

## FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACCESS REQUEST PROCESS AUDIT

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### EXECUTIVE SUMMARY

The City Auditor's Office issued the Freedom of Information and Protection of Privacy Access Request Process Audit Report to Administration on November 4, 2015. The report includes Administration's response to six recommendations raised by the City Auditor's Office to improve process effectiveness. Administration agreed to the recommendations and provided action plans with commitment dates no later than December 31, 2016. The City Auditor's Office will track the implementation of these commitments as part of our on-going follow-up process.

### RECOMMENDATIONS:

1. That Audit Committee receive this report for information; and
2. That Audit Committee recommend that Council receive this report for information.

### RECOMMENDATION OF THE AUDIT COMMITTEE, DATED 2015 NOVEMBER 12:

That Council receive this report for information.

### PREVIOUS COUNCIL DIRECTION / POLICY

Bylaw 30M2004 (as amended) established the position of City Auditor and the powers, duties and functions of the position. Under the City Auditor's Office Charter, the City Auditor presents an annual risk-based audit plan to Audit Committee for approval. The City Auditor's Office 2015 Annual Audit Plan was approved on November 6, 2014. The City Auditor is accountable to Council and subject to the oversight of Audit Committee under Bylaw 48M2012 (as amended).

### BACKGROUND

This audit was undertaken as part of the approved City Auditor's Office 2015 Annual Audit Plan. The FOIP Office oversees The City of Calgary's (The City's) compliance with the Freedom of Information and Protection of Privacy (FOIP) Act. This responsibility is substantial and has the potential to impact multiple stakeholders including Administration and citizens. .

The objective of this audit was to evaluate the process efficiency and effectiveness of the FOIP access request workflow. In the course of the audit, the objective was expanded to include a high-level overview of the FOIP Office's roles and responsibilities regarding the protection of privacy, in particular, the Privacy Impact Assessment (PIA) workflow.

### INVESTIGATION: ALTERNATIVES AND ANALYSIS

We assessed the FOIP access request workflow process is generally effective in meeting the needs of external stakeholders. In 2014 the FOIP Office processed 96.66% of FOIP requests within the legislated time frames, and in its history, has not been fined for non-compliance with the FOIP Act.

We identified areas where the FOIP process controls can be strengthened to provide a consistently collaborative relationship between the FOIP Office and City Administration. Providing a consistent experience and an increased level of communication will improve overall knowledge, understanding, and efficiency amongst employees involved in FOIP requests.

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The FOIP Office relies on Business Units (BUs) to provide records and context on the information provided in response to access requests. Strengthening the process and increasing internal communications will help ensure that the FOIP Office will continue to be successful.

This can be accomplished by:

- Reviewing and updating guidance on the selection and responsibilities of staff involved in the FOIP access request process;
- Ensuring that receipt of BU concerns is acknowledged and consideration given is documented and communicated; and
- Implementing processes to review requests of an elevated complexity and report contentious requests to the City Clerk to ensure that BU's concerns receive prompt resolution.

In our review of the roles and responsibilities in the protection of Privacy, we did not perform audit tests, regarding the FOIP Office's privacy workflow; however, we have suggested opportunities for improvement to the Privacy Impact Assessments (PIAs) workflow. PIAs assist The City with privacy risk mitigation. The workflow process can be strengthened to include tracking the status of PIAs and notifying BU when their respective PIAs require reviews and updates.

### **Stakeholder Engagement, Research and Communication**

This audit was conducted with the FOIP Coordinator acting as the principal audit contact within the FOIP Office. Additional support was provided by BU staff and staff in the Office of the Councillors.

### **Strategic Alignment**

Audit reports assist Council in its oversight of the City Manager's administration and accountability for stewardship over public funds and achievement on value for money in City operations.

### **Social, Environmental, Economic (External)**

N/A

### **Financial Capacity**

#### **Current and Future Operating Budget:**

N/A

#### **Current and Future Capital Budget:**

N/A

### **Risk Assessment**

The activities of the City Auditor's office serve to promote accountability, mitigate risk, and support an effective governance structure. This audit was undertaken due to the risk that inefficiencies and ineffectiveness in the FOIP Access Request Process could challenge the City's ability to respond consistently to a growing number of FOIP Requests.

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**REASON FOR RECOMMENDATIONS:**

Bylaw 48M2012 (as amended) states: "Audit Committee receives directly from the City Auditor any individual Audit Report and forwards these to Council for information."

**ATTACHMENT**

AC2015-0892 Freedom of Information and Protection of Privacy Access Request Process Audit Report