THE CITY OF
CALGARY
CITY AUDITOR'S OFFICE

Freedom of Information and Protection of Privacy Access Request Process Audit

November 4, 2015

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The City Auditor's Office completes all projects in conformance with the *International Standards for the Professional Practice of Internal Auditing.*

Executive Summary

The Freedom of Information and Protection of Privacy Act (FOIP Act) "provides individuals with the right to request access to information in the custody or control of public bodies while providing the public bodies with a framework within which they must conduct the collection, use and disclosure of personal information"[1]. Compliance with the FOIP Act is overseen by the Office of the Information and Privacy Commissioner of Alberta (OIPC). If the Information and Privacy Commissioner finds violations of the FOIP Act, fines can be imposed and corrective action ordered. The City of Calgary's (The City's) FOIP Act compliance is the responsibility of the City Clerk's Office. The City Clerk has been appointed by Council, through Bylaw 73M94, as amended by Bylaw 26M97, as The City's "Head" for FOIP Act compliance. The City Clerk has the authority to delegate responsibility for compliance with the privacy portion of the legislation to The City's management. The responsibility held by the FOIP Office is substantial, its activities are complex, and it has the potential to impact multiple stakeholders including The City, citizens, and the OIPC.

This audit was undertaken as part of the City Auditor's 2015 Annual Audit Plan. Our audit objective was to evaluate the process 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. Our evaluation was based on review of statistical data of FOIP requests completed between January 2014 and June 2015, discussions with FOIP officers, review of recent completed FOIP requests and a voluntary survey directed to City and Council employees involved in FOIP requests.

We assessed the FOIP process is generally effective in meeting the needs of external stakeholders. In 2014, the FOIP Office closed 96.66%[2] of FOIP requests within legislated time frames. The FOIP Office, in its history, has not been fined for non-compliance with regard to document access or privacy protection. Overall, the FOIP Office meets the legislated requirements. The FOIP Office has been innovative, with respect to monitoring and assessing responses to access requests through development of a request assessment tool to rate the complexity of requests. Rating and monitoring the complexity assists the FOIP Office with understanding and justifying the resources needed to respond to the request. We understand that the Information and Privacy Commissioner has acknowledged the value of the assessment tool, and encouraged its continued use.

We identified areas where the FOIP process controls can be strengthened to provide a consistently collaborative relationship that builds greater efficiency between the FOIP Office and City Administration. Strengthening the process and increasing internal communications will help ensure the FOIP Office will continue to be successful. Providing a consistent experience and an increased level of communication with employees will improve overall knowledge, understanding and efficiency amongst employees involved in FOIP requests.

We raised six recommendations to increase consistency and responsiveness while improving communication between the Business Units (BUs) and the FOIP Office. We identified that the current BU Program Administrator (PA) appointment process does not ensure that staff appointed to receive the records requests have the appropriate knowledge of BU issues to support a thorough and efficient search for records and provide adequate context. We recommend that the current

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[1] http://www.oipc.ab.ca/pages/FOIP/default.aspx
[2] Performance Measurement Parameters report, From 2014-Jan-01 To 2014-Dec-31, extracted from *FOIPNET*, the Alberta Government's FOIP software: Total Number of Requests Closed within legislated time frames: 347 out of 359.

guidance on the selection and responsibilities of staff involved in the FOIP request process be reviewed and updated and communicated to BU Directors.

The FOIP Officers rely on the BUs to provide context for the information and documents and provide subject-matter-experts if required. BUs may raise concerns regarding the information contained in the documents, however, survey results and interviews confirmed BUs feel their concerns are not always given consideration by the FOIP Office. We recommend strengthening two-way communication in the workflow process to ensure that receipt of BU concerns is acknowledged and consideration given is documented and communicated. Further to that, survey results and interviews identified BU staff regard viewing the final release documents as highly important to the BU, though some BU staff were unaware of the option to view the final release documents. We recommend the FOIP Coordinator establish a process where the BUs are invited to view the final release document before release.

Strengthening the communication process extends to regular communications within the City Clerk's Office to the FOIP Coordinator and the City Clerk. We identified there is no process to regularly update the FOIP Coordinator and City Clerk on issues arising from FOIP requests. We recommend that the FOIP Coordinator review requests that have an elevated complexity, and implement processes to report contentious requests to the City Clerk to ensure that the BU's concerns receive a prompt resolution.

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

In total, six recommendations are included in Section 4. Prior to completion of the audit, the FOIP Office was proactive and initiated a number of process improvements. The City Clerk's Office has agreed to all of our recommendations with a commitment to implement action plans by December 31, 2016. The City Auditor's Office will follow-up on these commitments as part of our regular monitoring.

1.0 Background

This audit was undertaken as part of the City Auditor's 2015 Annual Audit Plan (the Plan). The City Auditor takes a risk based approach to selecting and conducting audits. The FOIP Office's activities are complex and involve multiple stakeholders including The City, the public, and the Information and Privacy Commissioner (the Commissioner). As a result, this audit was included in the Plan.

