

Information Flow Protocol



The following is a protocol to guide the flow of information between the Administration and Council. The success of this protocol is a shared responsibility between Council and the Administration.

The Governance Manual informs this protocol, in particular **Section E.8 Council/Staff Protocol** and **E.9 New Projects/Initiatives**.

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Principles

A formal relationship exists between City staff and members of Council. This ensures all members of staff and Council are treated equitably without favouritism.

Staff should feel comfortable speaking with individual members of Council about their work. However, a chain of command exists to deal with issues of significance and should be respected by individual Councillors.

Only Council as a whole has the authority to direct members of staff. Individual Councillors shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Council or group of Councillors.

Council's Code of Conduct notes: "No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties".

Members of Council have the same rights of access to information as members of the community. However, their role may, under certain circumstances, be perceived as a conflict of interest. Members of Council should exercise caution under these circumstances and clearly disclose their dual role.

The flow of information between the Administration and Council and the expectations of Council and the Administration should promote the principles of transparency, accountability and confidentiality protocols within the organization. Open lines of communication are essential.

It is expected that Council members will:

- Request Executive Director input prior to making important policy decisions and convey feedback to staff;
- Discuss issues with Executive Directors/General Managers and advise them of questions prior to committee and Council meetings, whenever possible;
- Understand their discussions with staff may be communicated and that a member of Council cannot compel a member of staff to confidentiality
- Request advice from the City Clerk about the appropriate wording of motions, amendments, and formal directions to staff in accordance with the procedural by-law; and
- Consult with Executive Directors/General Managers prior to responding to constituents concerns or requests to ensure accurate information regarding city polices, service levels, budgets and work plans.

- Copy correspondence sent to a General Manager to the Service Area's Executive Administrative (responsible for tracking follow up on information requests).

It is expected that senior staff (CAO, Executive Directors, General Managers) will:

- Ensure that Council is apprised of any known issues that may impact upon their decision making process in a timely manner;
- Present a departmental or corporate perspective, in writing, at Council or in person verbally at committee;
- In answer to questions, where a Service Area position may not be available, clarify that their comments reflect their own professional opinion, and are not necessarily representative of a departmental or corporate position;
- Notify Council in a timely fashion of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports or presentations;
- Convey feedback to Council members who may not be aware of existing policy;
- Provide Committee and/or Council with the implications of recommendations which may impact on Service Area or Corporate wide work plans and related capacity issues.
- Inform their immediate supervisor of the requests and information shared.

Access and Privacy

The City is currently developing an access and privacy program designed to support the principles of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), *Personal Health Information Protection Act* (PHIPA) and the *Personal Information Protection and Electronic Documents Act* (PIPEDA). This program will also serve to foster a climate of comprehension and awareness with respect to privacy matters and provide a foundation to support various Open Government initiatives.

MFIPPA establishes a general right of access to records held by the Corporation. Guiding principles of MFIPPA include:

- The public has the right to information held by the Corporation
- Any member of the public can submit a request for information held by the Corporation
- Individuals have a right of protection of personal information held by the Corporation
- Decisions to refuse information are reviewed independently by the Information and Privacy Commissioner of Ontario

Personal information held by the Corporation must be protected from unauthorized collection, use, disclosure and eventual disposal. The Corporation cannot collect personal

information about an individual unless it is authorized to do so, and must provide notice to the public regarding:

- The collection of personal information,
- How the information will be used,
- If the information will be shared within the corporation or with an outside agency
- Record keeping policies, including the City's retention policy and destruction schedule

Personal Information is defined by MFIPPA as recorded information about an identifiable, including:

- information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- any identifying number, symbol or other particular assigned to the individual,
- the address, telephone number, fingerprints or blood type of the individual,
- the personal opinions or views of the individual except if they relate to another individual,
- correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- the views or opinions of another individual about the individual, and
- the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

Freedom of Information (FOI) Requests

FOI requests are processed by the City Clerk's Office with the assistance from staff throughout the corporation who are charged to collect and deliver the requested information within the prescribed timelines. All requests are kept confidential, including the name of the requestor. The City Clerk has delegated authority to manage the FOI process on behalf of the City. Every attempt is made to respond to FOI requests within the legislated 30 day timeline, however, incremental 30 day extensions can be sought if a request is too complex or voluminous, if there is a need to consult with other persons outside of the institution or if a request would otherwise significantly interfere with the operations of the institution at large.

Records and Information Management

As the City record keeper, the Clerk's Office has initiated a Records Inventory project to begin the development of a centralized Records and Information Management (RIM) Program that will create a standardized framework to govern how records and information are managed across all Service Areas. While records will still be controlled within each department, this framework will provide standard policies, practices, retention and destruction processes that will make access to information more consistent for Council and the public.

