

Executive Standing Committee
June 23, 2014

TO: Mayor Savage and Members of Executive Committee

Original Signed

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

DATE: June 16, 2014

SUBJECT: 2013 Report of the Access & Privacy Office

INFORMATION REPORT

ORIGIN

Update to the Executive Standing Committee.

LEGISLATIVE AUTHORITY

Part XX of the Municipal Government Act (MGA), "Freedom of Information & Protection of Privacy"

Personal Information International Disclosure Protection Act (PIIDPA)

BACKGROUND

Under the Municipal Government Act (MGA) Part XX "Freedom of Information and Protection of Privacy" the "Responsible Officer" in regard to administration of the Act is the CAO. Under Section 497 the "responsible officer" may delegate powers under the Act

In 2011, based on the delegation powers under the Act to the Access & Privacy Officer, the Access & Privacy Office was established to assist HRM in meeting its legislative and corporate responsibilities. In 2012 the Access & Privacy Office began to produce an annual information report summarizing the past year's activities.

The mandate of the Access & Privacy Office is to receive and respond to access requests, develop and implement access and privacy policies, procedures and guidelines and communicate, educate and train employees to ensure legislative and corporate compliance and to become the central resource for all access and privacy issues in HRM.

DISCUSSION

HRM remains committed to being an open and accountable government, protecting the privacy of personal information and ensuring compliance with access and privacy provisions under the Act.

Highlights of the 2013 Information Report include the following:

- HRM continues to close a significant number of access applications in the required 30 days (88%). In accordance with the legislation, requests involving a large volume of records or third party obligations are the primary reason why extensions past 30 days are required.
- Over 3400 HRM employees were provided with mandatory training in Access & Privacy (either in-person and on-line) to increase awareness of access and privacy obligations in HRM.
- HRM adopted a routine access policy and action plan to develop and implement routine disclosure plans for all Business Units in 2014.
- Protection of privacy is a growing area of awareness. In 2013 thirty-two (32) privacy investigations were initiated. Twenty-two (22) of those investigations came from staff's own initiation and seven (7) resulted from privacy complaints. All recommendations from the Access & Privacy Office for improving the management of personal information were accepted and implemented where required.

In addition the Access and Privacy Office has developed a number of pamphlets to ensure HRM contractors and members of volunteer Boards and Committees are aware and understand what their obligations are in regard to Freedom of Information and Protection of Privacy.

FINANCIAL IMPLICATIONS

There are no financial implications to this report outside of those already provided for the annual operating budget.

COMMUNITY ENGAGEMENT

Engagement through the formal, legislated access and privacy provisions ensures that records can be accessed and privacy protected; through the Routine Access Policy and the corresponding routine disclosure plans, less formalized engagement is encouraged.

ATTACHMENTS

2013 Information Report of the HRM's Access & Privacy Office

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Nancy Dempsey, Access & Privacy Officer, 490-4390

Original Signed

Report Approved by: Cathy Mellett, Municipal Clerk, 490-6456

2013 INFORMATION REPORT

of the HRM's Access & Privacy Office

Nancy Dempsey, CIPP/C, MPA - Access & Privacy Officer

Angie Williams, CIPP/C – Access & Privacy Coordinator

2013 Access Requests 250

Who is asking?

Business/Organization 70%

Media 6%

Individual 24%

Public Interest Group 0%

Political Party/Elected Official 0%

What are they asking for?

General Information 90%

Personal Information 2%

Both Personal & General 8%

Of the 250 Access Requests received in 2013, 88% were closed within 30 days.

