

**Ministry of Government and
Consumer Services**

**Ministère des Services
gouvernementaux et des
Services aux consommateurs**



Office of the Minister

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FEB 10 2020

996-2019-1500

Ms. Andrea Holland
City Clerk
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Ms. Holland:

Thank you for sharing the City of Hamilton's council motion number 7.1, entitled Geographic Information System (GIS) Access for Councillors. I appreciate the time you have taken to send this to me and welcome the opportunity to respond. I regret that I was unable to reply sooner.

As your motion concerns a municipal matter, I have reached out to the Ministry of Municipal Affairs and Housing (MMAH). The City of Hamilton's GIS system — extended to allow councillors access in the past — is separate from the Ontario government's GIS system. Maintained by MMAH, Ontario's system is not connected to the internet and is inaccessible to those outside of the Ontario Public Service.

As you may be aware, the Municipal Freedom of Information and Protection of Privacy Act provides rules for the collection, use and disclosure of personal information by municipal institutions.

The Hamilton City Council may want to consider the following provisions when weighing access to databases:

- The decision to grant access to a municipal database remains with the institution that has custody and control of the database. The law allows institutions to use and disclose personal information if the person to whom the information relates has consented to its use, and disclosure and/or where its use and disclosure are consistent with the purpose indicated in the notice of collection.

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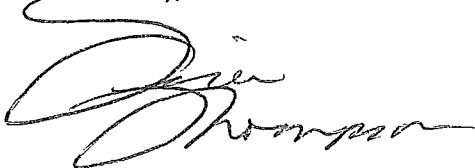
- The law provides that an institution may use or disclose personal information internally for purposes other than those stated at collection. This includes where the record is necessary for the proper discharge of an institution's functions, and where the record is needed by an officer, employee, consultant or agent of an institution for the performance of their duties.
- By law, records may not be disclosed if their disclosure is an unjustified invasion of personal privacy unless public interest outweighs the individual's privacy interest.
- An institution is required to provide written notice to affected parties if a record to be disclosed contains personal information. Under these circumstances, parties are given the opportunity to make representations to the institution about the proposed disclosure of records that affect them.

The Information and Privacy Commissioner of Ontario has a mandate to review the decisions and practices of government institutions concerning access to information and the protection of privacy when collecting, using and disclosing personal information under the legislation. If you require further information regarding Ontario's access and privacy legislation, I invite you to contact the Information, Privacy and Archives Division at access.privacy@ontario.ca.

I have also shared a copy of your letter with my colleague the Honourable Steve Clark, Minister of Municipal Affairs and Housing, for his information.

Thank you again for sharing your motion and I hope this information is helpful. Please accept my best wishes.

Sincerely,



The Honourable Lisa Thompson
Minister of Government and Consumer Services

c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing

OFFICE OF THE CITY CLERK	
FEB 14 2020	
REFD TO	<u>Council</u>
REFD TO	<u>Feb 26</u>
REFD TO	
ACTION	<u>Refer to GM Corp Ser</u> <u>+ report back to CMC</u> <u>with an update</u>