The FOIP Act was passed by the Alberta Legislature in June 1994 and came into effect on October 1, 1995. The FOIP Act is overseen by the Office of the Information and Privacy Commissioner of Alberta (OIPC) and "provides individuals with the right to request access to information in the custody or control of public bodies while providing public bodies with a framework within which they must conduct the collection, use and disclosure of personal information."[3] The City of Calgary is a public body, as defined in section 1(p) of the FOIP Act.

Open and accountable government is legislated by the FOIP Act by guaranteeing applicants the right to access records held by the government. Applicants can ask to see records held by the public body, including their personal information. The FOIP Act legislates the right to access as well as protection of personal privacy.

As a local government body, The City must comply with the FOIP Act. An individual has the right to request that the Commissioner review any decision made by The City if not satisfied with The City's response to requests; or, if it is believed personal information has been collected, used or disclosed in violation of the Act. If the Commissioner finds that The City has violated the FOIP Act, with regard to records access or privacy, it has the authority to impose fines and order corrective action.

The City Clerk's Office's FOIP Coordinator's team of FOIP Officers is responsible for responding to access requests. The FOIP Coordinator oversees the FOIP Officers and FOIP Administrators, however, responsibility for privacy compliance is delegated to The City's Corporate Management Team (CMT). The FOIP Officers respond to access requests and assist management by reviewing Privacy Impact Assessments (PIA) in regard to The City's collection and use of personal information.

2.0 Audit Objectives, Scope and Approach

2.1 Audit Objectives and Scope
The objective of this audit was to evaluate the efficiency and effectiveness of the FOIP access request workflow. Following discussions with the FOIP Office, the audit objective was expanded to include a high-level overview of the FOIP Office's roles and responsibilities related to the protection of privacy, in particular, the Privacy Impact Assessment (PIA) workflow.

The scope included FOIP access requests and releases, and privacy impact assessments between January 1, 2014, and June 30, 2015.

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[3] http://www.oipc.ab.ca/pages/FOIP/default.aspx

2.2   Audit Approach
During the planning phase of this audit, we reviewed the access request and privacy impact assessment processes and documented the workflows and key controls. Our planning approach also included the following:

- Review of FOIP management documents, reports, studies and relevant correspondence;
- Review of the information and privacy governance structure;
- Interviews with FOIP Office staff, Program Administrators (PAs) and Alternates (PA-ALT), and other BU staff as required; and
- Electronic Survey of PAs, PA-ALTs and Directors of BUs, and follow-up interviews as necessary.

3.0   Results

Our audit assessed the FOIP access request workflow and FOIP requests received between January 1, 2014, and June 30, 2015. We also conducted a high-level overview of the PIA workflow. The results of these assessments are detailed below.

3.1   Assessment of the FOIP Request Workflow Process
We documented the FOIP request workflow based on discussions with FOIP Office staff and a review of FOIP Office documents and assessed the design of controls to be effective in meeting the needs of external stakeholders. A high level workflow is included in Appendix A.

Several FOIP Officers hold professional designations such as the Canadian Institute of Access and Privacy Professionals (CIAPP). New FOIP Officer training includes a peer review that continues until the FOIP Officer is fully trained. A well-trained and knowledgeable staff is essential to meet the legislated time frames while the FOIP request volume increases annually.

We reviewed results reported by the FOIP Office to the OIPC and confirmed 96.66% of FOIP requests are completed on time (most requests fall under a 30-day limit, though there are some allowable exceptions). It is our understanding that the Office of the Information and Privacy Commissioner (OIPC) is satisfied with the performance of the FOIP Office since, in its history, it has not been penalized or fined. The FOIP Office has been an innovator; it developed a complexity rating to support and document the use of resources on any given file. We understand the OIPC is pleased with the development of the complexity rating and encourages its use.

We also assessed efficiency and effectiveness of FOIP Office interactions with internal stakeholders. We conducted a survey of all PAs and PA ALTs (See Appendix B). PAs and PA ALTs are employees that reside in BUs, Departments, or Office of the Councillors, who have been assigned responsibility to receive and respond to requests received through the FOIP Office. These employees undergo FOIP training, provided by the FOIP Office, in order to respond appropriately to FOIP requests. Surveying the PAs and PA ALTs provided important feedback regarding their perceptions of how the FOIP requests are addressed and their communications with the FOIP Office. The survey received a 34.6% response rate; it was sent

to 107 employees and 37 responded[4]. We followed up with several BUs, at their request, for more in-depth interviews regarding the FOIP request workflow process.

Survey respondents rated their perception of FOIP requests; 24% reported Complicated and 14% reported Extremely Complicated[5]. Several respondents commented that a lot of time and effort is required to conduct document searches and sometimes research and analysis is required to obtain the data requested. Several PAs and PA ALTs mentioned that they were new to their role or suggested that they would benefit from additional training.

