

**Report to
Rapport au:**

**Finance and Economic Development Committee
Comité des finances et du développement économique
18 May 2021 / 18 mai 2021**

**and Council
et au Conseil
26 May 2021 / 26 mai 2021**

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**Submitted by
Soumis par:
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2021-OCC-GEN-0012

SUBJECT: Office of the City Clerk 2020 Annual Report

OBJET: Rapport annuel 2020 du Bureau du greffier municipal

REPORT RECOMMENDATIONS

That the Finance and Economic Development Committee recommend that City Council:

- 1. Receive this report;**
- 2. Approve extending the timeline for completion of goals identified for the 2020-2021 Departmental French Language Services Operational Plans to**

the end of 2022, as described in this report and set out in Documents 3 and 4;

3. Approve the revised Records Retention and Disposition By-law attached as Document 7, which includes the amendments to Schedule “A” of the by-law as outlined in this report and set out in Documents 8 and 9;
4. Approve two temporary Full-time Equivalent (FTEs) for the Access to Information and Privacy Office, as described in this report.

RECOMMANDATIONS DU RAPPORT

Le Comité des finances et du développement économique recommande que le Conseil :

1. **reçoive le présent rapport;**
2. **approuve la prolongation du délai de réalisation des objectifs fixés dans les Plans opérationnels 2020-2021 des directions générales concernant la prestation des services en français jusqu’à la fin de 2022, comme décrit dans le présent rapport et indiqué dans les documents 3 et 4;**
3. **approuve le Règlement sur la conservation et le déclassé des dossiers modifié et joint en tant que document 7, qui comprend les modifications à l’annexe « A » du Règlement comme indiqué dans le présent rapport et dans les documents 8 et 9;**
4. **approuve deux équivalents temps plein (ETP) temporaires pour le Bureau de l’accès à l’information et de la protection de la vie privée, comme décrit dans le présent rapport.**

EXECUTIVE SUMMARY

The City Clerk is a mandatory statutory officer appointed by City Council under the *Municipal Act, 2001*. At the City of Ottawa, in addition to fulfilling legislative requirements under the Act, the City Clerk leads the Office of the City Clerk and ensures that all statutory obligations are administered to fully comply with provincial legislation, particularly as it relates to matters such as elections, access to information and privacy, information management, accessibility, intergovernmental affairs, French language services, archives, Council and Committee meetings, the Council-approved Accountability Framework and municipal governance.

The Office of the City Clerk 2020 Annual Report provides an update regarding activities and initiatives of the office during the past year, and fulfills reporting requirements under the [Delegation of Powers Policy](#) for “[e]very delegation of a power or duty of Council [to] be accompanied by a corresponding accountability and transparency mechanism,” as well as certain mandatory reporting requirements set out in the *Delegation of Authority By-law*.

Information is also provided with respect to the effects of the COVID-19 pandemic on the Office of the City Clerk in 2020. The report includes examples of how the office supported City-wide efforts and adapted to ensure services for Members of Council and the public were maintained during challenging times.

The report also includes the following attachments and information:

- The 2020 Report on the Archives (Document 1);
- The 2020 Report on the Elections Office (Document 2);
- The 2020 Report on French Language Services (FR – Document 3, EN – Document 4);
- The 2020 Report on Information Management (Document 5);
- The 2020 Report on MFIPPA (the *Municipal Freedom of Information and Protection of Privacy Act*) (Document 6);
- Update on Office of the City Clerk Initiatives for 2020-2022 (Document 11); and
- Information regarding the City Clerk’s exercise of delegated authority in 2020 as “Head” for the purposes of the *Ombudsman Act* (Discussion section of the report).

In addition, staff make recommendations with respect to the following matters:

- That Council approve extending the timeline for completion of goals identified for the 2020-2021 Departmental French Language Services Operational Plans to the end of 2022. Departments have indicated that meeting the approved goals within the current two-year cycle would put undue pressure on their staff in a time when resources are and will be stretched and redeployed to assist in vaccine distribution and eventual pandemic recovery efforts. Staff believe the proposed extension would assist in alleviating the current pressures within the organization

while continuing to ensure the organization's commitment to the improvement of services provided in French.

- That Council approve the revised *Records Retention and Disposition By-law*, which establishes a schedule for the retention and disposition of records in the custody or under the control of the City of Ottawa. The proposed revised by-law has been updated to reflect current practices, language and legislative requirements. The by-law would also include an updated schedule (Schedule "A") that contains proposed modifications to the records retention and disposition schedule identified by the Office of the City Clerk in the course of its Information Management service delivery with clients. The proposed revised by-law is attached as Document 7. The proposed revised Schedule "A" is provided as Document 8, with the specific amendments to the schedule described in Document 9.
- That Council approve two temporary Full-time Equivalent (FTEs) for the Access to Information and Privacy Office in order to support the City's ongoing legislative obligations to protect the personal privacy of its citizens through continued privacy guidance to City staff. If approved, the positions would be funded and absorbed within existing budgetary resources for the remainder of 2021 with a budget pressure being identified through the 2022 budget process.

RÉSUMÉ

Le greffier municipal est titulaire d'une charge créée par une loi et est nommé par le Conseil municipal conformément à la Loi de 2001 sur les municipalités. À la Ville d'Ottawa, en plus de respecter les exigences de la Loi, le greffier municipal dirige le Bureau du greffier municipal et veille à ce que toutes les obligations statutaires soient assumées conformément à la législation provinciale, particulièrement en ce qui a trait à des questions comme les élections, l'accès à l'information et à la vie privée, la gestion de l'information, l'accessibilité, les affaires intergouvernementales, les services en français, les archives, les réunions du Conseil et des comités, le cadre de responsabilisation approuvé par le Conseil et la gouvernance municipale.

