

Bill No. 227
2017

By-law No. CPOL.-_____

A By-law to adopt a Policy for Publicly Releasing
Enforcement Information.

WHEREAS section 224 of the *Municipal Act, 2001* provides that it is the role of council to develop and evaluate the policies and programs of the municipality;

AND WHEREAS section 224 of the *Municipal Act, 2001* provides that it is the role of council to ensure the accountability and transparency of the operations of the municipality;

AND WHEREAS section 224 of the *Municipal Act, 2001* provides that it is the role of council to ensure that administrative policies, practices and procedures are in place to implement the decisions of council;

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001* provides that a municipal power shall be exercised by by-law unless specifically authorized to do otherwise;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Council Policy for Publicly Releasing Enforcement Information, attached as Schedule "A" to this By-law, is adopted.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on May 30, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

Schedule "A"

Council Policy

I. Policy Title: Publicly Releasing Conviction Information Via the Internet

Approved by Council: May [redacted], 2017
Effective Date: May [redacted], 2017

II. Purpose

The municipal purpose for this policy is to increase the transparency of the municipality by providing information to the public via the internet about convictions for various enforcement measures taken by the municipality.

This policy describes (A) who determines what information can be released, (B) what information can be released, (C) how the information can be released, (D) when the information can be released publicly, (E) how the City will monitor, audit and remove information available via the City's internet site, and (F) how the public can make requests to correct data errors.

III. Detailed Policy Statement

(A) Who Determines What Information Can Be Released

The Service Area Leads for each Service Area are granted the responsibility and authority to determine the conviction information that may be accessed by the public via the City's internet site, in accordance with this Policy.

(B) What Information Can Be Released

Any release of conviction information to the public via the internet must comply with the following:

- it must not compromise enforcement or prosecution matters
- it must comply with all applicable legislation, including:
 - privacy legislation (e.g. *Municipal Freedom of Information and Protection of Privacy Act* - MFIPPA, *Personal Health Information Protection Act* - PHIPA)
 - it must not name or provide information serving to identify a young person as defined in the *Provincial Offences Act* – POA.

(C) How Information Can Be Released

Release of conviction information to the public via the City's internet site should comply with recommendations, guidance documents and best practices of entities that have expertise in this area, including:

- The Information and Privacy Commissioner of Ontario
- The Privacy Commissioner of Canada

In particular, where the Service Area Lead is considering making information publicly available via the City's internet site, it should be done in such a way that it prevents the unauthorized or large-scale harvesting of information, in view of protection of privacy legislation.

Any limitations of the information should be stated (e.g. the data does not reflect the status of current compliance, the currency of the data, etc.).

(D) When Can Information Be Released

Conviction information should be as current and up-to-date as possible (and it must be within two years of conviction). Out-dated information should not be released.

The nature of the information will dictate when information is suitable for release.

(E) How the City Will Monitor, Audit, and Remove Information Made Publicly Available via the City's Internet Site

On a regularly scheduled basis, the Service Area Lead will monitor information it makes publicly

available via the internet, and it will perform audits on such information.

As conviction information becomes out-dated, the Service Area Lead will remove it from public access, where possible. It is to be recognized that, even where information is removed from the City's internet site, such information may have been captured (e.g. cached) and stored elsewhere on the internet (e.g. Google cache; archive.org) and may therefore be persistent. For this reason, information on static pages on City internet sites is to be avoided.

(F) How the Public Can Make Requests to Correct Data Errors.

A member of the public to whom the information relates may contact the City Clerk to request that data contained on the City's internet site be reviewed for accuracy. The City Clerk shall forward the request to the applicable Service Area Lead for review.

IV. Implementation Practices and Procedures

Each Service Area Lead having responsibility for enforcement information should establish written practices and procedures to carry out the intent of this policy with respect to his or her own Service Area.

Implementation of this policy is subject to the availability of resources.

V. Definitions

"Service Area Lead" and **"Service Area"** have the meanings as set out in the Civic Administration By-law.

Revision History

Reference	Description