
Subject: Information Management Accountability Policy

Report to: Corporate Services Committee

Report date: Wednesday, December 8, 2021

Recommendations

1. That the Information Management Accountability Policy (Appendix 1 of Report CLK 11-2021) **BE APPROVED**.

Key Facts

- The purpose of this report is to seek Council's approval of a new corporate policy respecting accountability for information management.
- This policy puts into place requirements based on the *Municipal Act*, *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and the *Personal Health Information Protection Act* (PHIPA).
- 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 proposed policy formalizes the approach to the accountability for information management at Niagara Region and supports the development and implementation of information management practices regarding information governance, accountability and openness.
- The proposed policy provides greater clarity respecting the roles and responsibilities of leaders and staff throughout the organization with regard to the accountability for the management of information.

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 2016 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.

In light of the Ombudsman's recommendation, the accountability for management of information and corporate expectations of both leadership and staff regarding the management of information, including personal information, should be more clearly defined. The need to formalize Niagara Region's approach and to clarify accountability for information management was identified.

The Information Management Accountability policy was developed and reviewed as a result of a consultation process undertaken with internal stakeholders at Niagara Region. Recommendations and feedback from stakeholder consultations with staff, including members of Public Health, Legal, Public Works, Community Services, Corporate Administration, Corporate Services and Planning and Development Services, as well as members of the Corporate Leadership Team were incorporated in the policy. This proposed policy has been created in accordance with applicable legislation.

The proposed policy will formalize the following concepts at Niagara Region:

- Information will be recognized as a critical corporate asset.
- Information will be managed with the same consideration as other corporate assets, with all employees sharing the responsibility for the appropriate management of information.
- Information management accountability practices will be integrated into business planning and the delivery of services.
- Information management practices will be reinforced through awareness, training and communication.

The proposed policy will serve as the foundation for establishing information as a corporate asset and define accountabilities for information and the roles and responsibilities for those accountabilities, in compliance with the principles of legislation.

The Information Management Accountability policy will also act as a foundation to the establishment of a corporate information governance approach and will support the

development and implementation of information management policies and practices regarding information governance, accountability and openness.

This proposed policy will formalize some of the current work Niagara Region is doing with regard to accountability for information management, but will also allow for the ability to address areas for improvement.

Timely access to accurate information is crucial to the effective operations of Niagara Region. It is an essential component of operations and business activities. Information that is accurate, useable and accessible supports transparent and accountable regional government, and improves the delivery of programs and customer service.

The proposed policy was created to support the following information management accountability objectives:

- Establish principles for information accountability to enable organizational and operation efficiencies.
- Create a foundation to establish a corporate information governance approach.
- Define roles and responsibilities for information accountability.
- Respond to corporate, departmental and division needs.
- Ensure legislative compliance.
- Ensure information does not become a liability due to it not being managed effectively.

With the implementation of the proposed policy, Niagara Region will adopt the following six principles of information management accountability:

1. Information is recognized as a valuable corporate asset that shall be managed to improve openness and transparency in the delivery of Niagara Regional services and programs.
2. Information is governed and managed as a corporate asset.
3. Information and Information systems shall be accessible to the fullest extent permitted by law, in compliance with legislation and subject to privacy and confidentiality restrictions.

4. All employees of the Region shall be responsible for the proper management of information, including the provision of appropriate access, as defined by legislation or corporate policies, to current, accurate and reliable information.

5. Niagara Region shall protect personal information and privacy.

6. Niagara Region shall provide employees with resources and tools required for compliance with the accountability of information.

These principles are meant to guide Niagara Region in the practice and approach to accountability for information management. A more granular approach to the management of content from which information is created, such as data or records, will be defined in policies and approaches specific to those topics, such as records or data management.

To ensure the understanding of these expectations, Clerk's Office staff will lead an education campaign to ensure all staff are aware of this policy and their individual obligations as defined therein.

Alternatives Reviewed

Council may choose to not approve the policy. This is not recommended given the recommendation from the Ontario Ombudsman respecting staff knowledge and understanding of their roles regarding the accountability for information management.

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-XXX (CX.FXX) - Information Management Accountability Policy

<i>Policy Category</i> Information Management and Technology	<i>Name of Policy</i> Information Management Accountability Policy
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Policy Owner	Corporate Administration, Office of the Regional Clerk, Information Management Services, Office of the Regional Clerk
Approval Body	Council
Approval Date	
Effective Date	
Review by Date	

1. Information Management Accountability Policy Principles

Information is data that is processed, interpreted, organized, structured and presented to make it meaningful. Information is data with relevance and purpose.