Le rapport annuel 2020 du Bureau du greffier municipal fournit une mise à jour sur les activités et les initiatives du Bureau au cours de la dernière année et satisfait aux exigences en matière de rapports de la [politique sur la délégation de pouvoirs](#), selon laquelle « la délégation d'un pouvoir ou d'une attribution du Conseil doit être assortie d'un mécanisme approprié de transparence et de reddition de comptes », ainsi qu'à

certaines exigences obligatoires en matière de rapports établies dans le Règlement sur la délégation de pouvoirs.

Le rapport contient également de l'information sur les effets de la pandémie de COVID-19 sur le Bureau du greffier municipal en 2020. Le rapport comprend des exemples de la façon dont le Bureau a appuyé les efforts déployés à l'échelle de la Ville et s'est adapté pour s'assurer que les services aux membres du Conseil et du public étaient maintenus pendant les périodes difficiles.

Le rapport comprend également les pièces jointes et les renseignements suivants :

- Le rapport de 2020 sur les Archives (document 1)
- Le rapport de 2020 sur le Bureau des élections (document 2)
- Le rapport de 2020 sur les Services en français (en français – document 3, en anglais – document 4)
- Le rapport de 2020 sur la Gestion de l'information (document 5)
- Le rapport de 2020 sur la Loi sur l'accès à l'information municipale et la protection de la vie privée (LAIMPVP) (document 6)
- Une mise à jour sur les initiatives du Bureau du greffier municipal pour 2020-2022 (document 11)
- De l'information concernant l'exercice de pouvoirs délégués par le greffier municipal en 2020 à titre de « chef » aux fins de la Loi sur l'ombudsman (dans la section « Analyse » du rapport)

De plus, le personnel formule des recommandations concernant les questions suivantes :

- Que le Conseil approuve la prolongation jusqu'à la fin de 2022 du délai de réalisation des objectifs fixés dans les Plans opérationnels 2020-2021 des directions générales concernant la prestation des services en français jusqu'à la fin de 2022. Les directions générales ont indiqué que réaliser les objectifs approuvés au courant du cycle actuel de deux ans mettrait une pression indue sur leur personnel au moment où les ressources sont déjà mobilisées et redéployées pour aider à la distribution des vaccins et aux éventuels efforts de rétablissement après la pandémie. Le personnel est d'avis que la prolongation proposée aidera à alléger les pressions actuelles au sein de l'administration

municipale tout en continuant d'assurer l'engagement de la Ville à l'amélioration des services fournis en français.

- Que le Conseil approuve le Règlement sur la conservation et le déclassé des dossiers, qui établit le calendrier de conservation et de déclassé de tous les documents dont la Ville d'Ottawa a la garde ou le contrôle. Le règlement modifié proposé a été mis à jour pour tenir compte des pratiques et des exigences linguistiques et législatives actuelles. Le règlement comprend également une annexe mise à jour (annexe « A ») qui contient des modifications proposées au calendrier de conservation et de déclassé des dossiers établi par le Bureau du greffier municipal dans le cadre de la prestation de ses services de gestion de l'information auprès des clients. Le règlement modifié proposé est joint en tant que document 7. L'annexe « A » modifiée proposée est fournie en tant que document 8, et les modifications précises apportées à l'annexe sont décrites dans le document 9.
- Que le Conseil approuve deux équivalents temps plein (ETP) temporaires pour le Bureau de l'accès à l'information et de la protection de la vie privée afin d'appuyer les obligations législatives permanentes de la Ville de protéger la vie privée de ses citoyens au moyen de directives en matière de protection de la vie privée diffusées à l'intention du personnel de la Ville. S'ils sont approuvés, les postes seront financés et absorbés à même les ressources budgétaires existantes pour le reste de l'année 2021, une pression budgétaire étant identifiée dans le cadre du processus budgétaire 2022.

BACKGROUND

City Clerk's statutory role and mandate

The City Clerk is a mandatory statutory officer appointed by City Council under Section 228 of the *Municipal Act, 2001* (the Act). The Act sets out the Clerk's duties as follows:

- a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
- b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;

- d) to perform the other duties required under this Act or under any other Act; and
- e) to perform such other duties as are assigned by the municipality.

At the City of Ottawa, in addition to fulfilling the legislative requirements under the Act, the City Clerk leads the Office of the City Clerk and ensures that all statutory obligations are administered to fully comply with provincial legislation, particularly as it relates to matters such as elections, access to information and privacy, information management, accessibility, intergovernmental affairs, French language services, archives, Council and Committee meetings, the Council-approved Accountability Framework and municipal governance.

Specifically, the Office of the City Clerk includes the following programs and services:

- Council and Committee Services [includes the Mayor Support Services Branch and Council Support Services Branch];
- Legislative Services [includes the Archives Branch, the Corporate Accessibility Branch and the Information Management Branch (IM)];
- Municipal Elections and French Language Services;
- Office of Protocol and Intergovernmental Affairs; and
- Policy and Business Operations Services [includes the Access to Information and Privacy Branch (ATIP), the Policy Branch and the Print, Mail and Operations Branch].

The Office of the City Clerk 2020 Annual Report: A compilation of mandatory branch updates from 2020

The Office of the City Clerk 2020 Annual Report provides information regarding activities and initiatives of the office in 2020. The report combines a number of separate annual reports pursuant to requirements under the [Delegation of Powers Policy](#) that “[e]very delegation of a power or duty of Council shall be accompanied by a corresponding accountability and transparency mechanism,” as well as certain mandatory reporting requirements set out in the *Delegation of Authority By-law*.

The report also provides an update relating to the Clerk’s exercise of delegated authority as the Council-appointed “Head” under the *Ombudsman Act*. This is a largely administrative function similar to the role of the “Head” of the institution set out in other

legislation, such as the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

The Discussion section of this report provides some highlights of activities undertaken by services and branches that traditionally provide annual reports to Council, as well as information regarding the City Clerk's exercise of delegated authority in 2020. Separate annual reports for certain services and branches [the Archives, the Elections Office, French Language Services (FLS), the ATIP Office's MFIPPA report and IM] are provided as attachments.

