

Policy/Procedures and Committees Bylaw 12300 Amendment - Disclosure of Memos and Private Reports

Recommendation:

That Administration, in its final report to Council on the review of the Procedures and Committees Bylaw, include suggested changes regarding proactive release of Council reports that are dealt with in private pursuant to the *Freedom of Information and Protection of Privacy Act*.

Report Summary

This report outlines Administration's recommended approach for proactive redaction and release of private reports and memos to Council.

Previous Council/Committee Action

At the January 31, 2017, Executive Committee meeting, the following motion was passed:

That Administration bring forward a recommended approach, including a policy and/or Procedures and Committees Bylaw 12300 changes, to provide for continuous disclosure of memos and subsequent disclosure of private reports of Council to the public when the reason for keeping them private no longer applies, and return to Committee.

Report

Making City records routinely available supports the legislative and ethical principles that Edmontonians have a right to access records documenting the activities of City Administration and the City's elected officials. The City of Edmonton values openness and seeks to provide citizens with ways to better understand how decisions are made. This commitment to transparency has been recognized by the Public Sector Digest, which voted Edmonton "Canada's Most Open City" in 2015 and 2016. The City was also awarded the GTEC medal for "Excellence in Service Delivery" in December 2016.

Memos to Council from Administration

Administration is initiating a process to make memos sent to Council from Administration routinely available. The process intends to satisfactorily balance the City's transparency obligations and its operational realities.

Memos and written correspondence sent to all of Council are stored in a repository by

the Office of the City Clerk on behalf of Administration. Monthly batches of the documents are reviewed and released as follows:

- Month 1 - Departments provide documents to the City Clerk.
- Month 2 - Memos are reviewed by the City Clerk. Memos will be redacted when exceptions to protect personal information and third-party business information are required by the *Freedom of Information and Protection of Privacy Act*. Discretionary exemptions will be applied in accordance with the principle that City information is open by default and protected by necessity.
- Month 3 - Memos collected in Month 1 are uploaded to the City's Open Data portal and are available on the Open Data site for four years. Additionally, memos requested by Motion of Council will be placed in the official meeting file, as per usual practice, and retained in perpetuity.

Private Reports to City Council as part of the Meeting Process

Due to the complexities of private reports, the best method for making private reports to Council routinely available is to apply a multi-pronged strategy that considers public transparency, Council direction, the context of the report, the legislative exception(s) to access applied to the report, logical triggers to disclose the reports, and process/resource efficiency.

The strategy includes applying one or more of the following options to each private report, according to what will work best in the context:

- In a report recommendation, including a time period or trigger for Administration to review a report available.
- In the report, advising of the time when the information will become public.
- Splitting a report into one public and one private report, or creating a private attachment to a public report.
- Releasing redacted reports with the meeting agenda.
- Redacting and posting reports immediately following a meeting or when the item has been addressed in a meeting.

Council will be sent a memo to advise of private report information being released to the public. The public will be notified on the meetings and agendas website on the City of Edmonton site.

Regardless of the strategy outlined above, the City will accept and process formal *Freedom of Information and Protection of Privacy Act* requests for private reports at any time.

Private Reports: Next Steps

Administration will test the processes described in this report, make refinements based

on the experience, and bring forward changes to the Procedures and Committees Bylaw in conjunction with the current review of that bylaw. The expected timeline for changes to be brought to Council is summer of 2017.

Policy

- City Policy C581, Open City Policy
- Procedures and Committees Bylaw 12300
- *Municipal Government Act*
- *Alberta Freedom of Information and Protection of Privacy Act*

Corporate Outcomes

This report supports the outcome that “Edmontonians are connected to the city in which they live, work, and play” by providing a framework for publication of corporate information that previously would have remained difficult to access.

Public Engagement

Public Engagement on the Procedures and Committees Bylaw has recently occurred. Additionally, this matter was before Committee in January 2017, when the public had the opportunity to speak to the matter. The Office of the City Clerk frequently receives questions from the public and from Council on why reports and memos are not available. The proposed strategy outlined in this report has been informed by these sources of feedback.

Metrics, Targets and Outcomes

Metrics	Targets	Outcomes
<ul style="list-style-type: none"> • Number of reports to Council: 2016 - 696 total, 60 (9%) private 2015 - 811 total, 97 (12%) private 2014 - 676 total, 82 (12%) private 2013 - 671 total, 64 (10%) private 2012 - 623 total, 71 (11%) private • Number of reports to Committee 2016 - 663 total, 72 	<p>The proportion of private reports will likely remain around 10%. Going forward, Administration will have an increased ability to collect metrics on the number of private reports and memos made public.</p>	<p>The City will be transparent and accountable for information that should be public and “Open by Default”.</p>

(11%) private 2015 - 783 total, 86 (11%) private 2014 - 626 total, 73 (12%) private 2013 - 538 total, 63 (12%) private 2012 - 698 total, 68 (10%) private		
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Justification of Recommendation:

A new process for publishing memos and private reports will allow Administration to share information proactively. The trial period before the bylaw adjustment will ensure Administration is able to test the new process before it is required by Bylaw.

Others Reviewing this Report

- T. Burge, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- R. G. Klassen, Deputy City Manager, Sustainable Development
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services
- R. Smyth, Deputy City Manager, Citizen Services
- C. Campbell, Deputy City Manager, Communications and Engagement
- D. Jones, Deputy City Manager, City Operations

