



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**City Clerk's Division**

<b>TO:</b>	Chair and Members Audit, Finance and Administration Committee
<b>COMMITTEE DATE:</b>	December 5, 2019
<b>SUBJECT/REPORT NO:</b>	Routine Disclosure and Active Dissemination Policy (CL19013)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Lisa Barroso, Manager, Records & Freedom of Information 905-546-2424 Ext. 2743
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk Corporate Services
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Report CL19013 entitled Routine Disclosure and Active Dissemination Policy, be approved;
- (b) That the Routine Disclosure and Active Dissemination Policy, attached as Appendix "A" to Report CL19013, be approved; and,
- (c) That the matter respecting the development of a corporate wide Access by Design policy to support proactive disclosure of information be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

**EXECUTIVE SUMMARY**

The routine and active disclosure of public records creates an efficient means of providing the public with greater access to government information. The City of Hamilton currently routinely discloses a significant amount of information to the public through various means (i.e. web site, open data portal). However, there is no overarching policy regarding routine and proactive disclosure to assist the public and staff in understanding what information can and should be released either upon request or through proactive release.

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*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

The Routine Disclosure and Active Dissemination Policy (RD/AD), as outlined in Appendix A, provides for the development of a plan to identify records and information across the corporation for pro-active and routine release to the public to enhance accountability and transparency and improve governance. The Corporate Access & Privacy Team will work with each Department/Division over the coming year to identify and develop plans detailing records and information to be routinely released directly through each division. The plan incorporates the *Access by Design Principles*, attached as Appendix B, developed by the Information and Privacy Commissioner of Ontario, to encourage public institutions to take a proactive approach to releasing information by making the disclosure an automatic process where possible.

***Alternatives for Consideration – Not Applicable***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)**

Financial: Each Division's RD/AD Plans will be developed and published on the City's web site outlining the type of record/information available, how and where the information can be accessed and provide a fee, if applicable, to access the information. Any fees associated with this Policy will be brought to Committee and Council for approval. (See Appendix C for a sample of Routine Disclosure and Active Dissemination Plans).

Staffing: At this time, staff are unsure of the time commitment required to provide this service. Staff will continue to monitor capacity and may make adjustments in order to support the policy to ensure that the public has access to records and information held by the City.

Legal: There are no legal implications.

**HISTORICAL BACKGROUND (Chronology of events)**

Council at its meeting held June 12<sup>th</sup>, 2019, adopted a motion directing staff to report back on the development of a corporate wide *Access by Design* policy for the City of Hamilton to support the proactive disclosure of information/records.

As part of Committee's discussion and consideration of a quarterly consent report on the status of Freedom of Information requests, staff responded to questions regarding the volume and type of requests filed under the *Municipal Freedom of Information & Protection of Privacy Act* (MFIPPA). Members also questioned the extent of Corporate staff's awareness and understanding of identifying records and information that may be disclosed to the public in the absence of a formal request under MFIPPA. This discussion demonstrated an opportunity to develop a Corporate Policy to identify records and information that can be routinely and/or proactively disclosed directly through division staff.

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The proposed Routine Disclosure and Active Dissemination Policy provides the framework for establishing a proactive approach to releasing public information directly through the division holding the record. Once implemented, the public and staff will have an understanding of what information can be routinely disclosed and what information requires a formal access request under MFIPPA.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The *Municipal Freedom of Information & Protection of Privacy Act* (MFIPPA) requires that local government institutions protect the privacy of individuals personal information contained in government records. It also gives individuals the right to request access to municipal government information, including most general records and records containing their own personal information. The proposed Routine Disclosure and Active Dissemination policy supports the requirement under MFIPPA of individuals right to access general municipal government records.

The Information and Privacy Commissioner of Ontario has produced a set of principles titled *Access by Design: The Seven Fundamental Principles*, attached as Appendix B, that encourage public institutions to take a pro-active approach to releasing information, making the disclosure of government held information an automatic process where possible.

The proposed Routine Disclosure and Active Dissemination Policy incorporates the seven Access by Design principles as well as existing proactive practices as follows:

- 1. Proactive, not Reactive - Many public institutions are still reactive and wait until a request for information is received before deciding to release it; this can be a slow, cumbersome process, easily used as a mechanism to deny access to information. With Access by Design, government institutions can take a proactive approach to promote full transparency, while at the same time, achieving cost-savings by eliminating a costly and cumbersome disclosure process.*

The City of Hamilton provides a significant amount of information on a proactive basis through the City's web site and Open Data Portal. The Corporate Access and Privacy Team (Access & Privacy Team) will work with Divisions to identify information/records commonly requested and develop a RD/AD Plan, to be published on our web site, for the proactive release of that information.

- 2. Access Embedded into Design - When access is embedded into the design of public programs from the outset, it delivers the maximum degree of access to government-held information by making proactive disclosure the default. The*

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*benefits are twofold: the public can access information more directly; and government institutions can save significant resources by making their information available on a routine basis – by default.*

It is expected that, as part of the implementation of the Routine Disclosure and Active Dissemination Policy, staff will identify the routine disclosure and active dissemination opportunities with any existing and new programs or policies, and these will be incorporated into the division Routine Disclosure and Active Dissemination Plans.