The Discussion section also provides information regarding the recommendations made in this report with respect to extending the timeline for completion of goals identified for the 2020-2021 Departmental French Language Services Operational Plans to the end of 2022 (Recommendation 2), the revised *Records Retention and Disposition By-law* (Recommendation 3), as well as two temporary Full-time Equivalent (FTEs) for the Access to Information and Privacy Office in order to support the City's ongoing legislative obligations to protect the personal privacy of its citizens pursuant to MFIPPA and the *Personal Health Information Protection Act, 2004* (Recommendation 4).

Furthermore, Document 11 provides updates on some of the Office of the City Clerk's key initiatives for 2020-2022 that were included in the [Office of the City Clerk 2019 Annual Report](#).

2020: Addressing the COVID-19 pandemic

As was the case across City departments, the Office of the City Clerk's programs and services were and continue to be affected by the ongoing COVID-19 pandemic. In addition to redeploying staff to support and assist with City-wide efforts, the office changed service delivery and implemented various initiatives, including as follows:

- **Council and Committee Services:** Staff helped to organize the very first COVID-19 technical briefing on March 13, 2020, when the Mayor, Medical Officer of Health and senior City staff convened in the Champlain Room to update Council and the media on the City's early response to COVID-19.

Committee and Council meetings were moved online – first by teleconference and then over Zoom – further to amendments to the *Municipal Act, 2001* and the *Procedure By-law* permitting electronic meetings. While the City of Ottawa did not previously permit any form of remote participation prior to COVID-19, it was among the first municipalities in Ontario to conduct a fully electronic Standing

Committee meeting that included live participation by public delegations. The first meeting held using the new delegation procedures was the joint meeting in May 2020 of the Planning Committee/Agriculture and Rural Affairs Committee with respect to the City's Official Plan. The meeting spanned three days and including the live participation of 93 public delegations. The corporate legislative agenda quickly returned with full force and the calendar filled up with virtual Standing Committee, Advisory Committee and Council meetings.

Staff in Council and Mayor Support Services adopted new ways of working in order to support elected officials and their staff who were mostly working from home. These teams worked with Human Resources Services, the Finance Services Department and Information Technology Services to move many previously paper-based processes online and to find new flexibility within existing policies to support Members and their staff and facilitate their ability to serve Members' constituencies during a time of need.

- **Legislative Services:** The requirements of the *Accessibility for Ontarians with Disabilities Act, 2005* continued during the pandemic, and the Corporate Accessibility Branch continues to support Ottawa Public Health, the Human Needs Task Force and the Vaccination Task Force, including arranging for sign language interpretation at press conferences.

As described in more detail in the Discussion section of this report, the Archives continued to offer services required by legislation while supporting colleagues with the pressures associated with COVID-19. In continuing to ensure the preservation, acquisition and access to its information, the Archives provided for record retrievals to continue in a safe manner, including those in support of the City's Legal Services and groups that were deemed "essential," such as Building Code Services.

IM leveraged staff expertise in recordkeeping and documentation to contribute to various COVID-19-related emergency response positions, including scribing, health case management, health data entry and other emergency recordkeeping functions. IM also increased staffing to meet the recordkeeping demand for Ottawa Public Health.

- **Municipal Elections and French Language Services:** The Elections Office's plans to conduct a "regular" by-election in Ward 19 quickly changed when the City went into lockdown in March 2020. Staff reviewed and adapted elections processes to inform two reports to Council in April and July of 2020. Once

Council enacted the by-law to hold the by-election, it took a physically distanced and all-hands-on-deck approach to administer the 2020 Cumberland By-election, as described in the Discussion section of this report and in Document 2.

French Language Services also adapted to COVID-19-related demands and challenges. As a result of an increase in translation demands due to the pandemic, the Translation Services Unit changed its service delivery model from March to July 2020 to ensure that residents and staff continued to receive timely information, as described in the Discussion section of this report and in Documents 3 and 4. FLS also ensured that events to recognize and showcase the Francophone culture in Ottawa, such as Franco-Ontarian Day celebrations, continued in a revised and virtual format.

- **Office of Protocol and Intergovernmental Affairs:** The rapidly changing restrictions put in place by the federal, provincial and municipal governments had a significant impact on the Office of Protocol and Intergovernmental Affairs. Due to COVID-19, the Office of Protocol was unable to showcase the City and celebrate the contributions of citizens to their communities as had been done annually for so many years. The Office was unable to host the many Ambassadors who request Courtesy Calls with the Mayor each year, or host visiting delegations from around the world. Public recognitions at Council meetings were halted, flag raising ceremonies and proclamation presentations became restricted, and city-wide Mayoral events were cancelled.

As the pandemic progressed and demand for assistance in other areas of the City grew, Protocol staff were redeployed to assist in other departments. Staff also continued to monitor the communication of federal, provincial and municipal leaders throughout the pandemic, and manage the many diplomatic issues that continued throughout the year.

- **Policy and Business Operations Services:** Despite the ongoing pandemic, the provincial Information and Privacy Commissioner made it clear that “institutions” under MFIPPA, such as the City of Ottawa, were expected to continue to respond to access to information requests in accordance with the statute. As described in the Discussion section of this report, while the ATIP Office maintained its operation in order to ensure compliance with its enabling legislation, and delays in processing requests were kept to a minimum, the pandemic had a tangible effect on the ability for operational staff to retrieve responsive records in a timely manner. ATIP staff introduced electronic means to

handling and processing requests, while continuously reminding staff that the City's legal obligations to respond to access to information requests were still in place. The work-from-home environment also brought about a significant number of privacy breach notifications and privacy impact assessment requests, as traditionally paper-based processes were quickly being automated.