PAs rated the complexity of the FOIP Requests received in the past 18 months

- Simple
- Mostly Simple, Some Complicated
- Complicated
- Extremely Complicated

3%
14%
24%
59%
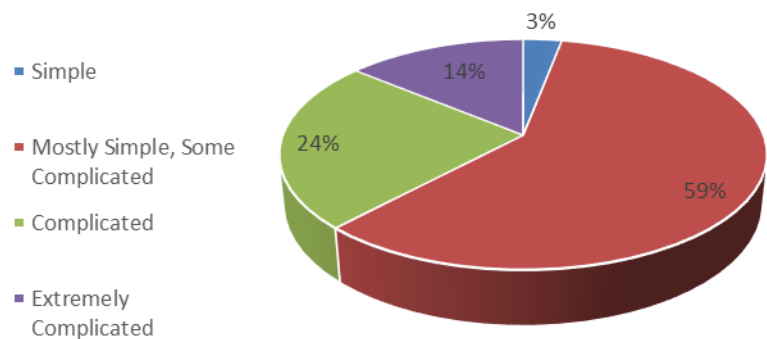
From 2009 to 2014, FOIP requests increased an average of 9.63% per year. There was a slight drop in 2014, as indicated with the solid line, with 347 FOIP requests accepted. The dotted-line is the requests received trend line. The trend line projects FOIP requests exceeding 360 in 2015[6]. Actual results from January to July 2015 support this projection.

Number of FOIP Requests Received
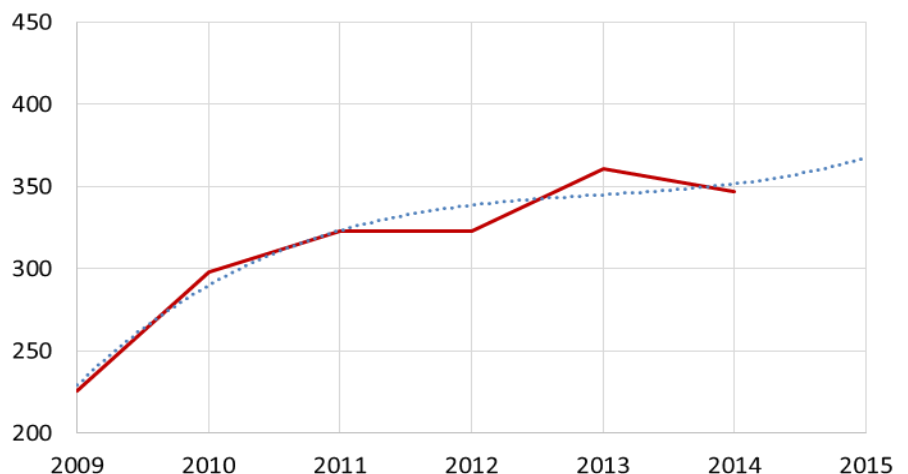
We interviewed the FOIP Office staff, reviewed completed FOIP requests, and mapped the workflow process. We assessed the FOIP request workflow process does not identify requests of elevated complexity or contentiousness that should be reviewed by the FOIP Coordinator. Further, there is no formal process to inform the City Clerk of potentially contentious requests in order to promote awareness of issues impacting the BUs. An escalation process and a secondary review by the FOIP Coordinator and information updates to the City Clerk should be included in the FOIP request workflow (Recommendation 1 and 2).

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[4] 34.6% of the population (survey recipients) responded; and by calculation, we are approximately 95% certain of +/-15% accuracy in our survey results.

[5] The survey provided definitions to the respondents. Complicated: greater effort is required to locate records and the subject matter is complex/confidential. Extremely complicated: requires involvement of BU management and/or subject-matter-experts.

[6] An Order 3 polynomial trend line is used when data fluctuates (i.e. one or two valleys), and is useful for analyzing fluctuations over a data set. A trend line is most reliable when its R-squared value is near 1; this R-squared value is 0.9478 which is a very good fit of the line to the data.

The PA Guide states the responsibilities of the PA and PA-ALT:
- Assisting the BU and the Director in ensuring the BU is in compliance with the FOIP Act;
- Being a knowledge champion for the FOIP Act in the BU;
- Retrieving and reviewing records for responsiveness;
- Determining if the FOIP Officer needs information on content and context of records for review and decisions; and
- Submitting the records within the response deadlines.

We also reviewed the PAs and PA ALTs current positions at The City, and determined most PAs are in non-management or administrative positions. The FOIP Office has provided guidance to the BUs on the selection of PAs to ensure the PAs have sufficient knowledge to fulfill the role. However, management advised that with the passage of time and staff turnovers this message is being lost.

We recommend the PA and PA-ALT appointment guidelines are updated and communicated to BU Directors to ensure PAs and PA-ALTs have sufficient knowledge to fulfill their role (Recommendation 3). There is an upward trend of year over year FOIP requests; the FOIP Office has only so many resources that can be dedicated to the requests, and significant support is required by City Administration to complete the requests. Recommendations 1-3 support an increased awareness and understanding of the FOIP role which will aid The City's ability to maintain an effective and efficient response and compliance to the legislation.