Access to City information is currently subject to the City's Retention Schedule where the routine destruction of City records is coordinated annually. This purge is carried out based on legislated requirements and internal business needs. The Retention Schedule has been developed in relation to The Ontario Municipal Records Management System (TOMRMS), a municipal standard which is updated every year.

For clarification, the following terminology will apply:

Active records/files - documents which are needed to perform current operations that are being actively used by staff and that have frequent changes or updates.

Inactive records/files - documents which are no longer needed to conduct current business but preserved until the end of the applicable retention period. This document is usually final and complete with no future changes anticipated.

Expectations of Information Flow outside of Regular Business Hours

With the exception of emergencies, it is not expected that requests for information from members of Council shall be returned outside of regular administrative business hours.

Information Associated with Active Files

The majority of information needs for members of Council are associated with active files as they generate the most public and stakeholder interest as well as inform Council decision-making.

Open Meeting Agendas, Reports and Minutes

The largest flow of information to Council from the Administration is related to Active Files that are working through the legislative process (e.g. Committee and Council meetings) process.

Open Committee and Council meeting Agendas and Minutes are circulated to members of Council in advance of the meeting and are available on the City's website. Agenda packages are distributed to members of Council in advance of the media and the public.

Questions regarding:

- The Council Agenda are to be directed to Mayor, CAO, Executive Director, or staff in the Office of the Clerk
- A Committee Agenda are to be directed to the Chair, Executive Director or staff in the Clerk's Office
- The Minutes are to be directed to the Clerk or designate

Council's ***Procedural By-law*** and ***Accountability and Transparency Policy*** provide further guidance

Addendums

The receipt of material at meetings is to be kept to a minimum to ensure members of Council can be prepared for their meeting. Addendums are prepared and distributed on Fridays, the week prior to a meeting. The deadline for the Clerk's Office to receive addendum materials for meetings occurring the subsequent week is Friday at 9:00am.

Public Reports

Public reports, either internally or externally authored, associated with active files, are often found on the City's website as well as part of a meeting agenda package.

If a member of Council is seeking a public report associated with an active file but is unable to locate the report on the City's website or in an agenda package, they can ask the:

- General Manager for the Department with a copy of the request to the Service Area Executive Assistant.

Members of Council should expect to receive a response in 1 working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Weekly Items for Information

Council receives “Weekly Items for Information” via email which includes *Information Reports* from staff, *Correspondence* received and a listing of other information that has been received by the City Clerk’s Office that might be of interest to members of Council.

Memos and E-mail Updates from the Administration

Council will receive memos and/or email updates to apprise them of current activities or issues related to active files.

Any memo or e-mail that is confidential and/or is deemed by the author as not suitable for distribution through social media etc will be clearly identified in the subject line.

Enquiries related to Active Files and Reports

If an individual Councillor has questions of clarification regarding an existing or upcoming report related to an Active File, they can ask the:

- General Manager of the Department (copy Service Area Executive Assistant)

If an individual Councillor wants to pursue an issue related to the content of a report, to ensure an appropriate corporate and/or departmental response, they should speak to:

- General Manager of the Department (copy Service Area Executive Assistant)

Requests for Additional Information on Active Files

If an individual Councillor has an information request regarding an Active File, they can ask the:

- General Manager for the Department (copy Service Area Executive Assistant)

If the information (data) is readily available, the staff response to a request for information from a member of Council between Committee deliberations and the Council meeting at which a decision is to be made on a specific issue, will be answered in writing and circulated to all Council members. A timeline for the response will be provided.

See below for the protocol regarding **Information/Data not collected**.

Information Associated with Archived Files

If a member of Council is seeking an archived file (i.e. the file is not currently active) they should ask one of the following:

- City Clerk
- General Manager for the Department (copy Service Area Executive Assistant)

Members of Council should expect to receive a response in 1 working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Non-electronic reports may take longer to be retrieved.

Council and Committee Minutes, Resolutions and By-laws

Council and committee resolutions and by-laws are recorded in the meeting minutes. Council approved minutes are posted on the City's Website.

Members of Council and staff are able to review draft minutes prior to their formal circulation, on an as needed basis.

If a member of Council requires a resolution or by-law, they should contact the Clerk.

Members of Council should expect to receive a response in 1 working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Reports deemed not yet public or available to Council

Draft internal reports are generally not circulated to members of Council. There may be external stakeholders involved in the review of a draft report.