Consultation shifted to virtual formats for significant projects undertaken by the Policy Unit, including reports regarding the 2018-2022 Mid-term Governance Review and the Ottawa Ward Boundary Review 2020, while the unit also supported various Integrity Commissioner investigations and an Auditor General and Integrity Commissioner recruitment process.

The Mail Services team was designated an essential service by the provincial government and was kept busy rerouting packages and deliveries as facilities across the City closed. The team went so far as to deliver confidential and urgent packages to staff members' homes. It also took over mail services for the Ottawa Police Service.

The Print Shop produced urgent, last-minute pandemic-related signage for facility and park closures, and "mask required" signs for businesses across the City. The Print team also supported the various vaccination and COVID-19 testing sites, producing thousands of pages of consent forms, information pamphlets and immunization records.

Such efforts of the Office of the City Clerk continue as the pandemic has moved into 2021.

DISCUSSION

The Office of the City Clerk 2020 Annual Report fulfills reporting requirements within the Delegation of Powers Policy and *Delegation of Authority By-law* by providing the following documents and information:

- The 2020 Report on the Archives (Document 1);
- The 2020 Report on the Elections Office (Document 2);
- The 2020 Report on French Language Services (FR – Document 3, EN – Document 4);
- The 2020 Report on Information Management (Document 5);

- The 2020 Report on MFIPPA (Document 6); and
- Updates on Office of the City Clerk Initiatives for 2020-2022 (Document 11).

Highlights of the reports are provided below. In addition, information is provided regarding the City Clerk's exercise of delegated authority in 2020 as "Head" for the purposes of the *Ombudsman Act*.

2020 Report on the Archives (Document 1)

The Archives' statutory recordkeeping obligations, and those of its internal clients, remained in effect throughout the COVID-19 pandemic in 2020. Accordingly, the Archives adapted its services to ensure that both statutory recordkeeping obligations and public health protocols were respected.

Throughout Q2 and Q3 of 2020, the Archives worked with its Health and Safety Consultant, Facility Operations and the Service Recovery Task Force to ensure that its public-facing services were reopened and communicated in a manner that respected public health protocols. During this time, the Archives worked with these colleagues to identify and mitigate various risks associated with welcoming the public back to the Reference Room at the James Bartleman Centre. This included training for staff, the provision of floor markings for physical distancing, acrylic barriers, handwashing stations, and a "by appointment" registration process. The Archives also increased its capacity to provide clients with virtual services such as virtual consultations and the increased digitization of records.

Other Archives activities in 2020 included:

- Supporting colleagues with the pressures associated with COVID-19 through a variety of formal redeployments and other functions in support of Ottawa Public Health, the Translation Services Unit and the Emergency Operations Centre;
- In collaboration with uOttawa, Carleton University, and Capital Heritage Connexion, launching an initiative in the summer of 2020 to encourage the community to contribute records of its pandemic experience; and
- With the support of the Office of Protocol, holding a safe version of the annual "Letters to Santa" family event. Families were invited to register for a free Letter to Santa kit, which included letter writing supplies, activity sheets, paper crafts, and a hot chocolate packet. The kit also included a link to an online holiday story

read by the Mayor and several Members of Council. The initiative was “sold out,” with all 400 kits being collected by the community.

With respect to annual reporting requirements for the Archives, Subsection 8(2) of Schedule “C” within the *Delegation of Authority By-law* requires that a report be made to the appropriate Standing Committee about the exercise of delegated authority regarding agreements related to the long-term deposit of library and archival materials in the City Archives. Document 1 includes information regarding the exercise of this delegated authority.

2020 Report on the Elections Office (Document 2)

Being one of the first municipalities in Canada to conduct a by-election during a pandemic was no easy feat, but with the help of colleagues from across the corporation, the Elections Office administered a safe, secure and democratic by-election in Cumberland Ward.

As described in Document 2, the 2020 Cumberland By-election was conducted in the traditional manner (i.e. in-person voting) with adaptations made to the election process to address Ottawa Public Health and provincial health recommendations.

In late September and early October 2020, staff successfully administered three in-person voting days with “anywhere voting” available at every voting place, and staff successfully implemented a new alternative method of voting by introducing a “Special Mail-in Ballot” to allow electors the opportunity to vote without having to attend a voting place in person – a first for Ottawa. A number of other changes to the voting process in response to COVID-19 are set out in Document 2.

Successes and lessons learned during the by-election will help to inform processes as the office turns its attention to preparing for the 2022 Municipal Elections. As approved through Council’s consideration of the [2018-2020 Mid-term Governance Review](#) report on December 9, 2020, the Office of the City Clerk will bring forward a report to Council in Q3 of 2021 that will address various election-related by-laws, policies and procedures in advance of the 2022 Municipal Elections, including:

- A review of the City’s signs by-laws as they relate to election signs;
- The impacts of Bill 218, the *Supporting Ontario’s Recovery and Municipal Elections Act, 2020*, and the potential impacts of Bill 254, the *Protecting Ontario Elections Act, 2021*;
- The impacts of the Ottawa Ward Boundary Review 2020; and

- A review of the City's Election-Related Resources Policy.

At the time of writing of this report, COVID-19 remains an ongoing concern and public health officials believe that the impacts of COVID-19 may still be prevalent for months and years to come. As election planning begins years in advance of a general election year, election planning for 2022 must shift to recognize the realities of COVID-19.

As such, staff are currently reviewing the election processes that were successfully implemented in the 2020 Cumberland By-election to determine if and how these processes could be implemented in the 2022 Municipal Elections, including the possibility of implementing an alternative method of voting on a city-wide scale. That said, it is important to note that the requirements of a general election are far more substantive than those of a by-election. As part of the above-noted forthcoming report, staff will report back to Council on the feasibility of implementing these election processes on a city-wide scale.

