




Hamilton

COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	October 29, 2021
SUBJECT:	Council Access to Confidential Information
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Lisa Barroso Manager, Corporate Records and FOI Corporate Services/City Clerk's Office
SIGNATURE:	

This communication update is provided in response to the Notice of Motion presented to the Audit, Finance and Administration Committee on October 21, 2021, as follows:

Timely Access to View Confidential Documents

WHEREAS, Council access to confidential documents takes inordinately long; and,

WHEREAS, there is no policy informing or directing staff to enable Councillors to view confidential documents;

THEREFORE, BE IT RESOLVED:

That staff be directed to create a Procedure to enable Council timely access to confidential documents such as Memorandums of Understanding, Contracts and Agreements.

The rights of Members of Council and staff to access information and their obligations to protect the confidentiality of information is set out in:

- *Municipal Freedom of Information & Protection of Privacy Act (MFFIPA)*;
- City of Hamilton's Code of Conduct for Members of Council
- City of Hamilton's Employee Code of Conduct

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.

Confidential information generally includes information developed or received by the City in confidence. Members of Council are provided with confidential information during closed session to support decision making involving matters identified under the *Municipal Act 2001*, as amended. In some instances, Members of Council delegate authority to staff to develop confidential documents based on direction provided by Members at Committee/Council.

The following process is in place to support members to access confidential information that is under the custody and control of the City of Hamilton:

- Members of Council can request and receive access to confidential records through requests to the Office of the City Clerk. This ensures access is granted according to access rights, which protect and track access for all records, and ensures the official record is provided.
- Confidential records previously viewed and distributed to members of Council through Committee/Council, are provided to members (password protected) upon request.
- Confidential records not previously distributed to members of Council may be viewed by Members in the Office of the City Clerk (e.g. Memorandums of Understanding and Agreements). Access to these confidential documents is tracked.

The *Municipal Freedom of Information & Protection of Privacy Act* guides the Office of the City Clerk when sharing records with all Members of Council, staff and the public. The Information and Privacy Commissioner recognizes that Members of Council do not have any greater right to access to information than the public. However, when exercising a Member's right as a Member of Council, at times, it may provide them with a level of access to confidential information in the custody of the Corporation, that is not distributed through Committee and Council.

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