In addition to answering the survey questions, many of the survey respondents provided comments regarding their interactions with the FOIP Office. The comments were very positive and described the FOIP Office staff as highly experienced and knowledgeable, very helpful, responsive, professional, cooperative, and in general, great to work with.

Through our review of the FOIP request workflow process, we identified 2-way communication between the BU and the FOIP Office could be improved in regard to concerns raised by the BUs. Several respondents said their "concerns were never fully understood", or they "never got feedback about what was and what was not released", while others said that they had not received contentious requests, and they did not have any concerns in this area.

Some respondents were not aware that they could view the final release documents, though 84% of survey respondents said it would be beneficial for the BUs to have the opportunity to review the redacted versions of the documents before the release to the FOIP applicant. While some BUs were aware they had the opportunity to view the final release documents and had made the request, the documents were not viewed.

We identified the FOIP process and communication to the BUs could be strengthened by providing BUs with more information regarding the outcome of the FOIP request, including the opportunity to view the final release documents (Recommendations 4 and 5). As well, fully utilizing electronic mediums available to view the final release could improve efficiency and access (Recommendation 6).

3.2   Review of the Privacy Impact Assessment Workflow Process

A review of the roles and responsibilities in the PIA workflow process was added to the risk assessment and planning phase of the audit. We did not conduct an in-depth review or testing in this area; however, we suggested two opportunities for improvement that would further mitigate the risk of a privacy breach at The City.

We reviewed the PIA process and Administration Policy GN-022-Privacy Impact Assessment (the Policy). According to the Policy, The City must submit a PIA to the FOIP Office for review by a FOIP Officer for all projects involving the collection of personal information in electronic or paper format in the custody or control of The City. PIAs are a tool used to identify and mitigate risks to personal information arising from City projects. Using a PIA can prevent costly project redesign and demonstrates due diligence in the event of a privacy breach and investigation by the OIPC. If The City fails to protect personal information in its custody or control, it may be exposed to: public criticism, embarrassment, loss of public trust, possible legal action, and substantial financial liabilities.

We noted that under the Policy, the FOIP Office has been assigned an advisory role. The FOIP Office makes recommendations to mitigate the privacy risks that may be present in The City's projects. Once the PIA has been submitted, the project leads are responsible for continuous monitoring until the project team is disbanded and responsibility shifts to management. If unforeseen privacy risks arise, the project lead or management must provide an updated PIA to the FOIP Office. The FOIP Office does not formally track PIAs and does not follow-up to ensure the BUs are periodically reviewing the PIAs and updating when required.

There are opportunities for improvement in the PIA process. The FOIP Coordinator should consider tracking the PIAs submitted to the FOIP Office and regularly notifying the BUs of required reviews and updates. Although the FOIP Office has delegated the responsibility for privacy to City Administration, the FOIP Coordinator should consider enhancing information and education to managers on their assigned responsibility for monitoring PIAs and general privacy protection.

We would like to thank staff from the FOIP Office and the City Clerk's Office for their assistance and support throughout this audit. We would also like to thank all the BUs' PAs and PA-ALTs who responded to our survey and provided additional information and insight through follow-up interviews with our audit team.

4.0 Observations and Recommendations

4.1   Process Effectiveness

Through our review and walk through of the FOIP access request process and discussion with the FOIP Office staff and BU staff, we identified control weaknesses that could allow the inadvertent release of information that should be protected in accordance with the FOIP Act. The FOIP Office advised they have not released any information that should have been withheld under the FOIP Act since the initiation of the FOIP Act. However, as the number of FOIP requests grow in an increasingly complex environment, control weaknesses should be strengthened.

Accepted FOIP requests are assigned to FOIP Officers primarily based on availability and workload. When possible, the FOIP requests are assigned to FOIP Officers that have experience with similar requests within a particular BU, and complex requests are assigned to a senior staff member.

After the requests are completed, the FOIP Office applies ratings to the request based on a number of factors resulting in a rank of the complexity and effort involved in satisfying the request; the ranking is determined by resource allocation. The ranks are Low Complexity, Moderate, Complex, and Extreme. Although the amount of Moderate, Complex and Extreme requests represent a small portion of the total requests (29% for 2014 and 26% for January to June 2015) [7], these types of requests generally require more information from the BU, and assistance from a subject-matter expert. All FOIP requests have the potential to be contentious.

