

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT (CITY CLERK'S DIVISION - LOCATION - 71 MAIN ST. W.)

CORPORATE ACCESS & PRIVACY OFFICER

SUMMARY OF DUTIES

Reporting to the Manager, Corporate Records & Freedom of Information, responsible for processing formal requests for access to corporate records, including formulating and issuing access decisions in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and the *Personal Health Information Protection Act* (PHIPA). This role also responds to public inquiries about MFIPPA, prepares submissions on appeals to the Information & Privacy Commissioner of Ontario (IPC), provides advice to staff on privacy compliance and breaches, supports the development of policy and procedures on access to information activities, and makes recommendations on governance and strategy as required.

GENERAL DUTIES

Provides technical advice and recommendations to senior leaders, city staff and elected officials on access and privacy issues under the requirements of *the Municipal Freedom of Information and Protection of Privacy Act*.

Formulates decisions on requests for information based on detailed analysis of responsive records. Prepares and signs formal decision letters, providing information on specific exemptions, fees and appeal rights.

Uses judgement in balancing the right of access with the protection of personal and other confidential information in accordance with MFIPPA, PHIPA, Regulations and Orders of the Information & Privacy Commissioner, while ensuring that specific provisions of the Acts such as notification requirements, are met.

Uses judgement in applying mandatory and discretionary exemptions to City information based on broad knowledge of issues confronting the City and specific Divisions.

On appeal, conducts specialized mediation with the Information & Privacy Commissioner of Ontario and participates in oral inquiries before this tribunal.

Prepares comprehensive written arguments in response to inquiries before the Information & Privacy Commissioner of Ontario.

Communicates with requesters, including the media, legal firms, representatives from other governments and members of the public, to clarify access requests, as required. Ensures that sufficient information has been provided to respond to the request and resolve any issues that arise.

Negotiates with requesters and Divisional staff and provides advice and guidance related to the application of MFIPPA, Orders of the Information & Privacy Commissioner, associated policies (i.e. Routine Disclosure), processes, directives and guidelines, regarding access to city information.

Establishes, educates and trains department liaison contacts. Works with Divisional staff to identify and obtain records responsive to access requests, to ensure requirements of the Act are met.

Researches and analyzes case law and Information & Privacy Commissioner of Ontario (IPC) precedents and consults with stakeholders to ensure their views and concerns are considered in the application of discretionary exemptions.

Develops fee estimates and ensures mandatory third-party notification requirements are met.

Documents the review process of each access to information request in detail.

Provides advice and consultation to staff related to the collection, use, disclosure, storage and security of personal information as per the requirements under MFIPPA and develops solutions that balances business needs with privacy requirements and other related risks.

Manages assigned projects, ensuring effective teamwork and communication, high standards of work quality and organizational performance and continuous learning.

Prepares specialized training on MFIPPA for Members of Council, Department liaison staff, and City staff and conducts training sessions utilizing both traditional and innovative training methods.

Maintains knowledge of emerging and potentially contentious City issues.

Demonstrates an understanding of the vision, mission and strategic directions of the City Clerk's Office and its services.

Demonstrates understanding of Council's decision-making role and the use of the City of Hamilton's systems to access legislative records.

Develops and implements appropriate administrative procedures, guidelines and forms to process access requests in a timely and proper manner as prescribed by the Act.

Collects fees in response to requests for access to information, and decides where proper, to waive such fees.

Develops and maintains a registry of forms consistent with Provincial guidelines and provide where necessary, the statutory authority for collection and use of personal information.

Maintains a summary of all requests received and the actions taken and required on these requests on a regular basis to support the provision of filing an annual report with the Information & Privacy Commission of Ontario.

Maintains Personal Information Banks.

Participates in the delivery of the municipal election.

Performs other duties as may be assigned which are either directly related to the normal functions of the job or related to other functions under the responsibility of the City Clerk, as required.

QUALIFICATIONS

1. University Degree in Legal Studies, Public Administration, Information Management or related discipline; or an equivalent combination of education, knowledge and experience may be considered.
2. Considerable knowledge and experience in the application of Municipal, Provincial and Federal Access & Privacy legislation and the security of personal and personal health information, collected, used, protected and disclosed through municipal programs and services including, but not limited to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Personal Health Information Protection Act (PHIPA), the Personal Information Protection and Electronic Documents Act (PIPEDA) and the Freedom of Information and Protection of Privacy Act (FIPPA).
3. Canadian Certification with the International Association of Privacy Professionals (CIPP/C) or an equivalent is an asset.
4. Extensive experience and knowledge of the Orders of the Information & Privacy Commissioner of Ontario.
5. Demonstrated research, analytical and problem-solving skills.

6. Sound judgement and ability to handle matters of a confidential, political and/or sensitive nature.
7. Demonstrated ability to establish effective working relationship with staff, client Divisions, outside agencies and Members of Council or other political staff.
8. Well-developed communication skills (both written and verbal) and interpersonal skills to maintain good internal and external working relationships.
9. Experience in a computerized environment. Proficient working knowledge in a Microsoft environment, including the use of Adobe and familiarity with FOI request management systems.

THE INCUMBENT SHALL COMPLY WITH ALL HEALTH AND SAFETY POLICIES PRACTICES FOR THIS POSITION AND THE WORKPLACE
