

THE REGIONAL MUNICIPALITY OF NIAGARA

OPEN SESSION

COUNCIL BUSINESS PLANNING COMMITTEE OF THE WHOLE

REPORT CL 1-2012

The Municipal Council of the Regional Municipality of Niagara met in Open Session in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, January 26, 2012 commencing at 6:32 p.m.

ATTENDANCE

Council: Regional Chair Burroughs; Councillors Augustyn; Badawey; Barrick; Baty; Bylsma; D'Angela; Diodati; Eke; Greenwood; Hodgson; Jeffs; Joyner; Katzman; Lepp; Luciani; Marshall; Maves; McMullan; Petrowski; Rigby; Teal; Timms; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Corporate Services; Brothers, Commissioner, Public Works; Bain, Regional Clerk; Dr. Jaeger, Medical Officer of Health; Ms. Chislett, Commissioner, Community Services; Ms. Pilon, Deputy Regional Clerk.

Others: Messrs. Robinson, Executive Officer to the Regional Chair; Weir, Director, Administration; Meffe, Manager, Employee Relations; Bertleff, Associate Director, Regional Emergency Planning; Diakow, Director, IT Solutions; Ms. Elliott, Director, Human Resources; Ms. Papaiz, Associate Director, Corporate Communications; Ms. Khoury, Freedom Of Information / Privacy Coordinator; Ms. Delaney, Manager, Total Compensation and Rewards.

Regrets: Councillors Heit; Volpatti.

MOTION FOR CLOSED SESSION

1. Moved by Councillor Eke
Seconded by Councillor Luciani

That the Committee do now move into Closed Session with respect to A Matter of Labour Relations, Employee Negotiations and the Security of the Property of the Municipality, Business Continuity Planning.

Carried.

Council Business Planning Committee of the Whole resolved into Closed Session at 6:34 p.m.

Council Business Planning Committee of the Whole rose from Closed Session at 7:34 p.m.

PRESENTATIONS

2. Accessing Sherpa and Email from Home or Work

Mr. Diakow, Director, IT Solutions provided the Committee with a visual tutorial on how to access Sherpa and Email from their home or work and in particular the proposed location of the confidential reports on the eCouncil site, which will only be used if staff are unable to provide the Councillors with a hardcopy in advance of the meeting (Addendum confidential reports, correspondence, etc.).

The Committee members were advised that the confidential reports on this site would only be visible to a very limited group (Councillors, Commissioners and other designated staff) and that the report would only be available on the site for a limited amount of time.

(A copy of Mr. Diakow's instructions on Accessing Sherpa and Email from Home or Work is attached to these minutes)

3. Managing Information Risks A Guide for Councillors and Staff

Ms. Else Khoury, Freedom of Information / Privacy Coordinator advised the Committee that Niagara Region's legislated responsibilities are as noted in Section 224 of the Municipal Act: It is the role of council, (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality.

In terms of open government the majority of Regional information is publically accessible. The Freedom of Information (FOI) process is used when a request may require the redacting of information (e.g. personal information, solicitor-client privilege, etc. as per MFIPPA exceptions), or, the request is voluminous or complicated.

The purpose of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), as per the excerpt from the act, are as follows: (a) **to provide a right of access to information** under the control of institutions in accordance with the principles that, (i) information should be available to the public, (ii) necessary exemptions from the right of access should be limited and specific, and (iii) decisions on the disclosure of information should be reviewed independently of the institution controlling the information; and (b) **to protect the privacy of individuals** with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information. R.S.O. 1990, c. M.56, s. 1.

As the public becomes more proficient in their understanding of Freedom of Information legislation, governments are being held more accountable for their role in collecting, using, disclosing, storing, and destroying that information. Headlines over the past year such as “Federal government privacy breaches hit record number last year: report”; “Family suing Alberta government over alleged privacy breach” and Government Confirms Privacy Breach After CTV News Investigation” are just a few of the headlines.

Ms. Khoury advised that no one is safe, given the examples of downloaded programs available on the web to hack various types of email accounts.

In reference to texts and tweets the members were advised to never assume any electronic message is confidential and to never put anything in an electronic message that can be reproduced in any media.

Under MFIPPA, Regional Councillors and staff are required to provide access to all business-related records. Business-related records can consist of: memos, correspondence, handwritten notes, emails, voice mails, faxes, text messages, etc. All of these can be collected and disclosed as part of an MFIPPA request

@niagararegion.ca email accounts and texts sent and received on Regional blackberries would be recovered under an MFIPPA request. @niagararegion.ca accounts should be used for all Council-related discussions for purposes of transparency and because the Region has the greatest degree of control over security and privacy practices. Staff and Councillors should use separate email accounts for issues not related to Regional business.

For instance, a constituent contacts a member of Council via their at-work (non-Regional) email account to discuss planned changes to waste pickup in their neighbourhood. Do you respond by asking them to elaborate or do you inform them that you will respond to their enquiry once you have forwarded their email to your @niagararegion.ca email account. The correct answer is that the Councillor is to inform them that you will respond to their enquiry once you have forwarded their email to your @niagararegion.ca email account, because it's Regional business and Regional business should always be conducted on Councillor's Regional email accounts.

Staff and Councillors must always protect and secure any confidential or personal information that they are in receipt of. Confidential information can include race, religion, age, sex, ethnic origin, home address, telephone number, personal opinions, etc.

Councillors and staff should never leave documents containing personal information on their desks, in their cars, in their homes or other areas where others may have access to it and never discuss the personal information of others in open areas, such as reception areas and hallways; they should ensure that personal information on their computer screens is not visible to others; ensure that the files in their offices are secure.

Councillors have a responsibility to respect the privacy of their constituents, therefore, they should never disclose an individual's personal information during a public Council meeting without the individual's written consent.

In this instance, a constituent emails a member of Council to complain in detail about a Regional tax increase and ask that the Councillor bring up their concerns at the next meeting of Regional Council. Do you print off the email and read it aloud at Council, providing the constituent's name or respond by asking the constituent if they consent to reading their message at Council. The correct answer is that the Councillor respond by asking the constituent if they consent to reading their message at Council.

The Access and Privacy Unit in the Clerk's Office received 160 FOI requests in 2011. Each of these requests must be responded to within 30 days. Any information that is not released must be noted by staff, and all exemptions cited with all final decisions made by Regional Clerk.

The Councillors were encouraged to contact Else Khoury, Freedom of Information / Privacy Coordinator, ext. 3741 or Joan Demontigny, Information and Privacy Analyst, ext. 3273, if they have any questions.

Moved by Councillor McMullan
Seconded by Councillor Baty

That the presentation by Ms. Khoury respecting Managing Information Risks: A Guide for Councillors and Staff, be received; and

That the visual tutorial by Mr. Diakow respecting Accessing Sherpa and Email from Home or Work, be received.

Carried.

(Refer to Councillor Information Requests)

COUNCILLOR INFORMATION REQUESTS

Staff were requested to:

- Ensure that the public is informed on our website that their written correspondence (letters, petitions, etc.) they submit may be placed in a public agenda and if so, will become part of the public record and that their personal information will be collected and maintained for the purpose of creating a record and may be available to the general public pursuant to relevant Acts. (Refers to Minute Item 3)

ADJOURNMENT

The Council Business Planning Committee of the Whole meeting adjourned at 8:45 p.m.

Gary Burroughs
Regional Chair

Janet Pilon
Deputy Regional Clerk

Kevin Bain
Regional Clerk