

Working Towards a More Transparent and Accountable Government

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Open Government

- Ontario *Open by Default* report [Open Government Engagement Team, 2014]
 - province must do more to create **culture of openness**
 - recommended
 - updates to *M/FIPPA* to reflect “open by default”, proactive publication
 - “one stop” open government platform/app
 - fees reform (no fees if new system, late access)



Open Government

- Ontario issues draft **Open Data Directive** [May 1/15]
 - directive aims to make data like school enrollment, highway traffic volume, open to public
 - public uses include building maps, apps, models to tackle gridlock, make health care service more accessible
 - data should be public unless privacy, legal, security, commercial sensitivity concerns
 - province seeks public feedback; IPC now evaluating, will provide comments



Open Government

- IPC will issue **guidelines** to help institutions advance open government agenda
 - focus on smaller institutions, including municipalities, school boards
 - **small steps** approach: IPC recognizes moving to open by default can be daunting task
 - we will engage with individual institutions to identify their needs, give advice on how to move forward



Open Government

- City of Guelph
 - received **award** this year from Institute of Public Administration of Canada (IPAC) and Deloitte
 - one of **top three cities** for advancing local government, responding to citizens' needs
 - included:
 - comprehensive Open Government Action Plan
 - Open Government Community Leadership Team
 - turned Council orientation into an online resource everyone can access



Procurement Records

- Procurement records (*e.g.*, RFP submissions, contracts)
 - IPC recommends routine publication (allowing for withholding of **truly proprietary** information)
 - IPC, court case law generally supports this
 - becoming routine for some institutions (*e.g.*, Infrastructure Ontario, LAO, some municipalities)
 - key is **managing expectations**: parties engaging with government should expect public scrutiny [*e.g.*, include in RFP materials]



Online Posting of PI

- Municipalities often required to publish records that contain **personal information**
 - for example, minor variance applications under the *Planning Act* [e.g., City of Vaughan Privacy Report]
 - IPC will soon release **guidelines** for municipalities for online posting of PI
 - advice will include measures to reduce likelihood of PI being revealed by search engines



Working Towards a More Transparent and Accountable Government: The Municipal Perspective

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An Increased Focus on Accountability

- Federal: Senate spending investigation
- Provincial: Bill 8 – proposed posting of expenses of Members of Provincial Parliament
- Municipal: lots of press over events in Toronto, Brampton, London

Freedom of Information Requests Grow

- Niagara Region has a growing number of *MFIPPA** requests every year
- Requests are becoming more complex
- Requestors have a better understanding of the process and are willing to challenge decisions

**Municipal Freedom of Information and Protection of Privacy Act*

Lack of FOI/Privacy Resources

- Most municipalities do *MFIPPA* off the corner of their desks
- There are often no staff members dedicated to this role
- Training, time, expertise often not available

Increased Expectation to Manage Electronic Records (Bill 8)

Every head of an institution shall ensure that reasonable measures respecting the records in the custody or under the control of the institution are developed, documented and put into place to preserve the records in accordance with any recordkeeping or records retention requirements, rules or policies, whether established under an Act or otherwise, that apply to the institution.

Increased Expectation to Manage Electronic Records (Bill 8)

- Most municipalities do not have comprehensive systems in place for managing electronic records

Councillors and *MFIPPA*

- In some municipalities, there are reports of Councillors conducting meetings through email, and sharing confidential information through email

Developments in Access to Information and Privacy Protection

Sherry Liang
Assistant Commissioner



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
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Developments in Access to Information

- Court decisions have affirmed IPC's approach to contracting:
- Contracts presumptively available under the:
 - *Freedom of Information and Protection of Privacy Act (FIPPA)*; and
 - *Municipal Freedom of Information and Protection of Privacy Act, (MFIPPA)*.
- Increasing number of requests for the bid documents and evaluations: case by case disclosure obligations.



Developments in Access to Information

- Increasing number of requests for emails, including deleted emails.
- Deleted emails accessible under *FIPPA/MFIPPA*.
 - Question of fees.



Developments in Access to Information

- Status of municipal councillor and school board trustee records:
 - Distinction between “political or personal” records and “institutional” records.
 - Political representatives in a different position from staff – have dealings with constituents that are not covered by *MFIPPA*.
 - However, if they are conducting “city business”, their records are covered.



Developments in Access to Information

- Coverage of *MFIPPA*:
 - School board transportation consortium records covered by *MFIPPA*.
 - Expert advisors to government covered by *FIPPA/MFIPPA*.



Government use of Internet and Privacy

- Posting of *Planning Act* applications for minor variance online:
 - Privacy implications under *MFIPPA*.
 - Technological solutions.
 - IPC to issue guidelines.

