

Release of Information

Sale of Land - Recommendations

Recommendation:

1. That the May 9, 2017, Sustainable Development report CR_4771, be received for information.
2. That Attachment 2 of the May 9, 2017, Sustainable Development report CR_4771 remain private pursuant to sections 16 and 25 of the *Freedom of Information and Protection of Privacy Act*.

Report Summary

This report provides City Council with recommendations on the terms and conditions from the land sale transaction that can be released to the public, as it relates to the Sustainable Development report CR_4642, which was dealt with at the April 26, 2017, City Council meeting.

Previous Council/Committee Action

At the April 26, 2017, City Council meeting, the following motion was passed:

That Administration provide a report with recommendations as to the release of any information that can be made public related to the sale of land and return to City Council.

Report

Releasing as much information as possible to the public provides transparency in the land sale process. Information that **must** be protected pursuant to the *Freedom of Information and Protection of Privacy Act* will remain private. Private information will be reviewed for release in the future to ensure transparency of the land sale.

In response to the Council motion, Administration and the Corporate FOIP Manager have separated the land sale information into two attachments in this report: 1) public elements and 2) elements that must remain private.

The information contained in Attachment 1 is information that may be released to the public immediately following this meeting. The release is reasonable given no exception under *Freedom of Information and Protection of Privacy Act* (Alberta) applies; therefore, the information is public.

Attachment 2 of this report contains the information that will be kept private pursuant to sections 16 and 25 of the *Freedom of Information and Protection of Privacy Act*. Any release of this information would negatively impact the City's economic interests and the information should remain private. In addition, the information in Attachment 2 contains third-party information that, if released, could harm the third party's competitive position or interfere significantly with its negotiations with another party (eg. contractors, suppliers of goods and services) as well as cause unnecessary financial loss to the third party.

After Council has dealt with this report at the May 9, 2017, City Council meeting, Administration will make this report available to the public, except for Attachment 2, which will remain private. Attachment 2 will be reviewed in May 2022 for possible further release of information.

This report is for Council's information and does not need to be selected.

Policy

- City Policy C581, Open City Policy
- Procedures and Committees Bylaw 12300
- 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 as much information as possible to the public and providing transparency in the land sale process.

Risk Assessment

Risk Element	Risk Description	Likelihood	Impact	Risk Score	Current Mitigations	Potential Future Mitigations
Commercial/Competitive	Releasing information that has been requested to remain in private may jeopardize the City's negotiating position on future transactions	4-Likely	4-Severe	16-High	Only sharing information which has been outlined as releasable to the public.	
Public Perception	Not releasing all information may be viewed as if the City is not being transparent	3-Possible	1-Minor	3-Low	The City must comply with FOIP legislation while providing as much information as possible that doesn't identify precedents and/or materially impact either party.	

Attachments

1. Transaction Framework (Public Information)
2. Transaction Framework (Must Remain Private Elements)

Others Reviewing this Report

- T. Burge, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- C. Campbell, Deputy City Manager, Communications and Engagement