Externally-authored reports may be the subject of a staff review process prior to the release to members of Council to consider:

- Completeness
- Technical accuracy
- Standard of care
- Risk
- Recommendations for Council
- Determination of distribution (public, confidential)

An external stakeholder in the community may have access to an externally-authored report prior to its availability to a member of Council.

Requests for this type of information must be made to the Executive Director and not the General Manager.

Executive Directors have the authority to refuse the release and/or access to this type of information to a member of Council (see Dispute Resolution Mechanism below) until the staff review is complete.

Information/Data not collected

If a member of Council requests information that has not been collected, the size, scope and availability of the data needs to be considered by the CAO and/or Executive Director prior to granting the request. This practice is consistent with the protocol for New Projects and Initiatives (Section 9 - Governance Manual).

It is expected that the CAO and/or Executive Director will advise the individual member of Council as to whether the request would cause the re-allocation of staff resources away from existing priorities. If this is the case, the individual Councillor will need to seek the support through Committee and/or Council.

This protocol recognizes:

- Individual members of Council do not have the authority to direct the work of staff
- Requests of this nature should be vetted by the whole of Council and Administration in an open forum to understand the intention of the request and to ensure it is in the interest of the Corporation and Community
- The formal relationship between individual Councillors and the Administration

It is expected that members of staff will refer individual Councillors to the CAO and/or their Executive Director when they receive requests of this nature.

Access to Consultants

Consultants are engaged by the Administration not Council. If a member of Council is interested in accessing a consultant working for the City (to ask questions or seek their expertise on a matter), they should take their request to the Chair and Executive Director of the relevant Standing Committee or through Notice of Motion to Council.

Intergovernmental Communications

The Mayor is the spokesperson for Council regarding communications with other governments or agencies. If a member of Council is interested in formally communicating with another government or agency, they should take their request to the Mayor and/or the CAO or through Notice of Motion to Council.

Members of Council should not directly contact any regulatory bodies regarding any regulatory compliance concerns.

Specific protocols will be established to inform members of Council of any potential or experienced compliance issue.

Confidential Material ready to be circulated

It is the responsibility of individual members of Council to ensure confidential material that has been provided to them is kept secure at all times and disposed of appropriately.

Council's ***Code of Conduct*** provides additional guidance on Confidential Material.

Closed Meeting Agendas, Reports and Minutes

Closed Meeting Agendas, Reports and Minutes, for Committees and Council, are circulated to members of Council in advance of the meeting. They are printed on pink paper and arrive in a sealed envelope. Sometimes reports may come under separate cover.

It is recommended that members of Council dispose of their Closed Meeting materials in the boxes provided in Council Chambers.

A public version of Closed Meeting Agendas is provided on the City's website.

If a member of Council would like to see a Closed Meeting Report or Minutes from a previous meeting, they should speak to the Clerk. Members of Council should expect to receive a response in 24 hours with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Council's ***Closed Meeting Protocol*** provides additional guidance with respect to the consideration of confidential matters.

Third Party Confidential Reports

The Administration, from time to time, may be in receipt of third party material that is considered confidential and distribution may be restricted. This may be the case even if the report has been made available to other stakeholders in the community.

In these circumstances, members of Council shall be granted access to review such a report while on premises at City Hall unless it is deemed that there is a risk to the corporation.

If denied, members should speak with the appropriate Executive Directors. The Executive Director will take the matter to the CAO on behalf of the member of Council. All members of Council will be advised if a member of Council has been provided access to a Third Party Confidential Report.

Individual Customer, Ratepayer, and Employee Information

Member of Council are not provided access to information that is protected under MFIPPA, PHIPA or other relevant privacy legislation. This includes information related to the termination of an employee.

Ward Constituent Requests

Members of Council receive requests for information and/or service from their ward constituents.

Members of Council provide a valuable service to members of the public by facilitating their connection to the right person within City Hall. The Mayor's Office also serves a similar role.

The response to a constituent request can take one of two forms:

- The staff member responds directly to the constituent on behalf of the member of Council or Mayor's Office
- The staff member provides the necessary information to the member of Council or Mayor's Office for their response

Members of Council should expect to receive a response in 1 working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Any communication forwarded to City staff by Council on behalf of their constituent will be considered confidential. Generally, responses should be forwarded directly to the constituent. If the response contains personal information, the City Clerk's Office should be consulted prior to disclosure. Personal information should not be disclosed to a third party unless express written consent to do so is received.

Members of Council should expect to be copied on any correspondence and/or advised of any communications with the constituent.

