

City Manager's Office Report to
Combined Meeting of Council
2021 March 22

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C2021-0373
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City of Calgary Citizen Privacy Data Practices: 2019-2021 Privacy Framework Workplan Deliverables

RECOMMENDATIONS:

That Council:

1. Endorse The City of Calgary's *Privacy Charter* and *Privacy Management Program Framework*; and
2. Direct the City Clerk to provide a status update on the *Privacy Management Program Framework* within the annual report to the Priorities and Finance Committee on The City's Privacy Management Program.

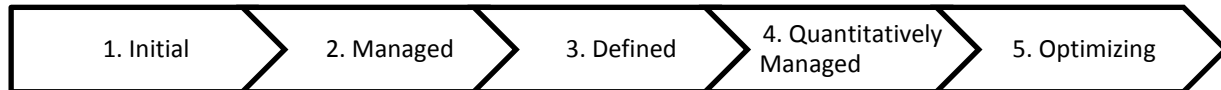
HIGHLIGHTS

- This report presents a *Privacy Charter* and a *Privacy Management Program Framework* for Council's endorsement and presents results of the Privacy Framework 2019-2021 Workplan. Council's endorsement demonstrates The City's commitment to privacy compliance and promotes openness about The City's internal privacy practices, while allowing operational flexibility to continuously modernize privacy policies and practices, respond to emerging privacy issues and best practices, and implement guidance from Alberta's Information and Privacy Commissioner.
- What does this mean to Calgarians? The City collects Calgarians' personal information in order to deliver municipal programs and services. The *Privacy Charter* and the *Privacy Management Program Framework* set out The City's commitment to protect Calgarians' personal information, support Calgarians' rights to access or correct personal information about themselves held by The City, and be transparent about privacy practices concerning the handling of Calgarians' personal information.
- Why does it matter? As municipalities leverage technology and data to enable efficiencies in program and service delivery, Calgarians need to have trust that their privacy is protected by The City. Calgarians should have accessible information about the privacy principles The City subscribes to; should have access to information about The City's commitments to ensure privacy is built into all programs and services by design; and, should have access to information about The City's methods to collect, use, disclose and protect personal information.
- The *Privacy Charter* and the *Privacy Management Program Framework* provide clear, transparent, and accessible information about The City's current privacy practices, how they apply generally, and in relation to Smart City initiatives.
- The *Privacy Management Program Framework* will assist City employees in establishing and maintaining consistent privacy practices across the organization.
- On 2020 January 27, Council approved a Privacy Framework 2019-2021 Workplan and directed the City Clerk to provide an annual report to the Priorities and Finance Committee on The City's Privacy Management Program. Additional background and previous Council direction are included in Attachment 1.
- Strategic Alignment to Council's Citizen Priorities: A well-run city

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DISCUSSION

In Alberta, the *Freedom of Information and Protection of Privacy Act* ("FOIP Act") requires The City to protect the privacy of individuals by controlling the manner in which The City collects, uses, and discloses personal information. Compliance with the *FOIP Act* is an obligation and is the starting point for privacy practices at The City. In 2020, Administration completed a series of privacy-related deliverables as directed by Notice of Motion C2019-0560, summarized in Attachment 2, to document, supplement and/or bring awareness to internal privacy practices. As part of Administration's response, external consultants from Cenera completed a Privacy Gap Assessment and a 2021-25 Privacy Program Strategic Plan. Cenera assessed The City's current privacy management program maturity on a five (5) level scale:



The City's maturity scale ratings in the areas of (1) program governance, (2) personal information collection/use/disclosure, (3) right of access and correction, and (4) security and retention range in maturity from level 2 "Managed," to level 4 "Quantitatively Managed."

The Notice of Motion deliverables, as set out in Attachments 3 and 4, were developed and structured based on the privacy research results (Attachment 6) and the Privacy Gap Assessment/Privacy Program Strategic Plan (Attachment 7), and with two overarching purposes:

1. **Promote greater privacy awareness** for Calgarians and City employees through the *Privacy Charter*, and
2. **Provide greater details** for Calgarians and City employees about The City's internal privacy practices. The *Privacy Management Program Framework*, which includes accessible and transparent information about The City's commitments, privacy controls and practices, will also ensure employees have up-to-date operational privacy tools and resources to establish and maintain good privacy practices. The *Privacy Management Program Framework* document will serve as a basis for modernizing The City's privacy related web content.