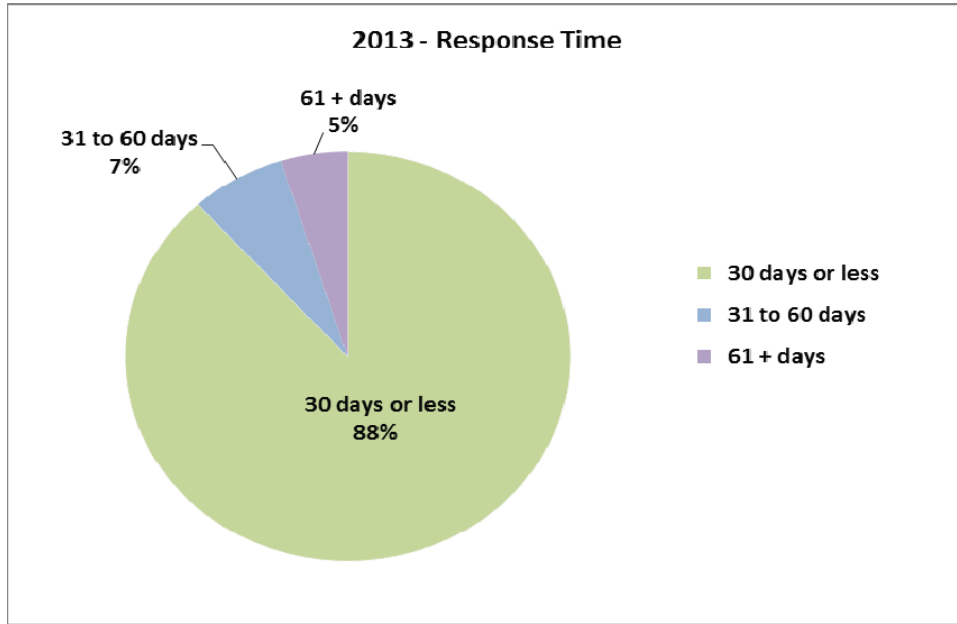
The Municipal Government Act (MGA), along with HRM's Privacy Policy and its Routine Access Policy, provide assurances to all individuals – residents, customers, partners, businesses and employees – that HRM is committed to being an open and accountable government and to protecting the privacy of personal information.

The mandate of the Access & Privacy Office is to:

- ❖ receive and respond to access requests;
- ❖ develop and implement access and privacy policies, procedures and guidelines;
- ❖ communicate, educate and train employees to ensure legislative and corporate compliance; and
- ❖ become the central resource for all access and privacy issues in HRM.

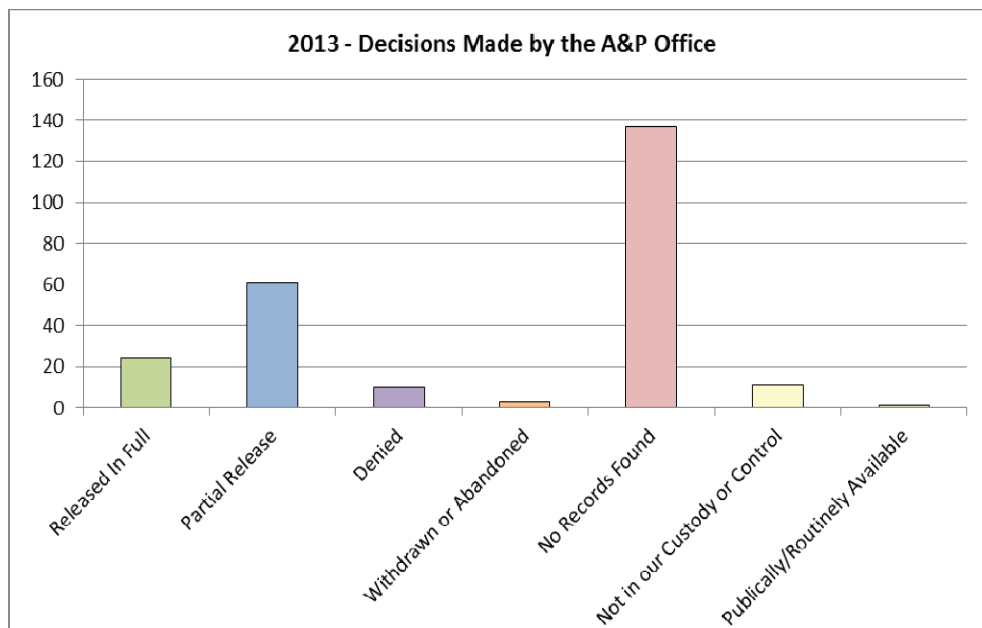
QUICK FACTS		2013
Total # of Access Requests processed:		250
Access Requests responded to in 30 days or less:		219
Total # of pages processed:		8769
Total # of pages released:		5965
Average # of requests per month:		21
Busiest Month:		December
Highest # of active requests at any given time:		46
Most common records requested:	By-law complaint and Municipal Compliance records	