Requests completed in 2014, rated for complexity

- Low Complexity — 71%
- Moderate — 18%
- Complex — 7%
- Extreme — 4%
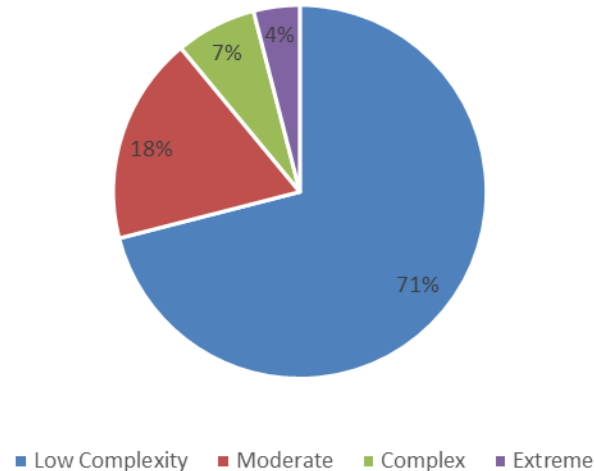
The FOIP Officer has a high degree of autonomy to exercise their professional judgment. The FOIP Coordinator generally becomes involved in the decisions made for a FOIP request when the FOIP Officer brings the request to the FOIP Coordinator for further review. The FOIP access request workflow process does not include a formal report to the FOIP Coordinator or a secondary review of the documents prior to release. There is an increased possibility that the FOIP Office is not responding consistently, particularly to Complex or Extremely Complex requests, if review controls are not strengthened in matters where professional judgment must be applied.

We discussed communication-flow between the FOIP Office and the City Clerk. We concluded, and the City Clerk agreed, that the process in place to ensure that the City Clerk receives timely information on FOIP requests could be improved. Lack of a formal reporting process on significant access requests could result in the inability to provide prompt resolution to BU concerns.

As noted above, a complexity ranking is determined once the FOIP request is complete. However, this ranking is a measure of the work effort to complete the request rather than a ranking of contentious and/or significant requests. A complexity ranking identifying contentious and/or significant requests should be determined before the document release, to identify requests that require a formal review by the FOIP Coordinator and those that need to be reported to the City Clerk.

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[7] 2014 FOIP complexity ranking data provided by the FOIP Office.

Recommendation 1

The FOIP Coordinator establish:
- a) A process to support early identification of potentially contentious and/or significant access requests; and
- b) A comprehensive review process, prior to the final release, of potentially contentious and/or significant access requests.

Management Response

Agree.

Action Plan	Responsibility

1. A new position, Leader FOIP, is being created. This will be a supervisory position for the FOIP Officers/Administrators. There is an FTE available to create this role. A position description will be developed that will include responsibility to identify and escalate potentially contentious requests for information and potential action by the FOIP Coordinator.
2. New processes established and put in place resulting from discussions with Auditors:
  a) Every morning there is a 9:00 am review of current requests to discuss approaches and issues.
  b) Weekly FOIP Team meetings with the FOIP Coordinator to discuss issues.
	Lead: FOIP Coordinator
	
	Support: Leader, FOIP
	
	Commitment Date: December 31, 2015

Recommendation 2
The FOIP Coordinator enhance the FOIP access request process to report significant and/or contentious access requests to the City Clerk.

Management Response

Agree.

Action Plan	Responsibility
1. As per recommendation 1 action plan, the new Leader FOIP position description will include responsibility to continuously review FOIP requests and responses to ensure consistency and to ensure that requests that may be contentious are identified to the FOIP Coordinator. 2. The FOIP Coordinator will provide written advice to the City Clerk as soon as a Request is determined to be potentially contentious. In turn, the City Clerk will advise the City Manager of the issue and provide written advice to the ALT of the content of a potentially contentious Request. See also Recommendation 1.	Lead: FOIP Coordinator Support: Leader FOIP Coordinator Commitment Date: December 31, 2015

4.2 FOIP Program Administrator (PA) Appointment

We identified that the current BU PA appointment process does not ensure that staff appointed to receive the records requests have the appropriate knowledge of BU issues to support a thorough and efficient search for records and provide adequate context. For the exchange of information and search for records to be effective, complete, and timely, the records request needs to be received by a PA whose role within the BU has sufficient oversight of the BU activities. Without sufficient information on concerns and context, the FOIP Office may not be able to protect The City's information by appropriately applying sections of the FOIP Act that permit the withholding of records while meeting legislated time frames and fulfilling the FOIP Office's duty to assist applicants.

The FOIP Office's communication with the BU begins with the FOIP PAs and PA-ALTs. PAs are an important resource to the FOIP Office because they assist in providing context of records, performing exhaustive searches to identify all applicable records, and identifying subject-matter-experts when necessary. The PAs support the FOIP Officers' objectives to meet legislated response deadlines (most requests fall under a 30-day limit though there are some allowable exceptions) and to respond to each applicant openly, accurately and completely.

The majority of PAs appointed by BU Directors are in non-management or administrative positions. We reviewed all roles with PA responsibilities as at May 2015, and noted their positions to determine if they were in Management, Professional (non-management role) or Administrative roles. Our review found 39% of PAs are in a management role, 26% are in non-management positions such as "Analyst" or "Coordinator", and 34% are in

Administrative roles. The FOIP Office has provided guidance to the BUs on the selection of PAs to ensure PAs have sufficient knowledge to fulfill the role. However, the FOIP Coordinator advised that with the passage of time and staff turnover this message is being lost.

Recommendation 3
The FOIP Coordinator review and update current guidance on the selection and responsibilities of FOIP Program Administrators and Alternates and communicate the updates to Business Unit Directors.

