



# Regional Board Report

## Request for Decision

Approved for Board Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

**To:** Regional Board

**From:** Karen Needham, Corporate Officer

**Date:** October 13, 2022

**Subject:** Information Management Bylaw No. 1507, 2022

**Voting Entitlement:** All Directors – Unweighted Corporate Vote – Simple Majority (LGA s.208)

**Purpose:** To consider readings and adoption of a new Information Management Bylaw that will establish authority for the creation of programs to manage activities related to privacy; access to information; and the use, preservation, and security of RDCO records.

### Executive Summary:

With changes in an increasingly digital world over the past 30 years, records management has undergone a transformation in response to the increased creation and use of electronic information. Whether referred to as records management (RM), records and information management (RIM) or information management (IM), managing the growth of information strategically in any medium, requires a common understanding and unified approach that connects people, policy, and technology.

Corporate Services staff have developed Information Management Bylaw No. 1507, 2022 which, if adopted would establish programs and designate accountability for three distinct regulatory obligations:

1. **Freedom of Information and Protection of Privacy** – designates Head and Coordinator to process access to information requests; and
2. **Privacy Management Program** – designates a Privacy Officer, with authority for the development of a privacy program as required under new FOIPPA legislation; and
3. **Information Management Program** – designates authority for the development of a program to manage information as an asset from creation to final disposition.

The proposed bylaw gives authority to the Corporate Officer to develop, implement, review, amend and maintain these three programs, along with establishing related operational policies and procedures. As managing information is a continuous cycle, information management is achieved through successful collaboration with business users who need information to operate, information technology who implement the mechanics, and corporate administration who manages the legal, risk and regulatory duties of the organization. This collaboration fosters informed decision making, facilitates accountability, and results in transparency, from planning and systems development to accessibility and controls that manage risks to the organization.

To continue building the components of information management organizationally, it is proposed that the Board consider readings and adoption of this new bylaw. The Information Management bylaw ensures

compliance with legislative requirements related to access, privacy and records management, and sets the foundation for an information governance model that bridges policy and technology to manage the business value of information assets at the RDCO.

**Recommendation(s):**

**THAT** the Regional Board receive the Information Management Bylaw No. 1507, 2022 report from the Corporate Officer dated October 13, 2022;

**AND THAT** the Regional Board give first, second and third readings to Information Management Bylaw No.1507, 2022;

**AND FURTHER THAT** the Regional Board adopt Information Management Bylaw No. 1507, 2022.

Respectfully submitted by:



Karen Needham,  
Corporate Officer

Attachment(s):    1 - repeal Bylaw No. 1406 - Freedom of Information and Protection of Privacy Bylaw  
                             2 - Information Management Bylaw No. 1507, 2022  
                             3 - Presentation (pptx) - Information Management Bylaw No. 1507, 2022

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**Strategic Plan Alignment:**

Values:            Transparency, Good Governance

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**Background:**

RDCO Corporate Services and Information Services departments are collaborating to modernize RDCO's approach to managing its records and information as critical strategic assets, the same as finance, technology, infrastructure, and human resources.

**Information Governance** is a framework for managing information assets in support of balancing operational efficiencies, mitigating risk, and supporting business outcomes. Under the umbrella of this framework are programs, policies, processes, procedures, roles, and controls put in place to meet regulatory, legal, risk, and operational requirements for managing information.

Working closely with business areas, Corporate Services is building on the existing RDCO records management practices by identifying and prioritizing components that will help align all information-related activities with the RDCO's business, legal and accessibility obligations. This work involves cooperation among departments to achieve a comprehensive and systematic approach to managing information.

Records Information Management, Privacy Management and Information Governance are inextricably linked. In 2021, the provincial government introduced significant changes to the *Freedom of Information and Protection of Privacy Act (FOIPPA)* to help mitigate the risks of privacy breaches and complaints about inappropriate practices. These legislative changes have a direct impact on local governments and how information “in the custody or under the control of a public body” is managed.

**Discussion:**

Currently, the RDCO has a bylaw with designated access to information authorities as required under *FOIPPA* legislation. It is recommended that this bylaw be repealed, and a new bylaw considered that will encompass access and privacy programs in alignment with information management.

**Privacy Management Program**

Current privacy activities embedded in RDCO practices continue to support the legislation and ensure the protection of privacy is considered through agreements, contracts, privacy impact assessments, privacy policy and new employee orientation.

The introduction of new duties and obligations related to privacy practices and the requirement for public bodies to develop a privacy management program and designate a Privacy Officer, will however, directly impact all local government bodies in B.C. These legislative changes include:

- Repeal of the in-Canada requirements for the storage of personal information - enhances the ability to adopt cloud-based technologies; increases importance of privacy impact assessments (PIA)
- Access to information - a prescribed application fee; s.43 Privacy Commissioner relief
- Privacy Management Programs – new duties in managing privacy practices, requires local governments to develop a privacy management program for the public body
- Privacy Breach Notification Requirements – notifying affected individuals of a ‘privacy breach’ of personal information in the custody or under the control of a public body
- Mandatory Access to Information Exception – new section to refuse to disclose information expected to harm rights of indigenous people, including third-party notification requirements
- Offence – new section creating an offence for concealing, destroying, or altering any record to avoid compliance with access requests.

Currently, the extent of impact and operational change to the RDCO with the new legislation is unknown. The province has advised that a future regulation will provide the specific requirements for the privacy program which is anticipated to be enacted for 2023.

**Information Management Program**

Corporate Services provides for the management of RDCO information assets throughout their life cycle, which includes developing policies, processes, procedures, roles, and controls put in place to meet regulatory, legal, risk and operational requirements.

While there are multiple statutes that inform the management of information there are six guiding principles (GARP – Generally Accepted Record Keeping Principles) – accountability, transparency, integrity, protection, availability, and retention. These principles help operationalize information management with the development of metrics and in prioritizing the development of programs for the management, retention and disposition of records and information under the custody and control of the RDCO. Along with the management of privacy and access to information, some of the topics identified in an information management program would include:

- Access and Privacy (Transparency)
- Retention and Classification (Retention)
- Destruction/Archive (Disposition)
- Vital Records (Protection)
- Routine Disclosure (Availability)
- Digitization (Integrity)
- Uniform Naming Conventions/Version Control (Integrity)

Establishing the necessary components for a comprehensive information management program modernizes the management of information for efficient sharing and collaboration, informed decision-making, and cost savings, and leads to greater integrity, reliability, accessibility, and security of information for as long as it is required.

**Conclusion:**

The proposed Information Management Bylaw will provide the necessary authority and framework for the ongoing development of programs to meet our legislative and regulatory obligations in the management of information. The establishment of the Privacy Management Program and the Information Management Program will be operationally focused to create awareness and support compliance within our organization. Staff is recommending adoption of the bylaw as a step towards the integration of information security, privacy, management, and operational activities that will benefit RDCO program and service delivery.

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**Considerations:**

Organizational/External: Establishing the privacy and information management programs impacts work priorities for Corporate Services and encompass all staff and associated third parties. Strategies, policies, and plans for the implementation of programs will be established and conducted through a proposed 'steering committee' with information services and business unit participation.

Legal/Statutory Authority: *Freedom of Information and Protection of Privacy Act*  
*Community Charter, Local Government Act, Evidence Act*

Alternate Recommendation:

**THAT** the Regional Board receive the Information Management Bylaw No. 1507, 2022 report from the Corporate Officer dated October 13, 2022 for information.

**Considerations not applicable:**

- Financial
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