- 3. Openness and Transparency = Accountability - A transparent and open government is vital for a free and democratic society. The essential purpose of access to information legislation is to support the democratic process by ensuring that citizens have the information required to hold their governments accountable – which is not possible if government activities and documents are hidden from public view. When government proactively provides routine access to government held information, it creates a “culture of accountability.”*

City Council has already established an “open government” culture within its own practices (i.e. the establishment of a Lobbyist Registry, improvements to closed meeting practices, public disclosure of office expenses). As part of the RD/AD Policy, further improvements to closed session reporting practices will be considered, moving towards a more open reporting structure, providing more transparency on matters before Council. The development of division Routine Disclosure and Active Dissemination Plans will ensure that open government culture is understood and promoted at all levels of the organization.

- 4. Fosters Collaboration - The Internet has given impetus to a new phenomenon where more and more community groups are coming together online with the power to engage government policy makers directly. Government institutions need to embrace this new culture by making data readily available to these groups as part of the social contract to serve their citizens. Further, there are new opportunities for the private sector to work collaboratively with government in utilizing public data, with many potential benefits for the economy as a whole.*

The City of Hamilton has worked diligently to develop its Open Data and Open Hamilton Portal. The implementation of a Routine Disclosure and Active Dissemination Policy will support the use of open data and may identify additional opportunities for new data sets.

- 5. Enhances Efficient Government - The demand for government services continually increases, while governments constantly face the need for cost reduction measures. By embracing Access by Design, public institutions can improve their information management practices by eliminating the inefficient*

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*process of “reactive” disclosure, and yet provide more streamlined access to public information. Further, citizen groups can also utilize public data to spot inefficiencies in, and improvements for, government services – increasing efficiency by reducing demand on government resources.*

The successful adoption and implementation of a Routine Disclosure and Active Dissemination Policy will not only streamline access to public information, but staff believes it will help improve information management practices and improve government services.

- 6. Makes Access Truly Accessible - Simply releasing more data is not enough. Access by Design also requires that public information be easily found, indexed and presented in user-friendly formats. There is little value in proactively disclosing public information if it is quietly placed online in obscure locations, using uncommon software which cannot be widely utilized. In addition, public institutions need to ensure that their IT systems are up to date and can meet increased public demand by extracting information quickly, in a cost-effective manner.*

The Digital Communications team has been continually working towards improvements to the City of Hamilton’s web site. The Access & Privacy Team will work with Digital Communications to ensure the Routine Disclosure and Active Dissemination Plans for the City are easily found and clearly presented.

- 7. Increases Quality of Information - Information has been called the lifeblood of the 21st century economy. This is no less true when it comes to meaningful citizen participation in public life. Not only is it essential for government institutions to place public data on public databases, they must also ensure that the information is accurate, reliable and up-to-date. Quality control and assurance protocols are vital to ensure that public participation in the democratic process remains relevant and meaningful.*

Schedules of records and information available through each division will be developed, reviewed, updated and posted to the City’s web site to ensure the public has accurate and reliable information.

## **RELEVANT CONSULTATION**

Legal Services and Senior Leadership Team have reviewed the Policy.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION  
(Include Performance Measurement/Benchmarking Data if applicable)**

A Routine Disclosure and Active Dissemination Policy helps build trust and confidence in government by providing better access to records and information for the public. Adoption of the policy supports Council and staff's commitment to the strategic principle that the "City of Hamilton is committed to promoting an open approach to government, ensuring public information is readily available and accessible". The policy also incorporates the fundamental principles of *Access by Design* as set out by the Information and Privacy Commissioner of Ontario. The City recognizes that the information that it holds was created through the provision and management of city services. Through routine disclosure and active dissemination, the City will proactively create opportunities to share information.

**Implementation Plan**

Upon Council approval of the Policy, the Access & Privacy Team will begin working with each division to develop its Routine Disclosure and Active Dissemination Plans. This will include the development of Routine Disclosure and Active Dissemination guidelines that will assist staff in identifying the types of records that may be suitable for RD/AD, as well as those records not suitable. It should be noted that records to be subject to Routine Disclosure and Active Dissemination will be determined by the type of record, not the identity of the requester or the eventual use that will be made of the record. Service Excellence will be considered when developing RD/AD Plans and the method by which the records are disseminated should provide the public ease of access to the information.

The City Clerk's Office will be one of the first to develop its Plan. Until such time as Division Routine Disclosure and Active Dissemination Plans have been developed, the Access & Privacy Team will identify where a request under MFIPPA should be released under the Routine Disclosure Policy.

The Routine Disclosure and Active Dissemination Policy, in conjunction with each Division's Routine Disclosure and Active Dissemination Plans, will apply to all City staff and to most records in the custody and under the control of the City of Hamilton.

Personal and constituency records of the City's elected representatives are not considered to be in the custody and control of the City and, therefore, not subject to this policy.

This Routine Disclosure and Active Dissemination Plans will be required to be reviewed regularly by Departments/Divisions and approved by the Access & Privacy Team.

**ALTERNATIVES FOR CONSIDERATION**

n/a

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

**Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

**APPENDICES AND SCHEDULES ATTACHED**

**Appendix A – Routine Disclosure and Active Dissemination Policy**

**Appendix B – Access by Design: The Seven Fundamental Principles**

**Appendix C – Sample Routine Disclosure and Active Dissemination Plans**