Access & Privacy Office Response Time



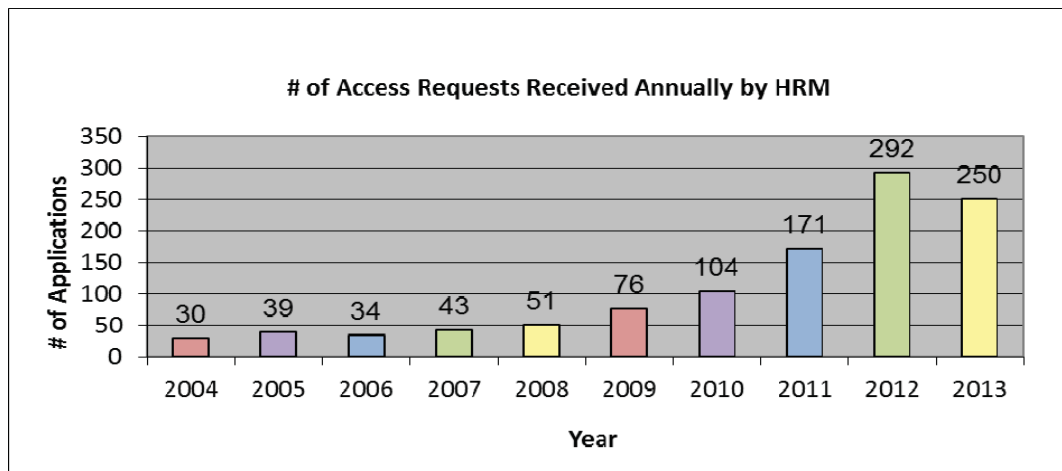
As per Section 467 (2) of the MGA, the HRM has 30 calendar days to respond to an access request once it has been received. There are multiple variables that can affect the Access & Privacy Office's ability to meet this deadline. If a large volume of records have been requested or there are third parties that are associated to the records that have been requested, the MGA provides us with the ability to extend the deadline.

Decisions Made by the Access & Privacy Office



Other than access requests that were withdrawn/abandoned, where no records were found, where records were publically/routinely available or not in our custody or control, we are pleased to say that the majority of the requests processed resulted in a full or partial release. Of the decisions made by the Access & Privacy Office in 2013, only 10 were denied in full.

Volume of Access Request Received Annually by HRM



The volume of Access Requests received annually by the HRM was relatively steady for many years. In 2010, a significant increase in applications began and continued for several years with 2013 seeing a slight decrease in the number of access applications.

Volume of Records Processed

The number of pages received and processed is the total volume of records forwarded to us by Business Units for processing in response to Access to Information Applications. When records are received, we review all records and remove any duplication or non-responsive records. The records that remain would be those considered responsive to the request being processed. In 2013, 8769 pages were received and processed and of those, 5965 pages were released in full or in part and only 166 pages were denied in full.

Fees Collected

An Access to Information Application must be accompanied by a \$5 application fee except if the applicant is requesting access to his or her personal information (no fee applies in this case). In limited circumstances, Subsection 471 of MGA allows us to charge additional fees for the provision of providing these services. In 2013, we collected a total of \$1115.00 in application fees and a total of \$150.00 in search & handling fees.

PIIDPA Compliance

Under PIIDPA, public bodies and municipalities are required to ensure that any personal information held by them (or any service provider acting on their behalf), remains in Canada, is accessed, and is disclosed only in Canada, unless certain circumstances exist. If the head of a public body, or the responsible officer of a municipality, determines that it meets the necessary requirements of the organization's operation, they can permit storage and access outside the country. In accordance with the legislation, the Access & Privacy Office tracks and reports to the Minister of Justice on a yearly basis all incidences of staff travelling outside of Canada with any of the HRM issued electronic devices and all instances of when HRM has contracted with non-compliant service providers. In 2013, 32 instances of staff travel and 24 relationships with non-compliant service providers were reported.

Privacy Incidents

32 privacy incidents were investigated by the Access & Privacy Office in 2013. 22 investigations were initiated by staff of the Access & Privacy Office, 3 investigations were initiated by an individual filing a privacy complaint and 7 investigations resulted from a report of a privacy breach. For those incidents where the investigations have concluded and the files have been closed, the Access & Privacy Office is pleased to report that all recommendations for improving on the management of personal information were accepted and implemented where required.

Other Significant Access & Privacy Initiatives

The following are some significant initiatives that were undertaken in 2013:

- ❖ An on-line Access and Privacy training program was delivered to over 2800 municipal employees and in-class room training was delivered to over 600 municipal employees.
- ❖ The Access & Privacy presence on the Halifax.ca website was significantly improved.
- ❖ Three brochures detailing access and privacy information and obligations were developed:
 1. A general brochure for applicants
 2. A Contractor's Guide
 3. A guide for HRM's Volunteer Boards & Committees
- ❖ In accordance with the Routine Access Policy, Routine Disclosure Plans were developed for all Business Units and will soon be posted on Halifax.ca.
- ❖ Several procedures and processes aimed at managing HRM's privacy obligations were developed and are in the process of being formalized into action.

Halifax Regional Municipality
Access & Privacy Office
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