

ADMINISTRATIVE REPORT

TO: Horacio Galanti, City Manager	DATE: August 3, 2021
FROM: Valerie Norris-Kirk, Deputy City Clerk	MEETING: Corporate Services Committee
SUBJECT: Access to Information and Protection of Privacy Bylaw C-1382 and Policies	

RECOMMENDATIONS

Committee recommend Council give three readings to Bylaw C-1382, being the Access to Information and Protection of Privacy Bylaw and approve Policies 500 (Access to Information and Protection of Privacy) and 807 (Video Surveillance), as presented.

Committee recommend Council repeal Policy 805 (Video Surveillance in Public Areas) and Policy 806 (City Facilities Video Surveillance).

PREVIOUS COUNCIL / COMMITTEE DIRECTIONS

There are no previous Council or Committee directions related to this item.

BACKGROUND

In February 2017, the City received the results of a Gaps Analysis Assessment conducted by Cenera on our information management standards including protection of privacy practices in compliance with the *Freedom of Information and Protection of Privacy Act, RSA 2000, c. F-25 (FOIP Act)*.

Cenera reviewed the City's overall information management standards, policies, processes and overall performance using existing information to identify key functions, activities and sources for gathering detailed process information. Interviews and site visits were conducted to determine how personal information was collected, used, disclosed, retained and secured.

From the data collected, Cenera developed a comprehensive and usable Assessment Report identifying gaps, and provided recommendations with actions to address the exceptions to compliance.

ANALYSIS

The FOIP Gaps Analysis report provided detailed step-by-step recommendations to address:

- Accountability and Transparency;
- Policies and Procedures;
- Communication, Training & Awareness;

- Internal/External Forms;
- Photos and Surveillance;
- Employee Information Privacy;
- Consent Standards;
- Authorized Representatives;
- Information Management & Retention;
- Personal Information Banks;
- Safeguards & Security Breach Response;
- Individual Access & Correction of Personal Information;
- Active Dissemination & Routine Disclosure;
- Privacy Impact Assessments (PIA's); and
- Research

Although the findings of the gaps analysis assessment revealed a well-managed organization, operating under privacy practices that are, for the most part, already compliant with the FOIP Act, the report presented the following identifiable gaps:

- Minor security risks within physical offices and day-to-day operations;
- Employee awareness and training;
- Current Bylaw contains outdated references to Provincial Legislation;
- Current records management policy that does not support the FOIP Act or provide for the retention and destruction of records;
- Internal and external forms lack consistency in the use and accuracy of a FOIP Collection Notice;
- Non-compliance with the FOIP Act regarding Personal Information Banks;
- Lack of a Security Breach Response policy and process;
- Non-compliance with the FOIP Act regarding support to individuals seeking corrections to their personal information; and
- FOIP information webpage on the City's website.

Actions to Date:

Since 2017, Administration has initiated several projects to address the FOIP Gaps Analysis report. Some of these initiatives include:

Bylaw Updates

Bylaw C-1384 Council Code of Conduct – passed May 6, 2019

Bylaw C-1348 Records Management – passed June 15, 2020

New Policies

Policy 500 (Access to Information and Protection of Privacy)

Policy 807 (Video Surveillance)

Updated Forms

Confidentiality

Recruitment Reference Checks

Photography and Video Release Forms

New Forms

Oral / Electronic Consent Forms

FOIP Request Release Form (consent to release to third party)

Virtual Event Consent Form

Notification Form (who we released personal information to and under what authority)

Guidelines

Consent Standards for Personal Information

Guide to Privacy in an Emergency (Regional Resource prepared for GPREP)

Building Manager's Reference Guide to Video Surveillance

Procedures

Procedures for Managing a Privacy Breach

FOIP Training – customized

Grande Prairie Fire Department

Enforcement Services

Planning and Development

Community Social Development

Citizen Contact Centre

Eastlink Centre

Human Resources

Relationship to City Council's Focus Areas / Strategic Directions

The proposed bylaw aligns with Council's strategic objectives regarding Service, Community and Governance and supports the FOIP Act of Alberta.

Social Impact

A well developed and comprehensive Information Management program that supports the protection of personal information enables and enhances trust and transparency between the public and City Administration.

Relevant Statutes / Master Plans / City Documents

Freedom of Information and Protection of Privacy (FOIP) Act of Alberta, RSA 2000, c. F-25

Municipal Government Act of Alberta, RSA 2000, c. M-26

Bylaw C-1348 Records Management

Risk

The proposed bylaw and supporting policies address several deficiencies identified within the City's information management program. Risk of non-compliance is mitigated.

STAKEHOLDER ENGAGEMENT

The proposed policies were developed in partnership with Corporate Security, Information Technology Services, Enforcement Services and various departments within the City.

BUDGET / FINANCIAL IMPLICATIONS

The recommendations as presented do have any budget or financial implications.

SUMMARY / CONCLUSION

Administration is committed to enhancing the City's overall legislative compliance, information management and privacy practices by implementing the recommendations identified in the 2017 FOIP Gaps Analysis report. The proposed bylaw and policies support this commitment and establish the structure and processes to be implemented to affect this directive.

Through enhanced training and development supports, Administration will continue to build awareness and provide resources to the organization to manage information in compliance with legislation.

Administration requests that Committee recommend Council give three readings to Bylaw C-1382 being the Access to Information and Protection of Privacy Bylaw and to approve Policies 500 (Access to Information and Protection of Privacy) and 807 (Video Surveillance), as presented.

ATTACHMENTS