



CITY COUNCIL AGENDA REPORT

**Subject: COUNCIL MOTION – MARCH 14, 2016 STANDING
COMMITTEE OF THE WHOLE VIDEO**

On March 21, 2016 Councillor MacKay provided notice in accordance with Section 23 of Procedure Bylaw 35/2009 that he intended to bring forward the following motion:

In order for Council to debate the motion, the motion must be formally moved.

(Councillor MacKay)

That the video from the March 14, 2016 SCOW meeting be posted on the cities website in an un-redacted format.

Attachments:

1. Administrative Backgrounder

Legislative Services

B. Gaskarth, Legislative Officer

City Manager Signature:

Date:

Administrative Backgrounder
Council Motion – March 14, 2016 Standing Committee Of The Whole Video

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BACKGROUND:

At the March 14, 2016 meeting of the Standing Committee of the Whole (SCW), a presentation was made to SCW by a member of the public that contained personal information that is protected under the Freedom of Information and Protection of Privacy (FOIP) Act. Some of this information had been obtained by the presenter by way of an inadvertent disclosure of information by the City.

Section 17(1) of the FOIP Act states:

“The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party’s personal privacy.”

Further, section 17(4)(d) of the FOIP Act states:

“A disclosure of personal information is presumed to be an unreasonable invasion of a third party’s personal privacy if...

(d) the personal information relates to employment or educational history.”

As part of the City’s response to the disclosure of protected information, all reasonable attempts have been made to curtail further distribution of the protected information. Although the protected information had already been disclosed by the City once, publishing of the protected information on the City’s website could be deemed to be a separate incidence of disclosure of protected information and could potentially create a liability for the City due to the possibility of additional penalties under the FOIP Act.

If somebody were to submit a Request to Access Information to the City’s FOIP Office requesting an unredacted version of the video of the March 14 SCW meeting, the applicant would be unlikely to receive it. The personal information would be redacted as per s. 17 of the FOIP Act. However, if an applicant

believes that information has been inappropriately withheld from a response to a formal Request to Access Information, they would have the right to request the Office of the Information and Privacy Commissioner to review the response.

Based on our understanding of the Corporation's duty under FOIP as explained above, we do not recommend posting the un-redacted version of the March 14, SCOW meeting.

Report Date	April 11, 2016
Committee/Department:	Legislative Services
General Manager Review Maya Pungur-Buick (<i>Electronic Initials</i>):	

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