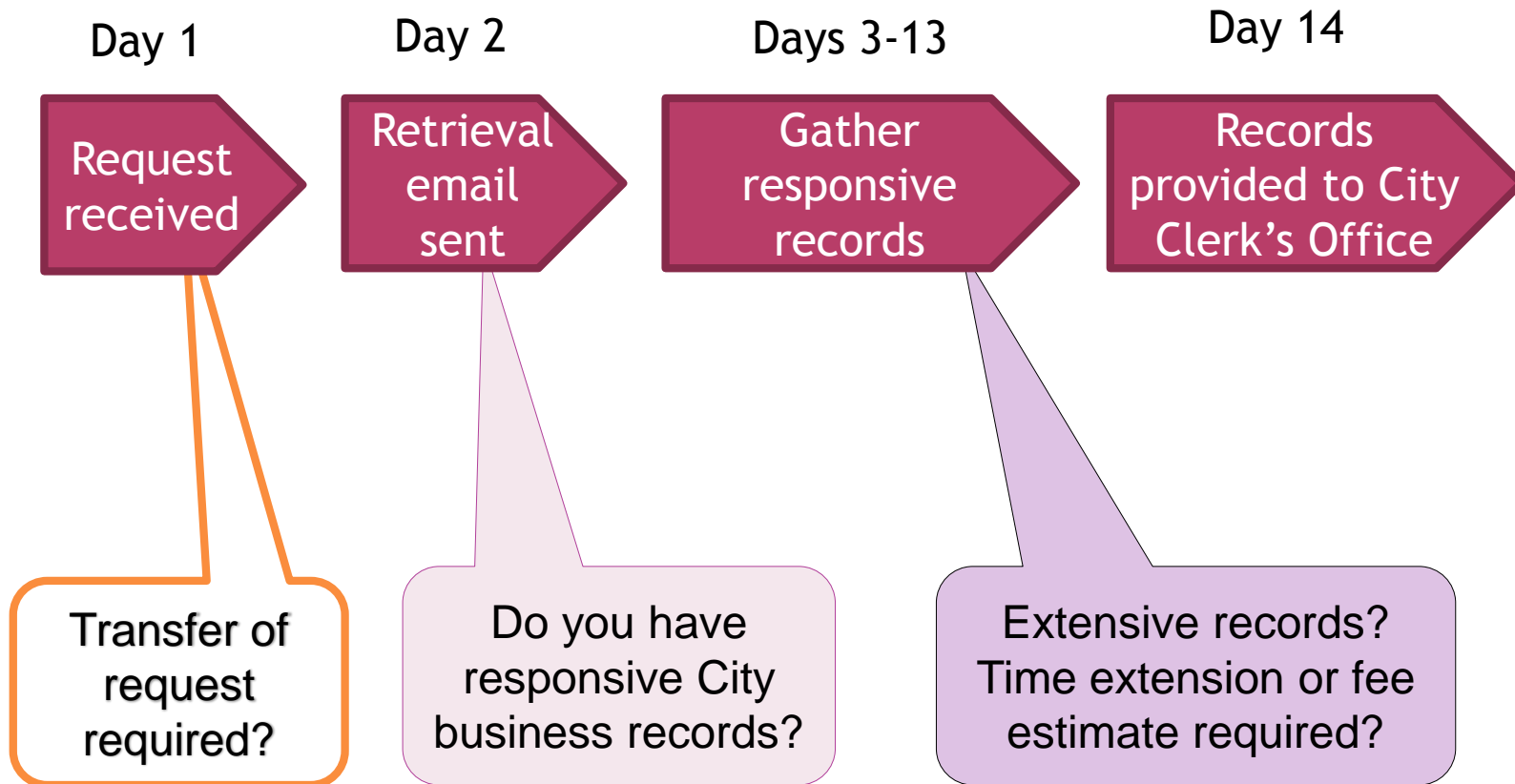
Discretionary Exemptions

- ◉ Draft by-laws, minutes of in-camera meetings
- ◉ Advice or recommendations
- ◉ Law enforcement
- ◉ Economic or other interests (of the City)
- ◉ Solicitor-client privilege
- ◉ Danger to health or safety

Outside the scope of the *Act*

- ◉ Labour relations/investigation records
- ◉ Labour negotiations/collective bargaining records
- ◉ Employment-related matters

FOI Process [1]



FOI Process [2]

Day 14
onward

Involvement of
third party?

Notification to any
affected parties

Line by line
review of the
records

Determine if exemptions
apply – redact or remove
documents as required

Apply
exemptions

Day 30 (or
sooner)

Access
decision

If no decision by day
30, it is a deemed
refusal – appeal
possible

FOI Appeals

- What can be appealed?
 - Time extension
 - Fee estimate
 - Decision (or non decision – deemed refusal)

- What is the appeal process
 - Mediation
 - Adjudication
 - Order
 - Judicial Review

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Thank You.

Questions?