Next steps

To advance the maturity of The City's privacy management program, the focus and next steps for Administration in 2021 and beyond will be as follows:

- Implement the *Privacy Charter* and the *Privacy Management Program Framework*, and associated operational tools;
- Implement Cenera's Privacy Program Strategic Plan 2021-25;
- Develop comprehensive Administration policies for (1) protection of privacy and (2) records and information management;
- Continue to enhance the Privacy Operational Toolkit on calgary.ca and myCity;
- Continue to integrate the foundational principles of Privacy by Design into City programs, services and technologies that involve personal information; and
- Continue to improve the implementation of The City's records program, prioritizing the development of a new records disposition process.

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STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- ☒ Public Engagement was undertaken
- ☐ Public Communication or Engagement was not required
- ☐ Public/Stakeholders were informed
- ☒ Stakeholder dialogue/relations were undertaken

City Council directed Administration to consider conducting a city-wide public consultation process on the Privacy Framework and its data governance principles. During the public engagement strategy development phase in early 2020, COVID-19 and social distancing were identified as barriers to some forms of public engagement, which impacted the scope of available engagement methods at that time. In order to comply with health measures, two groups of stakeholders were invited to complete on-line research surveys conducted by The City's Corporate Research Team: (1) Members of Citizens' View – Calgary's online panel, and (2) City employees. Attachment 6 sets out the *Privacy Management Program Framework Research Results and Key Findings* report.

As part of its assessment, Cenera conducted internal and external stakeholder engagement and research.

IMPLICATIONS

Social

As evolving technology solutions allow for increased collection of personal data, and as they change how citizens' personal information is being collected, used, stored, disclosed and destroyed, citizens' concern about the loss of control over their personal information, as well as monitoring, surveillance, tracking, third-party usage and the risks of disclosure without authority or consent continue to grow. These privacy concerns can undermine the trust citizens have in The City and can adversely impact City projects otherwise intended to improve social well-being, when privacy has not been factored into project design and development. To minimize potential negative social impacts, The City promotes the use of Privacy Impact Assessments ("PIAs"), monitors privacy issues and industry best practices, collaborates with Corporate Security, Information Technology and Corporate Analytics and Innovation, and continues to focus on maturing its privacy practices.

Environmental

Not applicable.

Economic

Not applicable.

Service and Financial Implications

Existing operating funding – base and Council Innovation Fund

\$75,000

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Resources for the work presented in this report were allocated from the City Clerk's Office existing operating budget, and through the \$75,000 from the Council's Innovation Fund ("CIF") as approved by Council on 2020 January 27.

With funding support from the CIF, Administration secured the services of Cenera, an external consulting firm with privacy expertise, to review current and proposed privacy practices at The City. The original \$10,000 engagement plan was revised due to the impacts of COVID-19 and no costs were incurred to complete the two on-line research survey campaigns in 2020. The remaining funds, approximately \$10,000, will be allocated to Q2 2021 to support implementation and promote awareness of new privacy tools with Calgarians and City employees.

RISK

There are no risks associated with this report; however, risks can arise from the introduction of new technologies, upgrades to existing technologies, generation of large amounts of data by Internet-enabled devices and changes in business processes when privacy implications are not considered from the outset. The privacy risks identified, along with risk mitigation strategies, are outlined in Attachment 8. The City continues to mitigate potential privacy risks by fostering collaboration amongst internal partners (i.e., Law, Information Technology, Corporate Analytics and Innovation, and Corporate Security), by engaging independent external experts to provide input and recommendations to help shape The City's privacy management program, and by considering best practices applied and observed in other jurisdictions.

ATTACHMENTS

1. Previous Council Direction and Timeline
2. Notice of Motion: Summary of Deliverables
3. Privacy Charter
4. Privacy Management Program Framework
5. Summary of Future Cities Canada Data Governance Lab Report
6. Privacy Management Program Framework Research Results and Key Findings – What We Heard Report
7. Cenera's Privacy Program Strategic Plan 2021-25 Summary
8. Risk and Risk Mitigation Strategies

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
David Duckworth	City Manager's Office	Approve
Jill Floen	City Solicitor and General Counsel	Approve