

Item 8.1.

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #3/19, Friday, March 29, 2019

FROM: Michael Tolensky, Chief Financial and Operating Officer

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

KEY ISSUE

Approval to appoint the Clerk and Manager, Policy as the Information and Privacy Officer pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and to authorize the delegation of powers and duties to same.

RECOMMENDATION

WHEREAS pursuant to subsection 49(1) of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, as amended (*the Act*) and Section 14 of the Toronto and Region Conservation Authority (TRCA) Board of Directors Administrative By-law, the Chair of TRCA is designated as head, and a staff member shall be designated by resolution to act as TRCA's Information and Privacy Officer for the purposes of *the Act*;

THEREFORE LET IT BE RESOLVED THAT TRCA's Clerk and Manager, Policy be appointed as TRCA's Information and Privacy Officer;

AND FURTHER THAT the Chair, as head, shall delegate to the Information and Privacy Officer, in writing, all powers and duties of the head under *the Act*;

AND FURTHER THAT TRCA's Chief Financial and Operating Officer be appointed as an alternate Information and Privacy Officer for matters in which the Clerk and Manager, Policy is absent or has a conflict of interest with respect to the exercising of powers and duties;

AND FURTHER THAT RES.#A167/18 be rescinded, effective as of the date of passing of this resolution.

BACKGROUND

The Act outlines the duties of local governments, including municipalities, school boards, police commissions, conservation authorities and other local boards, in respect to access to information rights and the protection of privacy. An institution, legislated under *the Act*, elects or appoints among themselves an individual or a committee to act as head of the institution, tasked with overseeing the administration of the legislation and ensuring compliance with the legislation and regulations.

Item 8.1.

The responsibilities of the head pursuant to *the Act* are operational in nature and include but are not limited to:

- providing access decisions in response to requests for information;
- adhering to time limits and notification requirements for information requests;
- considering representations from third parties affected by requests;
- determining the method of disclosure of information;
- responding to requests for correction of personal information;
- calculating and collecting fees for information requests;
- where necessary, defending decisions made under *the Act* at an appeal; and
- administering the privacy protection provisions of *the Act*.

Section 14 of TRCA's Administrative By-Law designates the Chair of the Board of Directors to act as head of TRCA, and it provides that the Board shall by resolution designate a staff member to act as TRCA's information and privacy officer for the purposes of *the Act*. Further, subsection 49(1) of *the Act* states that, "a head may delegate in writing a power or duty granted or vested in the head to an officer or officers of the institution."

In the municipal and conservation authority context, responsibility for decisions made under *the Act* and for overseeing the administration of *the Act* within the institution is typically delegated to a Clerk or the senior administrative officer with oversight of the access and privacy program.

In the past, TRCA's Clerk and Senior Manager, Corporate Records was responsible for supervision of the organization's privacy program and was appointed as Information and Privacy Officer. This authority was temporarily assigned to the Chief Financial and Operating Officer at the October 26, 2018 Board of Directors meeting (RES.#A167/18), while the recruitment for the Clerk and Manager, Policy position was underway. The Information and Privacy Officer in turn has delegated certain powers and duties to staff in the Corporate Records and Information Technology Management business units.

RATIONALE

Staff recommend that the Clerk and Manager, Policy be appointed as the Information and Privacy Officer, with all of the powers and duties of the head as identified in *the Act*, and with direct oversight of TRCA's access and privacy program. Once appointed and delegated the powers and duties of the head, the Information and Privacy Officer will delegate to the Corporate Records and Information Technology Management business units in writing such responsibilities as deemed appropriate.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 7 – Build partnerships and new business models

Report prepared by: Andrew Farnsworth, extension 5671

Emails: andrew.farnsworth@trca.on.ca

For Information contact: Michael Tolensky, extension 5965

Emails: mtolensky@trca.on.ca

Date: March 5, 2019