Information is a critical corporate asset of Niagara Region.

Information shall be managed with the same consideration as other corporate resources, with all employees and elected officials sharing the responsibility for the appropriate management of information.

This policy supports the development and implementation of information management policies, procedures, guidelines and practices regarding information governance, accountability and openness. This policy has been created in accordance with applicable legislation and directs Niagara Region in matters of compliance regarding information.

To ensure information accountability, Niagara Region shall commit to the following six (6) principles:

1. Information is a valuable corporate asset that shall be managed to improve openness and transparency in the delivery of Niagara Regional services and programs.
 - The value of information is rationalized by the ability to derive insight and aide in the decision making process.
 - Information will be created and managed considering its fitness for use by others, planning for reuse and anticipating the organization’s future needs and uses.

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- A culture of collaboration and sharing of information shall be promoted throughout Niagara Region. Information is open by default and protected by exception to achieve privacy and confidentiality where authorized.
2. Information is governed and managed as a corporate asset.
 - Effective management of information shall be included in information governance resources and systems.
 - Corporate decisions and the decision making process shall be documented.
 - Accountability for information management will be clear. Responsibility for management of information will be assigned throughout the information lifecycle. Governance will be supported by a framework of best practices at every stage of the information lifecycle.
 3. Information and Information systems shall be accessible, to the fullest extent permitted by law, in compliance with legislation and subject to privacy and confidentiality restrictions.
 - Access to information adheres to legislative processes and shall be made available to the public to the fullest extent permitted by law.
 - Information will be accessible, accurate, understandable and trusted.
 - There will be a source of truth for information created or consumed by the organization and business decisions will be based upon information that has been identified as the source of truth.
 4. All employees of the Region shall be responsible for the proper management of information, including providing timely access, as defined by legislation or corporate policies, to current, accurate and reliable information.
 - Practice ethical and effective information governance.
 - Employ sound information security practices, protect individual privacy and ensure appropriate access and use.

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5. Niagara Region shall protect personal information and privacy.
 - All employees are responsible for the protection of personal information and privacy.
 - Access to information and privacy protection shall be enabled through technology, where possible.

6. Niagara Region shall provide employees with resources and tools required for compliance with the accountability of information.
 - Promote a culture of continuous and collaborative learning with and about information, cultivating information management fluency and leadership at all levels of the organization.
 - Technology shall be enabled to improve information management.
 - Employees shall receive training on information accountability, privacy and the management of information.

Niagara Region will:

- Integrate information management accountability practices in the delivery of services.
- Integrate information management accountability practices into business planning within every function of Niagara Region.
- Integrate information management accountability awareness, training and communication opportunities to reinforce responsible information management practices throughout Niagara Region.

2. Purpose

Timely access to accurate information is crucial to the effective operations of Niagara Region. It is an essential component of operations and business activities. Information that is accurate, useable and accessible supports transparent and accountable regional government, and improves the delivery of programs and customer service.

Niagara Region is committed to having policies, procedures, guidelines and practices which ensure that information is managed responsibly, securely and legally, and that information is appropriately made available to the public.

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Niagara Region’s Information Management Accountability Policy is created to support the following information management goals:

- A. Leadership, strategic direction, governance and policy are aligned pertaining to matters relating to information management.
- B. Information is open by default, private by design and built for sharing. Information is protected by exception to enable both privacy and confidentiality, as dictated by applicable legislation.
- C. Information is recognized as a corporate asset and must be managed appropriately.
- D. Information is current, accurate and accessible to support the delivery of Niagara Region’s programs and services.

This policy establishes a clear accountability on behalf of Niagara Regional employees and Regional Councilors for the management of information within Niagara Region.

3. Scope

- This Policy applies to any individual or group offering services on behalf of Niagara Region, including:
 - All Regional employees;
 - Elected officials;
 - Any person who offers services on behalf of Niagara Region in the course of a contract, a training period, a co-operative placement, students, volunteers, etc.; and
 - Groups or organizations that have a separate governing body or board (that is not Regional Council) but who may offer services on behalf of Niagara Region.
- This Policy also applies to all Niagara Region employees who access Personal Information, Confidential Information or Personal Health Information via applications operated by external organizations.

Compliance

Failure to comply with this Policy may result in disciplinary action up to and including dismissal.

