

Request for Decision United Townships of Head, Clara & Maria Council

Type of Decision									
Meeting Date	Friday, December 5, 2014				Report Date	Monday, November-24-14			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Delegate Authority for MFIPPA - Report #05/12/14/1201

Subject:

Delegation of Authority for the purposes of administering the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

RECOMMENDATION:

That Council adopt the following resolution delegating the powers of Council to the Clerk to act as "Head" for MFIPPA purposes.

From the proposed by-law...

1. **THAT** under the act Council is appointed as the "Head" of the institution for MFIPPA purposes.
2. **AND FURTHER THAT** Council does hereby delegate its powers and authorizes the Municipal Clerk to act as "Head" of the municipality for the purpose of administering the *Municipal Freedom of Information and Protection of Privacy Act* and for decisions made thereunder.
3. **THAT** the Municipal Clerk is authorized to further delegate this authority in writing and in the manner that they deem expedient to a Township employee(s) under their direct supervision.
4. **THAT** this by-law shall come into force and take effect from and upon the final passing thereof.

BACKGROUND/EXECUTIVE SUMMARY:

Each municipal organization is required to appoint a head who is responsible for overseeing the administration of the legislation within the institution and for decisions made under the legislation. Many municipalities have their City Council, by by-law, designated the Mayor or Council as the head, who in turn delegates the powers and duties of the head to the senior administrative officer, normally the City Clerk.

The Clerk forms access and privacy procedures for use by staff, is responsible for processing all access requests, gives direction to staff on informal information requests and implements privacy protection practices.

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) applies to all local government organizations, including municipalities, school boards, public utilities, transit and police commissions, fire departments, conservation authorities, boards of health and other local boards. There are separate Acts that apply specifically to Provincial Ministries, agencies and Federal Government institutions.

"MFIPPA came into effect January 1, 1991 and required municipal institutions to protect the privacy of an individual's personal information existing in government records. The Act creates a privacy protection scheme, which the government must follow to protect an individual's right to privacy. The scheme includes rules regarding the collection, use, disclosure and disposal of personal information in the custody and control of a municipal institution.

The Act also gave individuals the right to access municipal government information, including most general records and records containing their own personal information, subject to very specific and limited exemptions. As well, the Act provides individuals with the right to request a correction of their personal information, which they believe to be false or inaccurate and/or to attach a statement of disagreement to their records. An individual is also provided with the opportunity to request an independent review from the Information and Privacy Commissioner/Ontario of the decisions made under MFIPPA by the head of an institution.

The legislation also stipulates that an institution must provide the requester with the information and/or a decision regarding their request within 30 calendar days from the date a complete request is received. On occasion, an institution may ask for an extension, if the request is for an extensive number of records and/or if an outside consultant needs to be contacted."

In HCM we are committed to providing individuals with the right of access to information in our custody and control including most operational records as well as records containing their own personal information, although this is quite rare. This is simply "business as usual" and allows certain records to be disclosed, without having to make a formal request under the Act.

Head, Clara & Maria does not normally receive requests for information as we are quite open with our data. The only "protected" information we have would be employee info, some contacts – addresses and phone numbers, and the amounts of taxes owing on individual property parcels.

Options/Discussion:

Council could appoint someone else or keep the responsibility for itself.

Others Consulted:

Various municipal by-laws and reports to Council.

<http://ottawa.ca/en/city-hall/your-city-government/policies-and-administrative-structure/about-mfippa>

<https://www.cityofkingston.ca/city-hall/freedom-of-information/faq>

<http://www.ipc.on.ca/images/Resources/counc-e.pdf>

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk