

Council Policy No.:	CP2026-019
Council Policy Name:	Access, Information, and Privacy Policy (MFIPPA)
Date Approved by Council:	March 24, 2026 CR2026-091
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Forms	

## Policy Statement

### Purpose:

To provide guidelines to the public, elected officials and staff, regarding the access, information, and privacy requirements established under MFIPPA, being the Municipal Freedom of Information and Protection of Privacy Act. This policy shall establish principles which facilitate and promote an open and transparent government, while safeguarding personal information which is within the custody of the municipality.

### Objectives:

#### Collection, Use, Disclosure, and Disposal of Personal Information:

1. To ensure that the manner in which information is collected, used, retained, disclosed and destroyed by the Municipality is consistent with the requirements of legislation and the City's Records Management Policy and Records Retention By-law.
2. To ensure that exemptions applied pursuant to the Act are limited and specific.
3. To establish an accountability framework defining the roles and responsibilities of members of Council, senior officials and staff.
4. To ensure that processes are in place to protect the integrity and privacy of personal information within the custody and control of the Municipality.
5. To ensure there are uniform guidelines pertaining to the handling of routine disclosures and processing of formal access requests.

## **Access & Information:**

To provide a right of access to information under the control of the municipality in accordance with principles that:

- a) Information should be available to the public;
- b) Necessary exemptions from the right of access should be limited and specific; and
- c) Decisions on the disclosure of information should be reviewed independently of the institution controlling the information.

## **Privacy and Access to your Own Information:**

To protect the privacy of individuals with respect to personal information about themselves held by the municipality and to provide individuals with a right of access to that information.

## **Authorities:**

The Municipal Freedom of Information and Protection of Privacy Act applies to any record in the custody or under the control of an institution, including records created both before and after the Act came into force on January 1, 1991.

The Municipal Freedom of Information and Protection of Privacy Act does not apply to:

- Records such as private donations placed in the archives of an institution by or on behalf of a person or an organization;
- Records covered by the disclosure scheme in the Young Offenders Act; and
- Labour relations or employment related matters as described in s.52(3 & 4) MFIPPA.

The principles of this policy shall apply to other privacy legislation, however, policy direction related to specific legislation shall be done through separate policy.

## **Administration:**

By-Law 2001-04 of the Corporation of the City of Kawartha Lakes designates Council as the head for the purpose of the Municipal Freedom of Information and Protection of Privacy Act.

By-Law 2001-05 of the Corporation of the City of Kawartha Lakes delegates the powers and duties under the Municipal Freedom of Information and Protection of Privacy Act to the City Clerk.

## Scope:

The policy is intended to govern the manner in which the Corporation of the City of Kawartha Lakes processes access and correction requests and privacy breaches under the Municipal Freedom of Information and Protection of Privacy Act and applies to all members of Council, all city employees, volunteer committee members, and members of local boards.

## 1. Definitions and Interpretation Rules

Defined Terms: In this policy:

**“Act”** is the Municipal Freedom of Information and Protection of Privacy Act, R. S. O. 1990, c.M.56.

**“Chief Administrative Officer or CAO”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**“City”, “Corporation of the City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes.

**“City Clerk, Clerk, or Deputy Clerk”** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001.

**“control (of a record)”** means the power or authority to make a decision about the use or disclosure of the record.

**“Council”** means the council of the City. The “Mayor” or a “Councillor” is a member of the Council.

**“Council Member”** means an active elected member of City Council acting on their own and not by resolution of the collective Council.

**“custody (of a record)”** means the keeping, care, watch, preservation or security of the record for a legitimate business purpose.

**“department”** means either an administrative unit of the City, or any Public Agency for which the City provides purchasing services, as applicable in the context.

**“Director”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**“employee”** is any person who performs work for or supplies any services to the City of Kawartha Lakes for compensation.

**“Head”** is the individual or body determined to be the head under the Act.

**“IPC”** is the Information and Privacy Commissioner of Ontario.

**“Manager”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by a Director or CAO.

**“Mayor”** is the Head of Council of the City or the Person appointed by Council as the Acting Mayor.

**“Municipal Freedom of Information and Protection of Privacy Act” or “MFIPPA”** means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56, as amended.

**“person”** refers to a person recognized as a legal entity at law. This is an individual or a corporate entity. Partnerships or unincorporated associations are recognized only as groups of Persons.

**“personal information”** means recorded information about an identifiable individual as defined in the Municipal Freedom of Information and Protection of Privacy Act.

**“petition”** means a formal written document presented to Council stating the reason for the petition and signed by individuals. It may contain the individual’s signature, address, phone number and other personal information.

**“procedures”** are the administrative departmental protocols and practices which are approved by the Chief Administrative Officer.

**“real risk of significant harm” or “RROSH”** is a key threshold for determining whether the municipality must notify individuals and/or the Information Privacy Commission of Ontario. In determining whether the RROSH threshold has been met, the City will consider the following factors:

- the sensitivity of personal information involved;
- the probability that the personal information has been, is being, or will be, misused; and
- the availability of steps the individual could take to reduce the risk of the harm occurring or mitigate the harm should it occur.

**“record”** means any records of information however recorded, whether in printed form, on film, by electronic means or otherwise as defined in the Municipal Freedom of Information and Protection of Privacy Act.

**“records management”** is the application of systematic control to records, which is required in the operation of City departments and offices and done in accordance with the by-law adopted by Council for this purpose.

**“regulations”** means the regulations made under the Act.

**“routine access (disclosure)”** refers to the process of providing requesters with a copy of records or providing a means in which the requester may examine or view records outside of the Municipal Freedom of Information and Protection of Privacy Act process.

**“staff”** means all employees of the City of Kawartha Lakes or member of any local board or committee of council.

## **2. Principles**

The principles of this policy are as follows:

1. All records within the custody of the City are the property of the City and subject to its control.
2. The Act should not be applied to preclude access to information (except personal information, relations with governments and third party information) that was available by custom or practice before it came into force.
3. When an institution is required to produce evidence pursuant to rules of a court, the exemptions in MFIPPA do not apply.
4. Mandatory exemptions impose a duty on the head of an institution to refuse to disclose a record. All other exemptions in the Act are discretionary.
5. An individual’s name on its own is not personal information. To be personal information within the meaning of the Act, the name must be associated with other personal information.
6. Personal information does not include information about an individual who has been deceased for more than 30 years.
7. An individual has a legal right of access to personal information about himself subject to some exemptions.
8. The Act is not intended to replace the normal process of providing information. The Act should only be used by the public in cases where access to a record(s) has been denied.
9. A Request must be:
  - In writing;
  - It must be accompanied by the \$5.00 fee (cannot be waived); and
  - There must be sufficient detail to enable an experienced employee of the institution to identify the record(s) requested.
10. There is no requirement to compile information from a number of records to create a new hardcopy record in response to a request. However, if it is more convenient to do so and it satisfies the request, this may be possible.
11. Any person can make a request. The right of access is not limited by citizenship or place of residence. There are also situations where one person

- represents another individual and has written consent to do so, for example, a lawyer making a request on behalf of their client.
12. In general, access requests must be responded to within 30 calendar days from the date a complete request is received. There are limited circumstances where this may be extended.

### **3. Roles and Responsibilities**

The Act stipulates that municipal councils may appoint a “Head” from amongst themselves to be responsible for overseeing the administration of the legislation within the municipality and for decisions made under the legislation.

At the City of Kawartha Lakes, the whole Council is designated, by by-law, as the “Head” for the purposes of MFIPPA. To effectively carry out the requirements associated with MFIPPA, this responsibility has been delegated, by by-law, to the City Clerk.

The City Clerk and Deputy Clerk administer the day-to-day requirements of the program including the receipt and processing of formal requests, monitoring collection and disclosure of information, and providing assistance and guidance to staff on issues pertaining to MFIPPA and privacy. From time to time, and under the supervision of the City Clerk or Deputy Clerk, these duties may be assigned to the Manager of Corporate Records and Archives.

### **4. Accountability**

In order to ensure that there is a collaborative approach to access, information, and privacy, accountability guidelines have been established.

The City Clerk shall be accountable and responsible for ensuring overall compliance with all applicable privacy legislation. The City Clerk makes the decision as to whether or not personal information is to be released to any person, including staff, members of Council and the Mayor.

**City Clerk** shall be responsible for:

- overseeing administration of the City’s MFIPPA Program (as delegated by the “Head”) and ensuring there is corporate compliance with all privacy legislation, retention by-laws and all related policies;
- the receipt, coordination and formulation of responses for all formal access requests submitted under MFIPPA;
- providing advice and developing policies and guidelines to assist members of Council, staff, and the public on matters pertaining to the collection, use and disclosure of information;

- ensuring that legislative updates are incorporated into the City's collection and disclosure processes; and
- ensuring that adequate disposal processes for personal information are in place and adhered to.

**CAO/Directors** shall be responsible for ensuring that all departments/divisions within their area of responsibility are maintaining compliance with this policy, all privacy legislation (including MFIPPA), retention by-laws and all related corporate policies and procedures. They shall also appoint a Freedom of Information (FOI) contact person, within their division who will assume a lead role in coordinating and compiling information requested by the public and/or the City Clerk. The Executive Assistant to the Department is the default contact person if no one else is appointed.

**Council** shall be responsible for ensuring overall compliance with all applicable privacy legislation, records retention and corporate policies.

**Managers** shall be responsible for:

- overseeing the routine disclosure of information and records associated with their area of responsibility. This would include informal requests from the public and requests from individuals wishing access to their own personal information;
- ensuring that proper notice is given to the public prior to the collection of any personal information;
- ensuring the accuracy of personal information collected and retained; and
- ensuring that all personal information is managed and protected in accordance with this policy and all applicable privacy legislation and corporate policies;

**Staff** shall be responsible for:

- ensuring that all personal information collected is accurate and complete;
- protecting personal information to which they have access to or custody of;
- assisting the public with requests for access to information and the routine disclosure of records and information; and
- adhering to the disposal requirements contained in the Records Retention By-law and other record management policies of the City

## **5. Personal Information Requirements**

### **5.1 Collection of Personal Information**

The Act stipulates the provisions whereby personal information may be collected by a municipality. There are a number of sections within MFIPPA that address this process:

At the City of Kawartha Lakes:

- personal information collected by City staff shall be done in accordance with the provisions of MFIPPA and other privacy legislation;
- personal information collected by City staff shall be limited to only that information which is required in order to administer the programs and services of the City;
- wherever possible, personal information is to be collected directly from the individual to whom the information relates. If using an indirect or alternative manner of collection, staff must adhere to the guidelines stipulated in section 29(1) of MFIPPA;
- every attempt shall be made to ensure the accuracy and integrity of the personal information collected;
- unless exceptions pertaining to collection are permitted as per Section 29(3) of MFIPPA, Departments/Divisions will, when collecting personal information:
  - inform individual(s) of the legal authority by which the information is being collected. This may require citing the applicable section of MFIPPA and/or another piece of legislation. Such information will be included on all City forms where personal information is being collected;
  - state the principal purpose (or purposes) for which the personal information is intended to be used; and
  - the title and contact information of an appropriate staff member who will be able to answer questions from the public about the collection of personal information.
- notice of collection may be done orally, in person, by telephone, electronically, in writing (by way of an application form, posted signage, newspaper advertisement, City website) or other manner which adequately informs the individual about the collection. A record of this notice should be maintained.
- covert collection of unauthorized personal information (by corporate/personal devices or otherwise) as part of a staff or council member's day to day corporate activities shall strictly be prohibited; and
- new software, technology and devices that record and store personal information may be implemented by City departments, but shall comply with all applicable privacy legislation, and shall be accompanied by department/division standard operating procedures to ensure compliance with privacy legislation. A Privacy Impact Assessment is strongly advised for implementation of new software, technology and devices with the ability to record and store personal information where the unauthorized disclosure of those records would cause a real risk of significant harm to individuals.

## **5.2 Use of Personal Information**

Personal information collected by the City of Kawartha Lakes will be used for the purpose or activity for which it was originally collected or for a “consistent purpose”. A

“consistent purpose” means that the individual to whom the information relates might reasonably have expected the use/disclosure.

The use of personal information for any other purpose shall only be permitted with the consent of the individual to whom the information relates, or in accordance with the provisions of section 31 of MFIPPA. The following rules relating to the release of personal information do not relate to communications or delegations received as part of a Planning Act application.

### **5.3 Personal Information for Council, Committee and Board meetings**

Regarding Council communications and deputations the following process shall be applied when dealing with these matters:

- Communications/delegations directed to the City for the purposes of Council or Committee consideration shall include the name and/or address of the sender/delegate and shall be considered a public record;
- The name of the sender, their signature, the property address of the sender (if relevant) shall form part of the public record;
- Any additional personal information on communications (e.g. personal telephone number, personal email address, etc.) shall be severed, prior to disclosure, unless the information belongs to a business entity or an individual acting in a business capacity;
- Such communications and information shall form part of Committee/Council agendas and be used to assist Council and Committee members with properly addressing and responding to individuals’ requests or inquiries;
- Any communications presented to Council in public session shall be made available for public viewing by way of print and/or electronic means;
- Discretion pertaining to the disclosure of personal information may be exercised by the City Clerk where the personal information relates to highly sensitive or confidential matters and/or relates to one of the designated criteria for a “closed” session;
- Where an individual has specifically expressed that the communication be treated as “confidential”, the Clerk’s Office shall contact the individual to request consent to disclose the communications in order to allow Council to deal with the matter. Communication marked “Confidential” shall not guarantee that the communication is presented to Council in Closed Session; and
- Petitions (both on paper, and electronic) received in open session of Council shall form part of the public record and any personal information contained within the petition may be released to the public unless the City Clerk has reason to believe that release of the personal information would cause harm to any of the individuals. Personal information contained on a petition may be viewed by any member of Council if the full petition has been withheld from the Council Agenda package.

## 5.4 Protecting Personal Information

Protecting the privacy of individuals and any personal information which has been collected and used by the municipality is a requirement of privacy legislation and a primary focus of the City of Kawartha Lakes.

To ensure that every precaution (as directed by Regulation under MFIPPA) is taken to protect the privacy of personal information, the following processes shall be adhered to:

- All requests for personal information from the Mayor, Council Member or staff shall be in writing to the City Clerk, clearly outlining the information requested.
- Access to personal information shall be restricted to only those employees requiring access in order to carry out their duties.
- Access to personal information shall be restricted to the Mayor and Members of Council requiring access in order to carry out their decision making duties for Council as a whole.
- No personal information shall be disclosed to members of the public, Council or other staff without the consent of the individual to whom the information relates (except where permitted by legislation or within this policy).
- Personal information shall not be discussed in public areas where it may be overheard by others who are not otherwise authorized to have such information.
- Personal information should not be left exposed or visible on desks or computer screens. Computer Screens should be locked (with password protection) and physical records containing third party personal information put away when not in use.
- Any physical records leaving the secured City facilities should be secure (packaged in envelopes or folders and placed in a locked briefcase or sealed box). Vehicles transporting these records should remain locked at all times.
- Any electronic records leaving the site that contain personal information should be secure (laptops, smartphones, and other electronic memory drives are password protected).
- Documents shall not be opened or reviewed in public places unless the personal privacy of the individuals contained in the records is protected.
- System, software and email passwords shall not be shared or disclosed to others.
- Sensitive personal or confidential information should, wherever possible, be sent by regular mail or courier. If transmitting such information by email or fax, ensure that email addresses and fax numbers are accurate prior to sending the information.
- Confidentiality and privacy statements shall be included on all email and fax transmissions.
- Cabinets or storage locations containing personal or confidential information should be locked or secured at the end of each day and when not in use.

- A Privacy Statement shall be placed on the City's website(s) to clearly communicate to the Public the City's commitment to Privacy legislation and specific privacy components of the municipal website.

## **5.5 Access to One's Own Personal Information**

MFIPPA ensures that individuals have the right to access their own personal information and correct it if they believe there is an error or omission. Once access has been granted to their personal information, an individual has the right to:

- Request a correction of their personal information;
- Require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made; and
- Require that notification be sent to any person or body to whom the personal information has been disclosed (within the year before) advising them of the correction or statement of disagreement.

Access to one's own personal information shall be at the discretion of the Head (or delegate). Certain exemptions affecting access may be applied pursuant to Section 38 of MFIPPA.

## **5.6 Disclosure of Personal Information**

Under MFIPPA, there are limited circumstances where disclosure of personal information is permitted:

- With the consent of the individual to which the information pertains;
- Where disclosure to another employee is required in order for them to carry out the duties of their position (where the disclosure is necessary and proper in the discharge of the employee's functions);
- For the purpose for which the information was obtained or compiled or for a consistent purpose;
- For the purposes of complying with an Act of the Legislature or an Act of Parliament, an agreement or arrangement under such Act or a treaty other than the Act as defined in this policy;
- To an institution or a law enforcement agency in Canada to aid in an investigation;
- In compelling circumstances affecting the health and safety of an individual;
- In compassionate circumstances, to facilitate contact with the next of kin or a friend of an individual who is injured, ill or deceased;
- To a Parliamentary Minister;
- To the IPC; and
- To the Government of Canada or the Government of Ontario in order to facilitate the auditing of a shared cost program (R.S.O. 1990, c.M.56,s.32).

Members of the public seeking access to records which contain another individual's personal information must complete and submit a formal Access Request in accordance with the Act.

## **5.7 Disposal of Personal Information**

In compliance with Regulation under MFIPPA, records containing personal information, collected by the City, shall be retained and disposed of in accordance with the retention periods set out in the City's Records Retention By-law. Records containing personal information of historic, genealogical, and archival value may be securely retained and preserved beyond the disposal date established by the City's Records Retention by-law when done so in accordance with the City's archival policies.

Staff shall ensure that all records and transitory documents containing personal information are disposed of by means of place in secure shredding disposal containers within the City office buildings.

Staff should dispose of all fine paper (in accordance with Records Retention by-law and policy) by means of shredding to protect from any inadvertent disposal of personal information in recycling or waste baskets. No personal information shall be discarded in recycling bins or in waste baskets.

## **6. Access Requests**

### **6.1 General Guidelines:**

Individual members of Council are only entitled to personal information obtained by the City for the purpose for which it was obtained and compiled or for a consistent purpose. For non-personal information for a purpose beyond the role of Council as provided for in section 224 of the Municipal Act, 2001 in accordance with the authority exercised by the City pursuant to the Municipal Act, 2001 and other Provincial enabling legislation, the Council member shall make such a request in accordance with Part 1 of the MFIPPA.

Members of the public may obtain access to information or records held by the municipality by first contacting the relevant department office to see if the records are subject to routine disclosure.

Records containing third party personal information must be requested by way of a formal access request.

Requests for copies of Engineering or Architectural type drawings as well as any technical reports, assessments, analysis, etc., produced by external entities, which are in the custody of the municipality, must be requested by way of a formal Access Request. This process shall be adhered to in order to ensure that the City remains

compliant with the provisions of the Copyright Act. All such records shall be marked by the Department with custody as “Protected by Copyright”.

All formal written requests for access to information received by the City under the Act shall be processed by the City Clerk. In general, access requests must be completed by the City within 30 calendar days from the date the complete request is received. The City Clerk is responsible to set up appropriate procedures to address the time lines in accordance with the Act.

## **6.2 Routine Disclosure**

There are a number of records and types of information which are available via Routine Disclosure, meaning that a formal access request is not necessarily required in order to obtain or view the information.

Access to City information and records will be, where possible, made available to the public via City Municipal Service Centres, the City’s websites, social media, orally, or through public inspection at the department offices.

The following are examples of such records where routine disclosure may be permitted:

- Corporate City Policies and Management Directives;
- By-laws (both active, and repealed);
- Agendas;
- Minutes and Resolutions of Open Session Meetings;
- Reports presented in Open Session;
- Demographic and statistical information;
- General community information (e.g. Instructions on how to obtain a Licence or Permit, Waste disposal information, Maps, etc.);
- Annual (approved) budgets;
- Audited Financial Statement;
- Summaries of total procurement results in accordance with the Purchasing Policy;
- Tax Certificates, Building and Zoning Compliance Letters and Other Certificates or Letter (where a fee is required and has been paid);
- Committee of Adjustment Notices and Decisions;
- Planning related documents and development records (as per the Planning Act);
- Subdivision/Site Plan Agreement Information;
- Ongoing Construction information and statistics;
- Building Services reports or compiled statistics;
- Recreation programming and facility rental information;
- Information pertaining to leisure events and activities; and
- Information related to city-owned surplus lands.

Prior to the disclosure of any records, City staff should consult with their manager/supervisor and where uncertain about disclosure, contact the City Clerk or Deputy Clerk.

City Staff are authorized to establish stand operating procedures with fees and fee amendments (by submitting amendments to the Consolidates Fees By-law to City Council for approval) for existing and new routine disclosure processes established by City management staff. Fees shall be generally consistent with the user-pay principle in MFIPPA, and shall not be excessive where disclosures of personal information are involved.

### **6.3 Disclosure of Information**

Under MFIPPA, while most information should be made available to the public, there are two types of exemptions that must be considered by the City when assessing whether information is to be disclosed:

- **Mandatory exemptions:** requiring the institution to refuse disclosure of the record. Such records include:
  - Information pertaining to intergovernmental relations; if the information was received in confidence;
  - Third party information that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, if supplied in confidence, and where disclosure could prejudice the interests of a third party; and
  - Personal information about individuals other than the requester.
- **Discretionary exemptions:** requiring the institution to apply discretion and good judgment when determining whether or not to disclose the record. Such records include:
  - Draft by-laws, records of closed meetings where such are authorized by statute;
  - Advice or recommendations within the organization;
  - Law enforcement records;
  - Information which could prejudice the financial or other specified interests of the organization;
  - Solicitor-client privileged information;
  - Information which could endanger the health or safety of an individual;
  - Information already available to the public or soon to be published; and
  - Information pertaining to relations with Aboriginal communities.

Although the above noted exemptions provide direction as to what shall or may be considered when assessing whether or not to disclose, there are times when the above exemptions do not apply including:

- If a compelling public interest outweighs the purpose of the exemption;

- If there is a grave environmental, health or safety hazard, regardless of whether or not a formal request for information has been made; or
- An exclusion specified in MFIPPA excludes specific types of corporate records (eg: labour-relations, certain employment records, prosecution records, etc.).

For formal Access Requests, the City Clerk and Deputy Clerk may determine the method of release (electronic, physical, or via electronic storage device) of the records in accordance with MFIPPA. The Clerk's Office will default release of records to physical release, especially when personal or sensitive information is contained in the records, as releasing records in physical printed format is more difficult to reassemble or re-interpret electronic redactions on any part of records.

#### **6.4 Fees:**

All fees for Access Requests shall be charged in accordance with the Act and its associated Regulations. The City Clerk may waive or partially reduce fees in accordance with the Act.

Where the total final fees on the decision letter are equal to or less than \$5.00, the City Clerk shall consider the fees to have been included in the initial \$5.00 application fee, and charge no additional amount to obtain the records.

Where the total final fees on the decision letter are between \$5.00 and \$10.00, the City Clerk shall forward the responsive records to the requestor with the decision letter, and allow the requestor to pay the outstanding amount within 30 days of having obtained the records.

Where the total fees are greater than \$10.00, the City Clerk may require payment by the requestor prior to release of the records.

#### **6.5 Abandonment of Requests:**

When the City Clerk has attempted to contact a requester in order to proceed with processing the request and has not had a response from the requester, the request may be considered abandoned. This may occur when the City Clerk needs to clarify the request, or when issuing a fee estimate.

Requesters should be notified in writing that their request may be abandoned. The letter should state the exact date at which the institution will close the file if no response is received.

30 days should pass before marking a request as abandoned for general record requests, and for personal information requests, the City Clerk may allow one year for response before closing the request.

## 6.6 Duty to Document

In an effort to ensure that all potential records are available upon receipt of an access request made under the Act, every officer, employee, and elected official of the City of Kawartha Lakes shall create such records as are reasonably necessary to document their decisions, actions, advice, recommendations and deliberations.

No person shall, with intent to deny a right of access under the Act:

- destroy, mutilate or alter a record;
- falsify a record or make a false record;
- conceal a record;
- fail to create a record in accordance with this section; or
- direct, propose, counsel or cause any person in any manner to do anything in accordance with this section.

## 7. Privacy Breaches

A privacy breach occurs whenever a person has contravened a provision of the privacy legislation by purposely or inadvertently collecting, retaining, using, or disclosing the personal information of another individual.

If any elected official, staff, or affiliated person acting on behalf of the City believes that a privacy breach or release of confidential information (which may contain personal information) has occurred, they shall contact the City Clerk immediately so that all necessary action can be taken to mitigate any damage which may arise as a result of the breach.

Depending on the severity of the breach the City Clerk should ensure that every privacy breach is guided by the following appropriate actions:

1. Response and Containment
  - Retrieve lost/missing personal information;
  - Isolating or suspending activity related to breach; and
  - Brief appropriate senior management of breach.
2. Assessment
  - Determine whether the privacy breach creates a real risk of significant harm (RROSH) using guidelines from the IPC
3. Notification
  - Notify the individuals impacted at earliest opportunity;
  - Notify the IPC in the event of a breach that creates a real risk of significant harm (RROSH) to the affected individuals; and
  - Notify law enforcement in the event of criminal activity.
4. Investigation

- Identify and analyze the events that led to the privacy breach;
  - Evaluate the institution's response and containment of the breach; and
  - Recommend remedial action to help prevent future breaches.
5. Implementation of Change
- Review relevant systems and practices to enhance compliance with MFIPPA or other legislation;
  - Amend or reinforce existing SOPs for managing and safeguarding personal information;
  - Develop and implement new security or privacy measures;
  - Train staff on privacy requirements; and
  - Evaluate actions to determine if they have been implemented correctly.

## **8. Grave Environmental, Health, or Safety Hazards**

Section 5 of the Act requires the head to disclose a record that reveals a grave environmental, health, or safety hazard to the public, and where it is in the public interest to do so. Regarding this provision:

- Grave means serious, with the likelihood to produce great harm or danger;
- Public interest includes the interests of the local community in general and not of any particular individual or group of individuals; and
- the information is a record.

If these conditions are met, the record must be disclosed as soon as possible. There is no requirement that a request under the Act be made before the head is required to act.

Before disclosing a record, the City Clerk, or their delegate, must give notice to any person to whom information in the record relates if it is reasonable to do so in the circumstances. The notice need not be in writing. Due to the urgency of the circumstances contemplated, the head is not required to wait for any prescribed period before disclosing the record or obtaining any representations.

## Revision History:

Proposed Date of Review:

<b>Revision</b>	<b>Date</b>	<b>Description of Changes</b>	<b>Requested By</b>
1	March 24, 2026	Approved to replace CP2021-036	