




CITY OF HAMILTON
CITY MANAGER'S OFFICE
Communications & Intergovernmental Relations Division

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	April 7, 2021
SUBJECT/REPORT NO:	COVID-19 Virtual Memorial Wall (CM21004) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Bonnie Large (905) 546-2424 Ext. 6608
SUBMITTED BY:	Matthew Grant Director, Communications and Intergovernmental Relations City Manager's Office Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to move forward with the implementation of the COVID-19 Commemoration initiative on the City of Hamilton's website; and,
- (b) That the subject matter respecting the "COVID-19 Virtual Memorial Wall", be identified as complete and removed from the General Issues Committee Outstanding Business List.

EXECUTIVE SUMMARY

At the February 17, 2021 GIC meeting, staff were directed to investigate the feasibility of creating a virtual memorial wall on Hamilton.ca to honour Hamiltonian's who have died from COVID-19.

After reviewing comparable initiatives, their operating and support models, City staff have determined that using current resources and existing tools we can build a commemoration presence on Hamilton.ca that incorporates the various remembrance activities to date such as:

- Proposed individual memorials (name, date, photo)
- "This is COVID-19" video series
- the "Supporting Healthcare" public art project

This holistic approach is scalable to add future storytelling initiatives and will further educate the public on the impacts of the pandemic, celebrate the lives lost and articulate the experiences Hamiltonians have had during COVID-19 in a meaningful and reflective way that will resonate with the community.

In consultation with privacy and legal staff, considerations the City should be aware of:

- While posting online increases access and availability, the use of information released is difficult to govern and prevent third parties from using the information once it is published.
- Risks associated with making too much personal information available online such as identity theft and other forms of fraud.
- Personal safety risk for some individuals. Broad access to an individual's name and personal information has the potential to put that individual's family at risk.

To mitigate the privacy risks of making personal information available online through this project, the City has considered all policy, procedural and technical options and determined we will:

- Reduce the amount of personal information that is collected, used and disclosed
- Ensure usage is only for the purpose for which it was obtained or compiled.
- Ensure that submitting individuals are aware of their right to seek a redaction at the time of the collection of personal information.
- Designate site content 'off limits' to search engines
- Review and/or update all website policies (c. 2014) for accuracy prior to project/initiative launch:
 - Privacy Policy
 - Terms of Use
 - Acceptable Use Agreement
 - Disclaimer
 - Photo Submission Agreement

HISTORICAL BACKGROUND

The following motion, moved by Councillor Clark, was passed at the Wednesday, February 17, 2021 General Issues Committee meeting:

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.

That staff be directed to review the feasibility of creating a virtual memorial wall on the City of Hamilton website to honour citizens of Hamilton who have lost their lives to COVID-19, and report back to the General Issues Committee.

At the time of writing, there were 297 deaths** reported on <https://www.hamilton.ca/coronavirus/status-cases-in-hamilton>.

Data Source: Public Health Case and Contact Management (CCM) Solution. Prepared by: City of Hamilton Public Health Services.

***This measure refers to the number of COVID-19 cases who died. Deaths are included whether or not COVID-19 was determined to be a contributing or underlying cause of death.*

FINANCIAL - STAFFING - LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Submission forms will provide a Notice of Collection statement confirming that the personal information provided is being collected and maintained for the purpose of creating an online memorial and is therefore a record that will be available to the general public. Consent for online publication will be a prerequisite for the submission. Contact information for a staff person who can answer questions regarding the collection will be provided.

The collection of personal information will be limited to that information necessary for the administration of the online memorial.

The submission form will also contain a statement that the City of Hamilton's website policies including the Privacy Policy, Terms of Use, Acceptable Use Agreement, Disclaimer, and Photo Submission Agreement will be applicable to the online submission as these policies contain disclaimers and indemnities in favour of the City and provide a license and waiver of moral rights relating to any content (including photos) submitted.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

The *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990* permits the disclosure of personal information that is specifically collected for the purpose of creating a record available to the general public. Protection of personal

health information is required in accordance with the *Personal Health Information Protection Act, 2004*.

Ensure that the terms under current Hamilton.ca agreements are applicable to the submissions made for this project as they contain important disclaimers, indemnities, etc. as well as the granting of licenses and waiver of moral rights, etc. relating to any content (including photos) submitted.

RELEVANT CONSULTATION

Internal consultations

Consultation for this report was received from:

- Cemeteries Marketing & Family Services Coordinator, Public Works
- Manager, Corporate Records and Freedom of Information
- Public Health Privacy Officer
- Solicitors from Legal & Risk Management Services

External sources

- Office of the Information and Privacy Commissioner of Ontario
 - [Fact Sheet: What is Personal Information?](#) [Professional guideline]
 - [Transparency, Privacy and the Internet: Municipal Balancing Acts](#) [Paper]

Benchmarking

Comparative organizations have been examined to determine the methods, processes, resourcing and scope of implementing a public virtual memorial tool.

- www.nationalcovidmemorial.in
- <https://neimpact.org/memorial>
- <https://projects.thecity.nyc/covid-19-deaths>

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Projects undertaken by other organizations have allocated considerable resources and infrastructure to support the volume, depth and breadth of information they post. For example: editorial teams, researchers to authenticate information, panel of advisors, partnerships with community organizations etc.

The City's proposed solution does not contemplate the resources used by other organizations and proposes to develop a memorial within existing resources. This approach requires:

- No additional cost and can be scaled to implement future COVID storytelling

initiatives

- Less staff manual management of content. Limiting the collection of data to name, date, photo reduces the depth of review, writing and editing of submissions
- No ongoing site moderation needed to review interactive posts and contributions from the commenting community
- Participation in the initiative is on a strictly voluntary basis by families. Consent of the submitter will be obtained for the collection, use and disclosure of personal information gathered for the purpose of creating a record to be available to the general public.
- City staff will not be verifying or validating the cause of death was due to COVID-19.

The City's proposed solution balances the need to protect the privacy of our community members and being able to plan and operate this service online.

The proposed solution considers the definition of personal information in the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* (the acts) as:

- Recorded information (i.e. digital photographs)
- it is about the individual in a personal capacity; that is, it reveals something of a personal nature about the individual, and
- it is reasonable to expect that an individual can be identified from the information (either alone or by combining it with other information)
- A name by itself is not personal information. A name is personal information if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.
- Information about an individual is not personal information if they have been dead for more than thirty years

ALTERNATIVES FOR CONSIDERATION

If the desire is for a more robust, two-way communication solution, a vendor managed

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digital tool from the funeral and memorials industry can be considered for implementation.

If this is the preferred approach, City staff could be directed to prepare and issue a competitive procurement process in accordance with the City's Procurement Policy for potential suppliers to competitively estimate a stand-alone, vendor hosted and managed, enterprise level software/service solution to determine exact costs.

ALIGNMENT TO THE 2016 - 2025 STRATEGIC PLAN

Community Engagement and 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.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES

N/A