

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #8/18, Friday, October 26, 2018

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **APPOINTMENT OF INFORMATION AND PRIVACY OFFICER**

KEY ISSUE

Approval to appoint a Toronto and Region Conservation Authority staff member as an Information and Privacy Officer for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.

RECOMMENDATION

WHEREAS pursuant to the subsection 49(1) of the *Municipal Freedom of Information and Protection of Privacy Act (the Act)*, R.S.O. 1990, c. M.56 and Board of Directors Administrative By-law Section 14, powers and duties of the Chair as head of Toronto and Region Conservation Authority (TRCA) may be delegated to a TRCA designated Information and Privacy Officer for the purposes of the Act;

THEREFORE LET IT BE RESOLVED THAT TRCA's Chief Financial and Operating Officer be appointed as TRCA's Information and Privacy Officer and authorized to delegate responsibilities of the Act to the Corporate Records and Information Technology Management business units, as appropriate.

BACKGROUND

The Act, which came into effect on January 1, 1991, outlines the duties of the local governments, including municipalities, school boards, police commissions, conservation authorities and other local boards, in respect to the access to information rights balanced with privacy protection. An institution, legislated under the Act, elects or appoints among themselves an individual or a committee to act as head of the institution, tasked overseeing the administration of the legislation and ensuring compliance with the legislation and regulations. TRCA Administrative By-Law Section 14 appoints the Chair of the Board to act as a head of TRCA for the purposes of the Act, with the provision that the Board of Directors may delegate this responsibility to a TRCA staff member. Further, pursuant to subsection 49(1) of the Act, a head may delegate the powers and duties vested in the head to an officer or officers of the institution, in order to ensure compliance.

RATIONALE

Typically, this authority is delegated to the senior administrative officer with oversight of TRCA's Records Management Program. As the Chief Financial and Operating Officer (CFOO) had direct oversight for this business unit, staff recommends the appointment of the CFOO as the Information and Privacy Officer. Once appointed, the Officer may delegate responsibilities to the Corporate Records and Information Technology Management business units, as appropriate.

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