Management Response

Agree.

It is time to refresh and increase knowledge on Business Unit FOIP processes.

Action Plan	Responsibility
1. A session for ALT on FOIP Program Administrator appointments and Delegation Order is already booked for December 2015. 2. Online training for FOIP is in the process of being developed, started in September for completion and implementation in early 2016. There will be 4 modules to cover the basic FOIP needs, for all employees, FOIP PAs, managers and elected officials and their staff. 3. Leader FOIP and FOIP Officers will request to speak to the various BU Management Teams in 2016, with plans to communicate to all BU Management Teams by the end of December 2016.	Lead: Leader FOIP, FOIP Coordinator Support: City Clerk Commitment Date: December 31, 2016

4.3 Relationship with Administration
There is no formal two-way communication to BUs to confirm that concerns identified by BUs were received and considered. When BUs perceive that their concerns were not heard it may erode their trust in the FOIP process and could create delays. Communication should be strengthened to continue to support an effective relationship with Administration.

The FOIP Officers use the FOIP Act and their professional judgment to prepare the documents and respond to the FOIP request. FOIP Officers rely on BU staff to provide context and additional information to assist the FOIP Officers as they consider the information in the documents in relation to the FOIP Act. The FOIP Officer contacts the BU to clarify information in the records, for additional information, or to contact a SME but does not rely solely on the BU's comments or the PA to provide the information.

There is a section on the BU Request Form to document BU concerns and information regarding the documents provided. However, the BU does not necessarily receive a response from the FOIP Officer that their concerns were received and considered. Through

our review of the workflow process we noted that the process does not include formal acknowledgment of receipt of BU concerns or documentation of follow-up communication with the BU. Although 89% of survey respondents indicated that they were satisfied that their concerns were fully understood and addressed, 11% indicated that they were not satisfied. Establishing formal feedback will support a better understanding of the process, foster trust and support an effective relationship with Administration.

Recommendation 4
The FOIP Coordinator implement a process to:
    a) Acknowledge receipt of Business Unit concerns; and
    b) Document and communicate the decision regarding Business Unit concerns.

Management Response

Agree.

Action Plan	Responsibility
To facilitate and improve two-way communications and relationships between the FOIP Office and the Administration, a process will be implemented to formally acknowledge receipt of BU concerns. Decisions regarding concerns will be formally communicated back to the Business Unit prior to release of information. Where concerns cannot be readily agreed upon, an escalation to the City Clerk may be necessary as per Recommendation 2.	Lead: Leader FOIP, FOIP Coordinator Support: City Clerk Commitment Date: April 30, 2016

4.4 Viewing Final Release Documents

It is not the FOIP Office's regular practice to make the impending final release documents available for viewing by the affected BUs using currently available software. When the final release documents are not readily available for viewing, the organization's ability to understand which information has been withheld and gain a better understanding of the FOIP process is impeded. Access to final release documents prior to release provides assurance to the BU that the information contained in the documents has been given consideration and the context has been fully understood and can lead to improved operational practices. For example, how to best reply to public inquiries through understanding the outcomes, and considering types of requests that should be regular information releases to avoid unnecessary FOIP requests.

The FOIP Office must meet legislated timelines to respond to access requests and is held accountable for delays in release by Service Alberta and OIPC. The PA Guide indicates that the FOIP Office will provide a copy of the final release to the BU if the volume is reasonable. We conducted a survey of City and Office of Councillors' employees involved in FOIP requests on specific aspects of the FOIP request workflow process. 84% of the respondents agreed that it is beneficial for the BU to have the opportunity to view the redacted versions of the documents before the release to the FOIP applicant. While 54% of the respondents

indicated they have never made a request to view the document release, several PAs and PA-ALTs commented on the survey and/or during interviews, that they were not aware they could make a request to view the impending release. We noted there is no formal process to make a request to view impending final release documents.

Currently, once a file is ready for release, if the file is not complex in the decision-making nor highly sensitive, a copy of the release document can be sent electronically to the BU and viewed via a secure exchange folder that can only be accessed by the recipient (part of current software functionality). Management advised that final release documents for complex requests could also be viewed electronically; however, viewing had to take place at the FOIP Office. Viewing complex requests can be a cumbersome and time consuming process because of the need to have the parties go to the FOIP Office to review and discuss reasons for information to be withheld.

Management advised that some BU staff have asked to view the final release documents, however they did not attend the FOIP Office. Limiting viewings to within the FOIP office may have created barriers for some BUs due to time and schedule restrictions.
The current electronic software, if it had been available to more users, may have provided greater efficiencies. Greater use of electronic mediums, whether through the secure exchange folder, or by adding read-only users to the FOIP Office's software or other means, can increase efficiencies in the viewing process.

Some BUs receive relatively few FOIP requests and may not have the benefit of experience in dealing with the FOIP Office to completely understand the FOIP Process. The opportunity to view final release documents provides assurance to the BU that the information contained in the documents has been given consideration and the context has been fully understood. Our discussion with some BUs identified concerns that the FOIP Office may not have fully understood or given consideration to the context and implications of the information provided.