2020 Report on French Language Services and proposal to extend the timeline for completion of goals identified for the 2020-2021 Departmental French Language Services Operational Plans to the end of 2022 (Documents 3 and 4)

In 2020, the City of Ottawa worked to continually demonstrate its commitment to providing quality services to staff and residents in French and English while managing the consequences of the COVID-19 pandemic. French Language Services (FLS) adapted to address demands and challenges raised by COVID-19 while continuing to support all City departments in the delivery of municipal services in French to residents and City employees.

The Translation Services Unit (TSU) – which provides City departments with translation, comparative revision, proofreading, terminology and simultaneous interpretation services, and oversees the coordination of more than 30 external translation service providers – saw an increase in demand and urgent requests in 2020 due to the pandemic. As described below in more detail, the TSU changed its service delivery model to ensure that residents and staff continued to receive timely information. The TSU translated almost 11.5 million words in 2020, a 31-per-cent increase over approximately 8.8 million words translated in 2019.

Drawing on experience from previous emergencies such as flooding events in recent years, TSU staff moved seamlessly to a fully virtual model and extended business hours in early March of 2020 to enhance services and meet operational needs. The TSU also put a member of its team and an external supplier on standby during weekday evenings

and weekends to provide quality translation services around the clock. From March to July 2020, City departments were provided with translation services 24 hours a day, seven days a week.

FLS was also present in the community and continued to strengthen important relationships with its partners and stakeholders through collaborations and engagement activities, including a pre-recorded Franco-Ontarian flag raising ceremony that was broadcast as part of a province-wide webcast event on September 25, 2020, and other events described in Documents 3 and 4. In addition, the branch continued its efforts to encourage service excellence through various activities conducted in French to promote and create awareness of the Bilingualism Policy for employees.

FLS supports the French Language Services Advisory Committee (FLSAC), which had its three-year work plan approved by Council on March 25, 2020. FLSAC received presentations from staff in various departments in 2020, once virtual meetings resumed, and is to submit recommendations to departments in 2021.

The FLS Unit within the FLS Branch is responsible for managing, investigating and responding to all official complaints received by the City through the Corporate Complaints Procedure regarding the quality and provision of French-language services. The number of French-language complaints received decreased from 42 complaints in 2019 to 32 complaints in 2020. This is below the five-year average of 36 complaints per year. In resolving complaints, FLS relies on a collaborative approach to help all relevant stakeholders create conditions that ensure progress in the provision of services in French.

The FLS Unit also plays a supporting role to Human Resources Services, which is the lead department in the designation of bilingual positions and second language training. Advice provided by FLS allows managers to make informed decisions about the designation of bilingual positions in their units. In 2020, 16 per cent of the City's positions were designated bilingual. This number is consistent with the last five years.

Extending the timeline for completion of goals identified for the 2020-2021 Departmental French Language Services Operational Plans to the end of 2022

Each year, as per Bilingualism Policy requirements, each department prepares annual operational plans describing future goals and standards for the improvement of services provided in French. These plans are approved by Council. The FLS Unit within the FLS Branch is responsible for the coordination of these multi-year plans, the development of the goals and reporting to Council on progress and completion.

As described in Documents 3 and 4, Council in June 2020 approved goals for the 2020-2021 Departmental French Language Services Operational Plans. It was anticipated that each department would complete its goals by the end of 2021 and produce a final report that would be outlined in the Office of the City Clerk 2021 Annual Report that is to be brought forward to Council in 2022.

However, at the time of Council's approval in June 2020, the prolonged impacts of the COVID-19 pandemic on the organization were still unknown. Departments have indicated that meeting the approved goals within the current two-year cycle would put undue pressure on their staff in a time when resources are and will be stretched and redeployed to assist in vaccine distribution and eventual pandemic recovery efforts.

As such, FLS is recommending Council approve extending the timeline for completion of the current goals for all departments to the end of 2022, when a final report would be produced by each department. A final report on 2020-2022 Operational Plan achievements would be outlined in the Office of the City Clerk 2022 Annual Report that is to be brought forward to Council in 2023. Staff believe this approach would assist in alleviating the current pressures within the organization while continuing to ensure the organization's commitment to the improvement of services provided in French.

2020 Report on Information Management, Records Management Policy update and proposed amendments to the *Records Retention and Disposition By-law* (including Schedule "A") (Documents 5, 7, 8, 9 and 10), and

In 2020, IM continued to work to reduce information operational risk, ensuring that recordkeeping obligations are met while minimizing any impact on existing business procedures. IM's services to clients continued through the pandemic, with priority on essential service areas such as Building Code Services, the Planning Branch, and Community and Social Services. As noted in the Background section of this report, IM also increased staffing to meet the recordkeeping demand for Ottawa Public Health.

In addition, the branch provided support and assistance with respect to recordkeeping matters through activities that included as follows:

- Working to support staff as they moved to new Microsoft 365 tools, including SharePoint Online;
- Working with clients who, due to working from home, were accelerating their plans to transition from physical recordkeeping into a SharePoint Online environment;

- Completing a compliance review for physical records with the objective of identifying where clients may need IM support, after the pandemic, to ensure that their records are captured and to develop a plan accordingly; and
- Designing a two-hour introductory course regarding the basics of SharePoint that continues to be delivered remotely through Teams, as well as a 40-page SharePoint Reference Guide.

The new remote working situation provided an opportunity for City staff to re-evaluate their business practices and processes. IM has worked with several groups who have realized the value in making the switch from physical records in RMS to electronic records in SharePoint Online. The Corporate Real Estate Office, Legal Services, and Human Resources Services are all turning to SharePoint to replace physical records processes.

As discussed in Document 5, the current systems used by the City to manage records – RMS for physical records and BIMS for electronic records – are being replaced simultaneously, with this work continuing into 2021. Information Technology Services and IM staff are working to develop an in-house application to replace RMS, while a Request for Proposal process is being used to purchase SharePoint records management add-on software.

Records Management Policy update

The Records Management Policy identifies the requirements and expectations regarding the creation, identification and management of City records. The policy was first approved by staff in 2003 and has been periodically updated since that time.

