
Subject: Corporate Access to Information and Privacy Protection Policies

Report to: Corporate Services Committee

Report date: Wednesday, August 5, 2020

Recommendations

1. That Corporate Policy C-IMT-003, Information Access and Privacy Protection Policy (Appendix 1 of Report CLK 3-2020), **BE REPEALED**;
2. That the Access to Information and Privacy Protection Policy (Appendix 2 of Report CLK 3-2020) **BE APPROVED**; and
3. That the Personal Health Information Protection Policy (Appendix 3 of Report CLK 3-2020) **BE APPROVED**.

Key Facts

- The purpose of this report is to seek Council's approval of two new corporate policies respecting access to information and protection of privacy.
- These policies put into place requirements based on the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and the *Personal Health Information Protection Act* (PHIPA).
- The current corporate privacy policy C-IMT-003, Information Access and Privacy Protection Policy, was last revised in 2012.
- Recommendation 5 of the Ontario Ombudsman Report "Inside Job", recommended Niagara Region ensure that all officials and employees with access to personal information understand their obligations under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
- The new policies more clearly outline how Niagara Region remains in compliance with Ontario's legislative framework for privacy by creating separate policies for each piece of legislation.
- The new policies provide greater clarity respecting the roles and responsibilities of officials and staff throughout the organization.

Financial Considerations

There are no financial considerations associated with this report.

Analysis

On November 29, 2019, the Ontario Ombudsman released his report titled “Inside Job” respecting the investigation he conducted regarding the process Niagara Region undertook in the hiring of its Chief Administrative Officer. Recommendation 5 of the Ombudsman Report states:

The Regional Municipality of Niagara should ensure that all officials and employees with access to personal information understand their obligations under the Municipal Freedom of Information and Protection of Privacy Act.

The current Information Access and Privacy Protection Policy deals with both provincial privacy laws, MFIPPA and PHIPA. In light of the Ombudsman’s recommendation, the obligations and corporate expectations of both officials and staff could be more clearly defined.

The two new policies being recommended by this report provide additional direction to staff with respect to what they are required to do to remain in compliance with the fundamental principles of the legislation. Additionally, to ensure the understanding of these expectations, Clerk’s Office staff will lead an education campaign throughout the fall of 2020, to ensure all staff are aware of policy changes and their individual obligations as defined therein.

The Access to Information and Privacy Protection Policy (Appendix 2 of Report CLK 3-2020), additionally states the requirements for conducting privacy impact assessments, completing personal information banks, and for the management of privacy incidents and contraventions against MFIPPA.

This policy will allow Niagara Region to be better prepared to:

- Anticipate, identify and prevent privacy invasive events before they occur;
- Build in the maximum degree of privacy into the default settings of Niagara Region’s systems and business practices. Doing so will keep a user’s privacy intact, even if they choose to do nothing;

- Embed privacy settings into the design and architecture of information technology systems and business practices instead of implementing them after the fact as an add-on; and
- Protect the interests of users by offering strong privacy defaults, appropriate notice, and empowering user-friendly options.

The Personal Health Information Protection Policy (Appendix 3 of Report CLK 3-2020), specifically applies to Niagara Region's Health Information Custodians, a role defined by the *Personal Health Information Protection Act*. This policy provides additional guidance to the custodians and their staff with respect to an individual's ability to access their own health records, as well as the roles and responsibilities within the organization that are responsible for ensuring the protection of those records.

Alternatives Reviewed

Council may choose to continue with the current Information Access and Privacy Protection Policy, C-IMT-003. This is not recommended given the age of the policy and the recommendation from the Ontario Ombudsman respecting staff knowledge and understanding of their roles under the *Municipal Freedom of Information Protection of Privacy Act*.

Relationship to Council Strategic Priorities

The recommendations in this report align with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

CAO 17-2019	Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019
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Appendices

Appendix 1 C-IMT-003 (C3.F03) - Information Access and Privacy Protection Policy

Appendix 2 Draft Access to Information and Privacy Protection Policy

Appendix 3 Draft Personal Health Information Protection Policy