Recommendation 5
The FOIP Coordinator improve processes to view final release documents including inviting BUs to view the final release documents (with the option to decline) before the documents are released.

Management Response

Agree.

The process to request a review of documents is informal but there is a process. The complete sharing of documents electronically is not recommended at this time due to lack of appropriate security for very sensitive and/or highly confidential records. Currently the response to an applicant is shared on an exchange folder for uncomplicated requests upon request.

The response to a request and the decisions made are often complicated and require extensive knowledge to the FOIP Act to understand the decisions and exercise of discretion made by the FOIP Officer. In these instances, viewing the final release records with a FOIP Officer in attendance to assist is essential when discussion and sharing of knowledge is required.

Action Plan	Responsibility
1. Include on BU Request Form a statement to the effect that final release document viewing is available on request. 2. Ensure that training for PA emphasizes the ability to view request records before release. 3. Training needs to reinforce information regarding legislative time frames and provided that records are received promptly, time will be available for viewing. 4. Currently criteria for Simultaneous Disclosure are being developed for Council. These criteria will be applied to requests and those which meet the threshold will be sent to the BUs electronically before release.	Lead: FOIP Coordinator Support: Leader FOIP Commitment Date: September 30, 2016

Recommendation 6
The FOIP Coordinator improve availability to view all final release documents by investigating suitable electronic means.
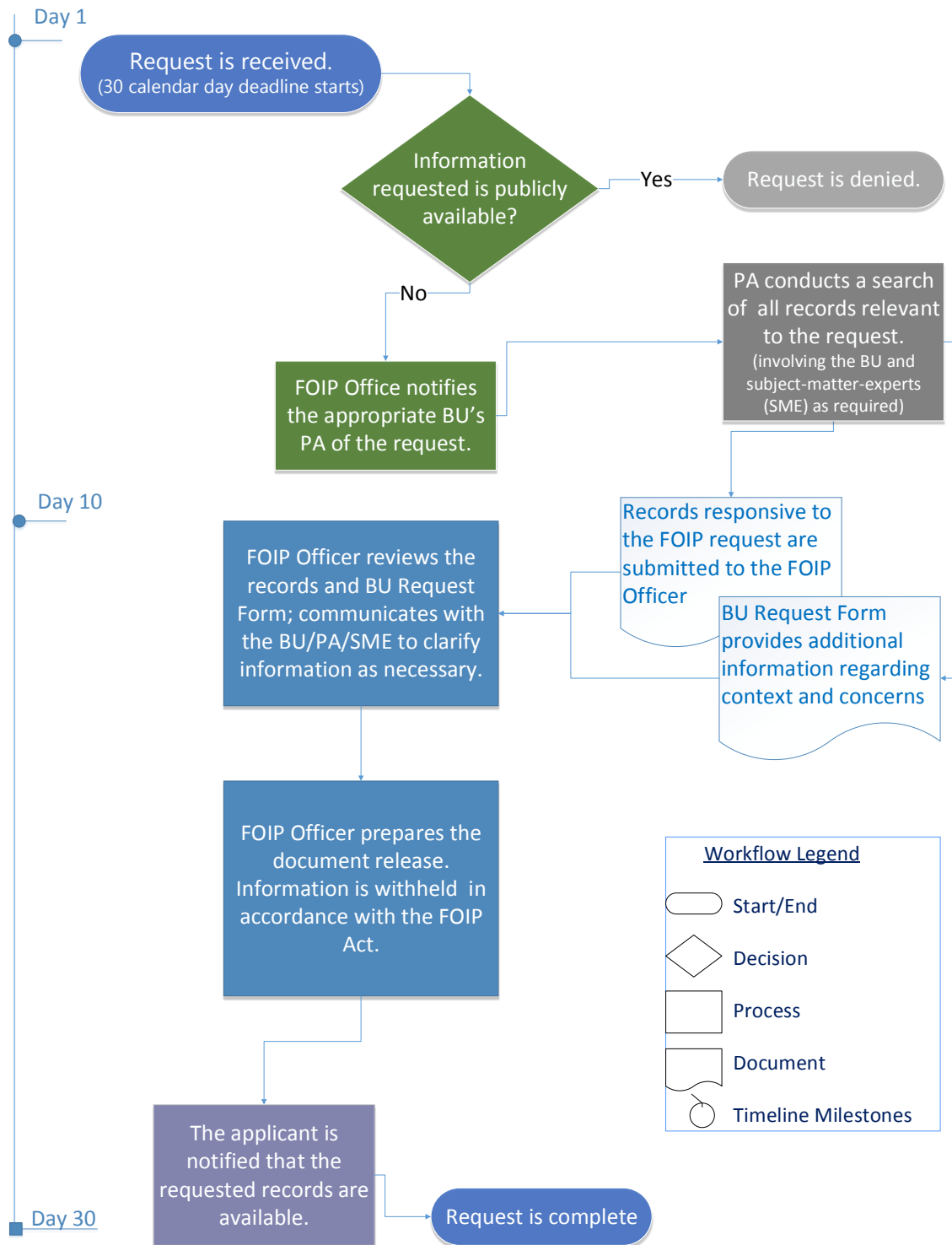
Management Response

Agree.