In 2021, the City Clerk approved new changes to the policy, including “housekeeping” changes to ensure that position titles were current and to reference the City’s use of the Microsoft 365 suite of applications. The policy also now includes references to the Auditor General’s authority to access City records under Section 223.20 of the *Municipal Act, 2001*. Finally, for transparency purposes, the City Clerk has added a provision that will require the City Clerk to inform Council of any changes to the policy.

Accordingly, the revised policy is appended as Document 10 of this report.

Recommended revised *Records Retention and Disposition By-law*

Section 255 of the *Municipal Act, 2001* provides that a municipality may establish retention periods during which the records of the municipality must be retained and preserved. In general, a record of the municipality may be destroyed if a retention

period for the record has been established and the retention period has expired. The City's existing *Records Retention and Disposition By-law* (By-law No. 2003-527) was approved by Council in October 2003. The records retention and disposition component of the by-law, Schedule "A," has been revised on a regular basis.

Schedule "A" includes a timetable that plans the life of a record from the time of its creation, through its maintenance stages as an active record (stored either on-site or electronically), to an inactive record (stored either off-site or electronically), to its final disposition through destruction or permanent retention. The records retention and disposition schedule is aligned with the Corporate Records Classification Scheme (CRCS). City departments are required to classify their official business records according to the CRCS.

Both the schedule and the classification scheme require ongoing review and modification to accommodate changes in legislation, user needs and program changes. As a result of such routine business developments, modifications to the records retention and disposition schedule are identified by the Office of the City Clerk in the course of its IM service delivery with clients and are brought forward to Council on a regular basis for approval. This process ensures that the City's records management framework reflects the organization and the types of official business records the City creates and needs to retain.

Staff recommend that Council approve the revised *Records Retention and Disposition By-law* attached as Document 7. The proposed by-law has been updated to reflect current practices, language and legislative requirements. It is noted that on May 30, 2017, an amendment to Section 255(3) of the *Municipal Act, 2001* came into force and removed a previous statutory requirement for the municipal auditor to approve retention periods that a municipality may establish. Given this change in legislation and that there are no city policy requirements for such review by the municipal auditor, the proposed by-law would not include the requirement for municipal auditor approval.

Further to the revised draft by-law, an updated draft Schedule "A" is attached as Document 8. Specific changes proposed for Schedule "A" are described in Document 9.

2020 Report on MFIPPA (Document 6) and the recommended increase of two temporary Full-time Equivalent (FTEs) for the Access to Information and Privacy Office

In 2020, the ATIP Office completed a total of 506 requests under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) for general records and personal information. The ATIP Office received 502 requests under MFIPPA.¹

As noted in Document 6, a decline in the number of requests received and processed by the ATIP Office in 2020 can largely be attributed to the ongoing COVID-19 pandemic. Following the State of Emergency declared by the Province under the *Emergency Management and Civil Protection Act*, City operations were scaled to essential services in order to minimize risks to health and safety. Despite the ongoing pandemic, the provincial Information and Privacy Commissioner (IPC) made it clear that “institutions” under MFIPPA, such as the City of Ottawa, were expected to continue to respond to access to information requests in accordance with the statute.

While the ATIP Office maintained its operation in order to ensure compliance with its enabling legislation, and delays in processing requests were kept to a minimum, the pandemic had a tangible effect on the ability for operational staff to retrieve responsive records in a timely manner. As such, the time to respond to requests was affected such that 52 per cent of requests were completed within the initial 30-day time period, compared to 66 per cent in 2019.

While operational staff have been reminded that the City’s statutory obligation to adhere to access to information legislation remained in place despite the ongoing pandemic, the ATIP Office is mindful of the disruptive effect that that the pandemic had on operations and the ability for staff to retrieve records in a timely manner.

The time it takes to complete requests can be particularly affected by factors such as complexity of files and requests for a broad scope of information or instances where the ATIP Office must consult with an affected third party. In the spring of 2020, the IPC advised institutions that the suspension order issued under the *Emergency Management and Civil Protection Act* effectively froze statutory time limits from March to September 2020. As such, the ATIP Office was unable to complete requests for third party records, as the Head is required under MFIPPA to allow for a 30-day appeal period to elapse before releasing third party records. During the suspension period, the IPC was not processing third party appeals, and therefore the Head could not release

¹ Requests may be carried forward from a previous year for a variety of reasons, most often because the requests were received and entered in December and therefore have automatic legislative deadlines in the following year (i.e. in January). However, this may also be due to matters such as the size and scope of a request, and consultations with internal staff and/or third parties. As a result, in any given year there may be a difference in the number of new requests received and the number of requests completed.

affected records and close those requests. It is the understanding of the Head, being the City Clerk, that the appeal process at the IPC continues to be delayed due to COVID-19 precautions.

In addition to the responsibilities under MFIPPA, the City Clerk also administers formal access requests related to the *Personal Health Information Protection Act, 2004* (PHIPA), which establishes rules for the collection, use and disclosure of personal health information for Health Information Custodians (e.g. Public Health, Paramedic Services, and Long Term Care) operating within the Province of Ontario. In 2020, the ATIP Office completed five requests for personal health information under PHIPA on behalf of Ottawa Public Health.

Overall, the ATIP Office completed 511 access to information requests under MFIPPA and PHIPA in 2020. It should be noted that the Ottawa Paramedic Service processed 505 requests for personal health information in 2020 under PHIPA, while Long Term Care processed 11 requests.

2020 statistical summary

A summary of the ATIP Office statistics is provided in Document 6. It is based on data included in the City of Ottawa's 2020 annual statistical reporting to the IPC, which was submitted on March 15, 2021, in accordance with statutory provisions.