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Individuals, who intentionally alter, conceal or destroy information for the purpose of denying a right to access a record or information contained in a record, are guilty of an offense and may be fined up to \$5,000.00, as stipulated under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

3.1 Roles and Responsibilities

Chief Administrative Officer:

- Promote openness and collaboration throughout the organization.
- Exercise all responsibilities and duties of the “Head” for the purposes of the MFIPPA and as an alternative to the Regional Clerk, when the Regional Clerk is unable to do so.

Regional Clerk

- Provide oversight of the development and implementation of policies, standards, procedures, guidelines, services, and programs to promote transparency, accountability and the management of information.
- Exercise all the responsibilities and duties of the “Head” for the purposes of MFIPPA.

Chief Information Officer

- Integrate information management requirements into technology architectures, policies, standards and implementations.
- Implement and enable technology solutions that meet the requirements of the Ontario Information & Privacy Commissioner’s *Privacy by Design* and *Access by Design* requirements.

Medical Officer of Health and Commissioner

- Be accountable for the information management practices affecting personal health information in Public Health and Emergency Services, as a Health Information Custodian (HIC) identified in the Personal Health Information Protection Act (PHIPA).

Commissioner of Community Services

- Be accountable for the information management practices affecting resident information in Senior Services, as a Health Information Custodian (HIC) identified in PHIPA.

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Commissioners

- Ensure the management of information in their Division/Department is in accordance with MFIPPA, PHIPA and other relevant legislation and Niagara Region policies.
- Ensure information is available in response to Freedom of Information requests.
- Enable Routine Disclosure, communicate the routine disclosure process to staff and make information accessible to the Public.
- Ensure access to personal information is restricted to those individuals who require access in order to perform their duties and where access is necessary for the administration of their business.
- Ensure the management of records in compliance with the Niagara Region Records Retention Schedule.

Division/Department Leadership

- Promote a culture of openness and transparency internally between Divisions and Departments as well as externally with the public through collaboration and information sharing, while respecting consent, privacy requirements and other confidential obligations.
- Ensure staff practice effective and ethical information management practices and that such practices are evaluated and improved on a regular frequency.

Deputy Regional Clerk

- Develop and implement policies, standards, procedures, services, and programs to promote information, information access, Freedom of Information (FOI) requests and privacy standards.
- Establish privacy standards, guidelines and procedures to ensure the protection of personal information from unauthorized collection and use.
- Oversee privacy and FOI training and awareness campaigns.

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Access and Privacy Office

- Implement policies, standards, procedures, best practices and programs to promote Niagara Region’s privacy program.
- Review practices that have been designed to ensure the protection of personal information from unauthorized collection and use.
- Investigate reports of privacy breaches and communicate findings to complainant.
- Develop, coordinate and deliver privacy training and awareness campaigns.

Manager, Information Management Services

- Develop and implement policies, standards, procedures, services, and programs to promote the Region’s accountability and management of information.
- Provide advice, and guidance on information policies and related matters including the efficient lifecycle management of information.
- Establish or amend Niagara Region’s Records Retention Schedule in accordance with legislative requirements.
- Oversee information management training and awareness campaigns.

All Employees/ Staff

- Understand and comply with information management, records retention, information security, confidentiality and privacy policies, procedures, practices, guidelines and standards.
- Possess a basic understanding of the Records Retention Schedule and its purpose.
- Manage information in a manner that provides accurate and complete evidence of their business transactions and decisions.
- Manage personal information in compliance with Niagara Region’s Privacy Policy.
- Collect, use, manage, disclose and dispose of personal and personal health information within their purview in accordance with the Municipal Act, MFIPPA, PHIPA, and other relevant legislation and Niagara Region’s relevant policies, procedures and guidelines.
- Utilize tools and information management systems implemented by the Corporation when managing and storing information, such as records.

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- Ensure consistency in information management and thoroughness in the management of information that will complete the public record on any projects and programs.
- Create a culture of sharing and transparency by engaging in collaboration and information sharing across Departments and Divisions at the Region.
- Educate any third party groups or organizations that have a separate governing body or board on this policy.
- Practice effective and ethical information management practices and that such practices are evaluated and improved on a regular frequency
- Avail themselves to information management related training and education to ensure that they are continually informed of the latest practices and standards.

4. References and Related Documents

4.1 Legislation and/or Directives

Municipal Act, 2001

Municipal Freedom of Information and Protection of Privacy Act, 1990 (MFIPPA)

Personal Health Information Protection Act, 2004 (PHIPA)

Government of Ontario Open Data Directive, 2019

Child Care and Early Years Act, 2014

Health Protection and Promotion Act, 1990

Freedom of Information and Protection of Privacy Act, 1990

Simple, Faster, Better Services Act, 2019

And additional legislation not listed here that may apply to the management of information in the delivery of services.