The complete sharing of documents electronically at this time is not recommended due to lack of appropriate security for very sensitive or highly confidential records. Currently the response to an applicant is shared on an exchange folder for uncomplicated requests, should this be requested by the responding BU.

Action Plan	Responsibility
1. Discussions are being held with BU PAs to increase the receipt of records electronically by the FOIP Office and determining which records can be sent electronically. Action Plan 2015-2019. 2. Discussions continue to be underway with IT for an improved level of security for records. 3. Based on these discussions (1&2) a feasibility document will be drafted to conclude on potential technology solutions that could be employed should funding resources be available.	Lead: FOIP Coordinator Support: Leader FOIP Commitment Date: September 30, 2016

5.0 Appendix A- FOIP Access Request Workflow

The workflow diagram is a high-level overview of an uncomplicated or simple access request processed within the legislated timeframe of 30 days.

Day 1

Request is received.
(30 calendar day deadline starts)

Information requested is publicly available?

Yes → Request is denied.

No

FOIP Office notifies the appropriate BU's PA of the request.

PA conducts a search of all records relevant to the request.
(involving the BU and subject-matter-experts (SME) as required)

Day 10

FOIP Officer reviews the records and BU Request Form; communicates with the BU/PA/SME to clarify information as necessary.

Records responsive to the FOIP request are submitted to the FOIP Officer

BU Request Form provides additional information regarding context and concerns

FOIP Officer prepares the document release. Information is withheld in accordance with the FOIP Act.

Workflow Legend

⬭ Start/End

◇ Decision

▢ Process

Document

◯ Timeline Milestones

The applicant is notified that the requested records are available.

Request is complete

Day 30

6.0 Appendix B- Survey Questions and Results

We conducted a survey of all PAs and PA ALTs. PAs and PA ALTs are employees that reside in BUs, Departments, or Office of the Councillors, who have been assigned responsibility to receive and respond to requests received through the FOIP Office. The following are the survey questions along with a summary of responses.

1. Thinking about the FOIP requests you've received in the past 18 months, how would you rate the requests?
   o I haven't received any FOIP requests.
     0 respondents (0%)
   o The requests are mostly simple, and little effort is needed to collect the records.
     1 (3%)
   o The requests are mostly simple, but on occasion, some requests are more complicated (i.e. greater effort is required to locate records and the subject matter is complex/confidential).
     22 (59%)
   o Most requests are complicated.
     9 (24%)
   o Most requests are extremely complicated (requires involvement of BU management and/or subject-matter experts).
     5 (14%)

2. Again, thinking about the FOIP requests over the past 18 months, and the documents that were collected, if the documents contained highly confidential or restricted information, how did you inform the FOIP Officer of your concerns and provide context (i.e. reasons information should not be released)?
   o I didn't take actions to inform the FOIP Officer.
     3 (8%)
   o I included information on the Business Unit Records Request Form, regarding concerns and context.
     3 (8%)
   o I discussed the information with my supervisor/manager and/or a subject-matter expert before it was submitted to the FOIP Officer and included concerns/context on the FOIP response form.
     10 (27%)
   o In addition to including concerns/context on the FOIP response form, I called the FOIP Officer to discuss.
     14 (38%)
   o I called the FOIP Officer to discuss concerns and context.
     7 (19%)
   o I redacted the documents before they were submitted to the FOIP Office.
     0 (0%)

3. If you brought concerns forward to the FOIP Officer, were you satisfied that your concerns were fully understood and addressed?
   o Yes. **33 (89%)**
   o No. **4 (11%)**

4. When the information requested was more complicated or extremely complicated, did the FOIP Officer request more information to assist in understanding the context of the information or request that the BU provide a subject-matter-expert?
   o Yes, additional information or a subject-matter-expert was identified to assist the FOIP Officer.
   19 (51%)
   o Sometimes.
   12 (32%)
   o No.
   6 (16%)

5. Have you or the BU ever asked the FOIP Office for the opportunity to review the redacted versions of the documents before the release to the applicant?
   o No, never.
   21 (57%)
   o Seldom.
   3 (8%)
   o Sometimes.
   8 (22%)
   o Often.
   2 (5%)
   o Yes, always.
   3 (8%)

6. If you or the BU asked to review the redacted documents before release to the applicant, were you given the opportunity to review?
   o Yes. **20 (63%)**
   o No. **12 (38%)**

7. Do you believe it is beneficial to the BU to have the opportunity to review the redacted versions of the documents before release to the FOIP applicant?
   o Yes. **31 (84%)**
   o No. **6 (16%)**

8. Would you like someone from the City Auditor's Office to contact you with respect to your answers in the survey?
   o Yes**. (4 respondents chose Yes)**
   o No.