Amendments to the Personal Health Information Protection Act, 2004

PHIPA now requires Health Information Custodians (HICs) to submit an annual report to the IPC. Specifically, in accordance with Section 6.4 of *Ontario Regulation 329/04*, on or before March 1 in each year beginning in 2019, HICs are required to provide to the IPC an annual report that includes the number of times in the previous calendar year that each of the following occurred:

1. Personal health information in the custodian's custody or control was stolen.
2. Personal health information in the custodian's custody or control was lost.
3. Personal health information in the custodian's custody or control was used without authority.
4. Personal health information in the custodian's custody or control was disclosed without authority.

As such, Document 6 includes information as it relates to the mandatory reporting requirement for the three HICs at the City of Ottawa: Long Term Care, Ottawa Public Health, and the Ottawa Paramedic Service.

Recommended increase of two temporary Full-time Equivalent (FTEs) for the Access to Information Privacy Office

The City of Ottawa is committed to being open, accessible and transparent in its actions while ensuring the safeguarding of residents' privacy by protecting the sensitive personal information in the City's care. The City is required to handle personal information according to the responsibilities and requirements set out under MFIPPA and the City's Health Information Custodians (HICs) are required to handle personal health information according to the requirements of PHIPA.

Through the course of its operations, the City collects, stores, generates and handles a range of information that may be considered personal information and, in certain circumstances, personal health information, all in accordance with a prescriptive statutory framework. The Access to Information and Privacy (ATIP) Office supports departmental staff as they carry out their obligation to handle information in a transparent and consistent manner that respects the privacy rights of the individuals that the City serves.

The ATIP Office is responsible for investigating reports of privacy breaches and complaints regarding the misuse of personal information; reviewing departmental policies to ensure they reflect the City's statutory obligations with respect to privacy; developing training for City staff to provide privacy awareness; and reviewing and making recommendations regarding the privacy impact of new and existing City services, programs, systems and technologies (i.e. Privacy Impact Assessments).

As the City has moved quickly to digitize services in an effort to increase convenience and efficiency for residents, departments across the City are increasingly seeking the advice of ATIP staff to review and provide guidance and recommendations on proposed programs relating to the collection, use and disclosure of personal information. ATIP staff provide advice to ensure that personal information in the custody and control of the City is collected, used and disclosed in compliance with MFIPPA, and in accordance with the most up-to-date guidance and decisions of the IPC. ATIP staff must balance the increasing demands of City staff to leverage data to optimize City services while ensuring that the privacy and personal information of residents remains protected and used and disclosed only in accordance with MFIPPA (and, where required, PHIPA). The ATIP consultation and advice process prior to the implementation of a program is key in

mitigating the risk of a privacy breach to the corporation and ensuring the City complies with MFIPPA. Over-collection, improper use, and inadvertent disclosure of personal information all represent a risk to the both the City and its residents.

While MFIPPA limits the use of personal information collected by the City, ATIP staff are also requested to provide advice on proper de-identification of data procedures so that the data may be used for the purposes of improving City services, while maintaining compliance with MFIPPA. ATIP staff provide guidance across the City to prevent the over-collection of personal information by helping staff to limit the collection of personal information to only what is necessary for the proper administration of a program.

Due in part to the changing nature of the work environment from office to work-from-home, and the move to put more and more services online, staff across the corporation are also increasingly aware of their duty to ensure the confidentiality and protection of personal and other sensitive information. The ATIP Office has seen significant increases in requests for area-specific training in this regard and, given the pressing need to put these services online as soon as possible and the equal need to ensure that the City's privacy obligations are understood and met in all its service areas, it is becoming difficult for staff to meet the requests and continue to meet their legislative timelines with respect to ATIP.

At present, the ATIP Office is comprised of seven Access to Information and Privacy Analysts, who are each responsible for processing access to information requests in accordance with MFIPPA and for providing privacy advice and guidance to operational staff in the event of a breach or as it relates to new programs, procedures or services. As the City continues to receive a high volume of complex access to information requests coupled with an increasing demand for privacy guidance, there is a need to increase the staff complement in the ATIP Office, particularly as it relates to support for privacy-related matters. As noted, the volume of requests for both ATIP and privacy impact assessments cannot be accommodated within the current staffing model. In addition, the ATIP office would like to develop and implement mandatory corporate-wide training modules to supplement the ad hoc, as-requested training (and reduce future demand for training on request).

To support the City's ongoing legislative obligations to protect the personal privacy of its citizens as well as its ability to meet its statutory timelines with respect to MFIPPA and PHIPA, the City Clerk is recommending that City Council approve the establishment of two additional temporary Full-time Equivalents (FTEs) for the ATIP Office to address the volume of requests focused on privacy, and to develop the mandatory proactive privacy

training noted above. If approved, the positions would be funded and absorbed within existing budgetary resources for the remainder of 2021 with a budget pressure being identified through the 2022 budget process.

2020 City Clerk’s exercise of delegated authority as the Council-appointed “Head” under the *Ombudsman Act*

In January 2016, the Ontario Ombudsman received a mandate to investigate decisions made by municipalities and to make recommendations based on the findings. The Ontario Ombudsman has described its role and approach with respect to municipalities as follows [emphasis added]:

“Like ombudsmen around the world, our Office is intended to be a last resort. **Issues are best resolved at the local level wherever possible, and the Ombudsman recommends that every municipality have a complaints process that is available to the public.**”²

The *Ombudsman Act* provides for a municipality to designate a “head of a public sector body that is a municipality,” for the purposes of the Act. Under the legislation, this “Head” largely acts in an administrative role as a point of contact between the Ontario Ombudsman’s Office and the municipality.

On November 9, 2016, Council considered the [2014-2018 Mid-term Governance Review](#) and approved delegating to the City Clerk and Solicitor the powers and duties as “head of a public sector body that is a municipality” for the purposes of the *Ombudsman Act*. This delegated authority remains with the City Clerk following the division of the former Office of the City Clerk and Solicitor. Under Schedule “C” of the *Delegation of Authority By-law*, the City Clerk is required to report on the exercise of the delegated authority to the appropriate Standing Committee at least once in each calendar year.