Ward Councillors should include their ward mate in the correspondence to staff to avoid duplication of work. Generally speaking, staff should respond to both ward councillors when responding to a ward-specific constituent request. If the request is not ward-specific but of a corporate or city-wide nature then the staff member will include all of Council in their response to the ward Councillor and/or constituent.

Constituent requests received by the Mayor's Office and simultaneously copied or sent to all members of Council will be responded to by the Mayor's Office on behalf of all members of Council. Members of Council will be copied on the response to the constituent. The Mayor's Office will make it clear they are responding on behalf of all members of Council. The response standard is 24 hours with, at minimum, an acknowledgement of receipt and with a time-line should follow up be required.

Requests for information

If a constituent has made a request for information that the member of Council or Mayor's Office is unable to answer, the member of Council or Mayor's Office should forward the e-mail or information request (with contact information) via e-mail to:

- Executive Director for the Service Area (copy Service Area Executive Assistant)
- General Manager for the Department (copy Service Area Executive Assistant)

Requests for Service

If a constituent has made a request for service, the member of Council or Mayor's Office should forward the e-mail or request via e-mail (with contact information) to:

- Executive Director for the Service Area (copy Service Area Executive Assistant)
- General Manager for the Department (copy Service Area Executive Assistant)

Important: All constituent requests for service are considered in light of current Council policy and operational work plans and priorities. A request through a member of Council should not be construed as an opportunity to receive preferential treatment. Members of Council have an obligation to make this clear to the constituent. Equally, if an

operational decision is made to proceed on the constituent request sent through a member of Council, staff should not characterize the work as politically-driven to members of the public.

A commitment for service should include a time frame. It is expected that if this timeframe will not be met that the member of staff will proactively inform the constituent and member(s) of Council in advance of the missed deadline.

Media

Media releases will be sent to members of Council immediately in advance of their public release.

Members of staff provide Council with a summary of media interviews by end of day.

Input and Direction from Members of Council

One of the duties of members of Council under the Municipal Act is to represent the public and to consider the well-being and interests of the municipality. Members of Council have a unique understanding of their wards and the community which can be of value to the Administration. This represents another form of information flow between Council and the Administration.

Type of input	Requirement to report back	Requirement to take action
An Individual member of Council provides input on administrative/operational matters (e.g. informally, during a meeting)	No	At staff's discretion
A Committee or Council gives direction to staff on a non administrative and/or operational matter (e.g. policy development, information report) through a resolution	Yes	Yes
A committee or Council approves a staff recommendation	As required	Yes

Important: While a report in writing back to all of Council may not be required, it is often in the interest of relationship building and/or accountability to do so, either informally (i.e. email) or formally, as each circumstance dictates.

Requests for Information Regarding an Individual Member of Council

A request for information regarding a member of Council, as it pertains to their role as an elected official, should be directed to the member of Council. This includes requests for information from Council or the Administration on behalf of a constituent or the media. If the individual requesting the information is not satisfied with the response, they can direct their concern to the Mayor and/or request the information through the Clerk through Freedom of Information (FOI). In the case of the Mayor, the individual will be referred to the Clerk (i.e. Freedom of Information application).

Dispute Resolution

If a member of Council is not satisfied with their access to information, they should discuss their concerns with the Executive Director for the appropriate Service Area.

If a member of Council is not satisfied with their access to information granted by an Executive Director, they should discuss their concerns directly with the CAO.

If an Executive Director has refused access to information to a member of Council, they will bring the matter to the attention of the CAO on behalf of the Councillor.

If the member of Council is unsatisfied by the response of the CAO to their request for access to information, they should discuss their concerns with the Mayor who can bring their request to Council for their consideration.

Commitment to training

Each incoming term of Council will receive an orientation on the Information Sharing Protocol.

All NUME will receive training on the Information Sharing Protocol with the adoption of this protocol.

As a future practice, all employees involved in information sharing will receive training on the Information Sharing Protocol as part of their orientation program.

It is understood and expected that all employees who are not Direct Reports to the CAO or Executive Directors, will refer members of Council to the appropriate Executive Director or General Manager regarding information request.

Information Flow Protocol



Service Area and Departmental Contact Information (current as of October 2012)

Information requests from members of council should be limited to the CAO, Executive Directors, Administrative Assistants, and General Managers.

For the purposes of this protocol, this includes the Corporate Manager of Strategic Initiatives and the Internal Auditor reporting directly to the CAO.

Contact information can be found on the City's website at:

<http://guelph.ca/orgchart/>

Note: Click on the Service Area for Department contacts.

Appendices

Appendix 1 - Council Guide to Responding to Constituent and Stakeholder Inquiries

Appendix 2 - Agenda Distribution Process