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4.2 Policies

Related Corporate By-Laws, Policies, Procedures, and Guidelines

Niagara Region By-law 63-2013: Records Retention By-law and Schedule

C-A-004 Accountability & Transparency Policy

C-A-026 Whistleblower Policy

C-IMT-001 Archival Acquisition Policy

C-IMT 005 Internet Communications & Website Policy

C-IMT-006 Legal Holds eDiscovery

C-IMT-008 Records and Information Management

C-IMT-011 Spatial Data Policy

C-IMT-012 Staff Engagement in Online Social Media

C-IMT-015 Corporate Surveillance Policy

C-IMT-016 Access to Information and Privacy Protection Policy

C-IMT-017 Personal Health Information Protection Policy

C-IMT-008-G001 Niagara Region Electronic File Naming Conventions

Definitions

Access by Design: Fundamental principles defined by the Information and Privacy Commissioner of Ontario (IPC) that encourage public institutions to take a proactive approach to releasing information. It advances the view that government held information should be made available to the public, and that exceptions should be limited and specific.

The Fundamental Principles of Access by Design are as follows: (1) Proactive, not Reactive; (2) Access Embedded into Design; (3) Openness and Transparency = Accountability; (4) Fosters Collaboration; (5) Enhances Efficient Government; (6) Makes Access Truly Accessible; and (7) Increases Quality of Information.

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Confidential Information: Any information collected, obtained or derived for or from Niagara Region records or data that is deemed confidential under the *Municipal Act*, *Municipal Freedom of Information and Protection of Privacy Act* or the *Personal Health Information Protection Act*.

Data: Facts and statistics in their raw form collected for reference, analysis or decision-making.

Datasets: A collection of data presented in a tabular or non-tabular form.

Head: As defined by MFIPPA, the members of the council of a municipality may by by-law designate from amongst themselves an individual or a committee of the council to act as head of a municipality for the purposes of this Act (MFIPPA).

Health Information Custodian: As defined by PHIPA, means a person or organization who has custody or control of personal health information as a result of or in connection with performing the person’s or organization’s powers or duties, including:

- A health care practitioner or a person who operates a group practice of health care practitioners.
- A service provider within the meaning of the Home Care and Community Services Act, 1994 who provides a community service within the meaning of that Act. A service provider is a health information custodian in connection with the provision of any community service within the meaning of Home Care and Community Services Act, 1994, regardless of whether a particular community service is publicly funded.

Information: Data that is processed, interpreted, organized, structured and presented to make it meaningful. Information is any documented representation of knowledge such as facts, data, datasets, records or decisions in any medium or form. Information is data with relevance and purpose.

Information Management: The process by which Niagara Region plans, creates, captures, organizes, protects, uses, shares, retains and disposes of its information, which includes both data, datasets and records.

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Information Governance: The exercise of authority, control and shared decision-making (planning, monitoring and enforcement) over the management of information assets. The approach within which accountability, standards, policies and procedures are developed, implemented and maintained to ensure that data and information are sourced, held and used appropriately, securely and legally.

Open Government: Promotes the accessibility, accountability and transparency of governance to develop a culture of improved delivery of customer service to the public. It is about making information more accessible and building trust in the government.

Personal Information: Recorded information about an identifiable individual or is deemed to be “personal information” pursuant to any laws or regulations related to privacy or data protection that are applicable to the Regional Municipality of Niagara. For additional information refer to “personal information” as defined by MFIPPA or “personal health information” as defined by PHIPA.

Privacy by Design: The consideration of privacy during the design process that integrates the protection of “personal information” directly into the technology/system through creation, operation, and management of the system or technology itself.

The Fundamental Principles of Privacy by Design are as follows: (1) Proactive, not Reactive; (2) Privacy as the Default Setting; (3) Privacy Embedded into Design; (4) Full Functionality – Positive-Sum, not Zero-Sum; (5) End-to-End Security – Full Lifecycle Protection; (6) Visibility and Transparency – Keep it Open; and (7) Respect for User Privacy – Keep it User-Centric.

Record: Any record of information, including documents, that provides evidence of an activity or decision, regardless of format (paper, electronic, etc.)

Routine Disclosure: The routine release of certain types of administrative and operational information in response to informal rather than formal Freedom of Information requests.

