

# A GUIDE TO PRIVACY



The Federation of Prince Edward Island Municipalities has prepared a toolkit to help municipalities implement practices that reflect the principles of open government – accountability, engagement and transparency. This guide has been prepared to provide Council members with information about the collection, use and disclosure of information.

Under the *Municipal Government Act*, each municipality must enact an Access to Information and Protection of Privacy Bylaw.

Once this Bylaw is enacted by your municipality, you must comply with it.

## Protecting Information

As a Council member, you may be provided with personal information, confidential information from a third party, or confidential information relating to municipal operations such as labour relations, contract negotiations, legal or enforcement actions or discussions at a closed meeting.

You have a responsibility to ensure that this information is:

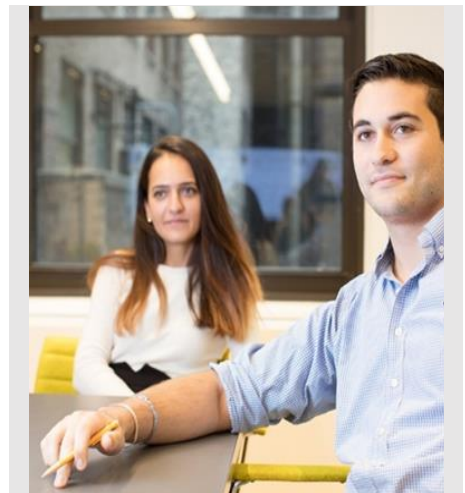
- not inadvertently disclosed or shared publicly; and
- not used for your benefit or the benefit of someone closely connected to you.

You should not share confidential or personal information acquired through your role on Council orally, by email or social media, in writing or by copying documents.

### WHAT INFORMATION IS PRIVATE?

There are certain municipal records that you **cannot** share. As a rule, you should not disclose any information:

- subject to solicitor-client privilege or about legal matters;
- about an investigation or enforcement of a bylaw or Act;
- about human resource matters;
- about commercial matters which, if disclosed, may be prejudicial to your municipality or involved parties;
- received in confidence which, if disclosed, may be prejudicial to your municipality or the parties involved;
- about a matter under consideration, where Council has not announced a decision, and discussion in public may jeopardize the municipality's ability to negotiate;
- that may prejudice security and the maintenance of law;
- containing personal details that are protected under the *Municipal Government Act*.



### WHY IS PRIVACY IMPORTANT?

Protecting privacy is important. Releasing personal information is a breach of privacy. Sharing confidential information may jeopardize Council negotiations or legal actions. Releasing information provided by a third party may result in legal action against Council. In addition, you may be subject to legal action.

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## What Is 'Access to Information'?

Access to information gives the public the right to review municipal records. Some municipal records must be proactively disclosed. Other information cannot be disclosed. In some cases, access to information requests may be filed to obtain municipal information such as a specific report or data.

### **The public has a right to access municipal records**

Council and committee minutes, agenda packages and financial statements should be proactively disclosed. As best practice, these documents should be routinely posted on your municipal website.

Many municipal records should be made available for inspection. Your municipality should actively provide an opportunity for the public to review municipal records. If possible, these records should be made available on your municipal website as best practice.

### **Municipalities must respond to access to information requests**

Your municipality should have a process where individuals or groups can request access to specific records. In general terms, all requests should be submitted to the Chief Administrative Officer. Your Chief Administrative Officer will know what information should be excluded and should be able to fulfil the request while protecting privacy, personal or confidential information. **As a Council member, it is not your responsibility or role to share municipal records.**

### **Disclosure of Councillor-Related Information**

Some of your personal information is not considered to be private including your remuneration for Council duties, travel claims for Council business and council expenses. Best practice suggests that these payments be proactively shared on your municipal website.

### **Council members must keep information secure**

It is your responsibility to ensure that personal or confidential information is kept secure. If you use a cell phone, computer or iPad to carry out Council business, make sure that it is password protected and securely stored when not in use. Never leave Council records in your vehicle or in an unsecured place. **It is your responsibility to protect privacy and Council records.**

### **Access to Personal Information**

In some cases, you may be provided with personal information about employees, other Councillors or citizens. Personal information can range from address, background information such as education or employment, to religious or political beliefs. It is a breach of privacy if you disclose this information to anyone or use it for any other purpose. **If you have any questions about whether you can discuss or share personal information, it is important that you discuss the matter with the Chief Administrative Officer.**