In 2020, the City Clerk had regular contact with the Ontario Ombudsman’s Office in the largely administrative capacity as “Head”. Most of this contact occurred, and continues to occur, as described in the [Office of the City Clerk 2019 Annual Report](#): The Ombudsman’s Office contacts the City Clerk upon receiving a complaint and seeks details regarding steps that were taken by the City to provide service and/or address an issue through the City’s internal complaint process before the matter reached the Ombudsman. Accordingly, the Clerk provides background and documentation relating

² Office of the Ontario Ombudsman, [“2019-2020 Annual Report.”](#) Page 40.

to the matter or directs the Ombudsman's Office to the appropriate City staff contact who has the relevant information. This approach has been successful in assisting the Ombudsman's Office with its inquiries and ensuring the Ombudsman is aware of the City's service delivery, responsiveness and attempts to address any issues at the local level through the complaint process.

The City of Ottawa is the largest municipality under the Ontario Ombudsman's mandate, as the Ombudsman does not investigate complaints about matters within the jurisdiction of the City of Toronto's Ombudsman. The Ontario Ombudsman's [2019-2020 Annual Report](#) notes that the Ombudsman's Office received 200 "cases," or complaints, related to the City of Ottawa in 2019-2020.³ None of these cases resulted in a formal investigation by the Ombudsman's Office. The City has not been subject to a formal investigation by the Ombudsman's Office since the Office received its mandate to oversee municipalities.

Update on Office of the City Clerk initiatives for 2020-2022 (Document 11)

On December 11, 2019, City Council considered the staff report titled, "[Proposed 2019-2022 Term of Council Priorities](#)," and approved seven strategic priorities: Economic Growth and Diversification; Integrated Transportation; Thriving Communities; Environmental Stewardship; Service Excellence Through Innovation; Sustainable Infrastructure; and Thriving Workforce.

The Office of the City Clerk is not the lead or collaborating department for specific actions connected to the seven priorities set out in the 2019-2022 City Strategic Plan. However, the Office's mandate and core operations will contribute to successful outcomes for the priorities.

The [Office of the City Clerk 2019 Annual Report](#) provided a snapshot of some of the Office of the City Clerk's key initiatives with respect to resources, importance and impact, and how they relate to specific strategic priorities. Document 11 provides an update regarding each initiative.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

³ The top municipalities by case volume were Toronto (404 cases, which were referred as the Ontario Ombudsman does not investigate complaints about matters within the mandate of the Toronto Ombudsman), Ottawa (200 cases), Hamilton (154 cases), Peel Region (98 cases) and London (71 cases).

CONSULTATION

As this is largely an administrative report, no consultation was undertaken.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city-wide report.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

FINANCIAL IMPLICATIONS

The two temporary Access to Information and Privacy Office FTE positions will be funded and absorbed within existing budgetary resources for the remainder of 2021 with a budget pressure being identified through the 2022 budget process.

ACCESSIBILITY IMPACTS

Throughout the response to COVID-19 in 2020, the City remained committed to meeting its obligations under the Ontario *Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). The City Clerk submits the Corporate AODA Compliance Report to the Province on a bi-annual basis. Though 2020 was not a reporting year to the Province, compliance was still monitored by the Corporate Accessibility Branch. This includes 87 legislatively-mandated Integrated Accessibility Standards Regulation (IASR) clauses of the AODA that apply to the City of Ottawa, 43 additional clauses for which the City follows the spirit and intent, and Council-approved accessibility direction.

In 2020, the Corporate Accessibility Branch delivered on important projects, including an update and “close out” of the 2016-2020 City of Ottawa Municipal Accessibility Plan (COMAP) and approval of a new multi-year plan that outlines that City’s accessibility priorities until 2025. The branch continues to support Ottawa Public Health (OPH), the Human Needs Task Force and the Vaccination Task Force, including arranging for sign language interpretation at press conferences, sharing disability-related COVID-19 information through OPH, and ensuring that accessibility is considered in the City’s plans for mass vaccination.

Additionally, the Office of the City Clerk coordinates the City's Accessibility Advisory Committee (AAC), which continued to meet virtually during COVID-19. The City of Ottawa was one of the first municipalities in Ontario to arrange for accessible virtual meetings of its AAC.

More information on the activities of the Corporate Accessibility Branch and accessibility initiatives across the Corporation can be found in the 2021 City of Ottawa Municipal Accessibility Plan Update Report.

TERM OF COUNCIL PRIORITIES

This report describes how a number of initiatives undertaken by the Office of the City Clerk support Council's Term of Council Priorities (2019-2022).

SUPPORTING DOCUMENTATION

Document 1 – 2020 Report on the Archives

Document 2 – 2020 Report on the Elections Office – EN and FR

Document 3 – 2020 Report on French Language Services – FR

Document 4 – 2020 Report on French Language Services – EN

Document 5 – 2020 Report on Information Management

Document 6 – 2020 Report on MFIPPA

Document 7 – Draft revised *Records Retention and Disposition By-law*

Document 8 – Draft revised Schedule "A" of the *Records Retention and Disposition By-law*

Document 9 – Amendments proposed to Schedule "A" of the *Records Retention and Disposition By-law*

Document 10 – Records Management Policy

Document 11 – Update on Office of the City Clerk Initiatives for 2020-2022

DISPOSITION

Should Council approve Recommendation 3 of this report, the Office of the City Clerk will prepare the revised by-law for enactment. Staff will undertake other planned initiatives as set out in this report and pursuant to any Council direction.

In accordance with Section 7 of Schedule "C" within the *Delegation of Authority By-law* (By-law No. 2020-360, as amended), the City Clerk amended this report to correct minor errors prior to publication of the final Council agenda. Specifically, the title of the *Accessibility for Ontarians with Disabilities Act, 2005* was corrected, and a quote from the Ontario Ombudsman was amended to include emphasis and formatting in the manner that was originally intended.