

From: "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>

To: "Direct to Mayor and Council - DL" <CCDTMACDL@vancouver.ca>

Date: 12/15/2016 2:44:33 PM

Subject: Audit and Compliance Report - F16-01

Attachments: [CMO - Letter to Commissisoner - Drew McArthur - OIPC - 2016.12.15.pdf](#)

Dear Mayor and Council,

Please see attached for information, our final report on response actions - Audit and Compliance Report F16-01 which was sent to the Acting Commissioner, Mr. Drew McArthur today.

Best
Sadhu

Sadhu Aufochs Johnston | City Manager
City of Vancouver | 453 W 12th Avenue
Vancouver | BC V5Y 1V4
604.873.7627 | Sadhu.johnston@vancouver.ca
Twitter: sadhuajohnston



CONFIDENTIALITY NOTICE: This message and any accompanying documents contain confidential information intended for a specific individual and purpose. This message is private and protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying or distribution, or the taking of any action based on the contents of this information, is strictly prohibited.



OFFICE OF THE CITY MANAGER
Sadhu Johnston, City Manager

December 14, 2016

Acting Commissioner Drew McArthur
Office of the Information and Privacy Commissioner for British Columbia
PO Box 9038 Stn. Prov. Govt.
Victoria, BC V8W 9A4

Dear Mr. McArthur:

RE: Audit and Compliance Report F16-01 - City of Vancouver - Duty to Assist
Final report on response actions.

I am writing in follow up to my letter dated June 21, 2016 which constituted the City of Vancouver's initial response to the Audit and Compliance Report F16-01 conducted by your office regarding the City of Vancouver's Duty to Assist.

As indicated in our initial response, the City takes its obligations under the *Freedom of Information and Protection of Privacy Act* very seriously. We appreciate the work of your staff in conducting the review and in developing the twelve recommendations conveyed by your predecessor. The City understands all twelve of those recommendations and, even prior to receiving the report, commenced a series of actions to improve our processes for responding to information requests.

In my letter of June 21, 2016, we committed to providing your office with an update on implementation of the above-referenced recommendations by the conclusion of 2016. The attached appendix provides comments in relation to each recommendation and results achieved since receipt of the report. Of note, several of the recommendations were of a general nature that does not lend itself to specific action items or measurement.

As an overall indicator of performance of the City's FIPPA response processes, we can confirm the following outcomes for 2016 relative to prior years.

Files submitted by applicants for review by OIPC*:

2014	2015	2016 (to date)
37	18	11

*Reflects the number of City files on which reviews were requested, not specific number of issues identified for OIPC review

City of Vancouver, Office of the City Manager
453 West 12th Avenue
Vancouver, British Columbia V5Y 1V4 Canada
tel: 604.873.7625 fax: 604.873.7641
website: vancouver.ca



City of Vancouver response times:

	2015 <i>(June 1 - November 30)</i>	2016 <i>(June 1 - November 30)</i>
Total requests for information	250 requests	268 requests
Average response time (all requests)	25 days	16 days
Average response time (media requests)	32 days	22 days
Proportion of requests subject to a 30 day extension	18%	7%
Number of responses provided after 30 days without proper extension	0	0

Notwithstanding the continuing increase in the volume of requests received by the City, (15% increase in the total number of requests in 2016), we are pleased to report material reductions in turnaround times and the number of files on which the City is utilizing extensions to the 30-day time limit for response. In all instances, such extensions are being utilized in accordance with *FOIPPA*. We will continue to monitor our performance in this regard and seek opportunities to further improve our internal processes and our support to applicants.

Please do not hesitate to contact me if you require any additional information on the actions or results described above or in the appendix to this letter.

We thank you again for the opportunity to work with your office in conducting its review and for your support of our efforts to address the identified opportunities for improvement.

Yours sincerely,



Sadhu A. Johnston
City Manager

453 W 12th Avenue, Vancouver, BC V5Y 1V4
tel: 604.873.7627 - fax: 604.873.7641
sadhu.johnston@vancouver.ca

Cc: Barbara Van Frassen - Director, Access to Information.
SAJ/lis

APPENDIX A

Recommendations with Detailed Response Actions

1. The City of Vancouver should fully document requests for records. Case files should include all applicable documentation.

Response Action:

- File progress and document tracking via a hard copy form on the left hand side of the FOI hard copy file implemented in early 2011.
- Hard copy tracking forms not scanned to the electronic files, one would have to review the hard copy files Q4-2016 in order to view the tracking forms.
- In order to mirror and replace the hard copy form for electronic files, an electronic FOI Status spreadsheet was developed for electronic file folders to track file progress, documentation and communications - it is routinely completed for all files as of Q4-2016 and stored in the electronic file folder along with all other documentation for the file.

2. The City of Vancouver should fully document the steps undertaken to search for records.

Response Actions:

- Developed and piloted a detailed "FOI Response Checklist for record searches" electronic, fillable department response form; pilot October to December 2016; full implementation January 2017.
- The form collects information regarding the record search, compilation and quality checks as well as the business units/workgroups where the record search was conducted and details regarding a "no responsive records" reply or any other relevant information regarding the record request - fully documenting the steps undertaken to search for records.
- The process enables more accurate fee estimates as well as expansive information that can be provided to an applicant regarding 'no records' searches.

3. The City of Vancouver should provide mandatory routine training to City staff on records management, including record retention; FIPPA and their responsibilities under the Act; and the City's FOI processes such as how to conduct and document searches for records.

Response Actions:

- Developed a "Your Obligations under FIPPA" information sheet for new staff Orientation - link to document provided in all orientation packages as of January 2017.
- September 27, 2016, Memo from Deputy City Manager to the City Management Team (CMT) regarding City and Department responsibilities, in particular timeliness of department responses to requests for records and/or information from the FOI office in addition to their general obligations under FIPPA.
- Development of an online "Introduction to FOI, Privacy and Records Management" course for new staff orientation began in October, 2016.

- Currently in final edit stage, will be ready to pilot the first quarter of 2017 with the intent to become part of the mandatory orientation materials for all applicable staff the second quarter of 2017.
4. **The City of Vancouver should open requests without delay unless the records sought cannot reasonably be identified.**

The City agrees - this is normal practice

5. **The City of Vancouver should ensure that any extension taken is as short as possible and that there is sufficient reason to apply the extension.**

Response Actions:

- In 2015, 18% of the City's FOI requests required a time extension for a response.
 - In 2016, only 7% of the City's requests required a time extension for a response.
 - The steps taken to improve response times also positively affected the percentage of files requiring time extensions to complete; these steps are fully detailed in #6 below.
6. **The City of Vancouver should improve response times for all requests for records, especially with requests from media applicants, to ensure it responds without delay and within legislated timelines.**

Response Actions:

- The City has undertaken major actions this year to improve response times and ensure extensions are only taken when absolutely necessary.
- Average response times have been reduced from 25 days in 2015 to 16 days in 2016 and media request response times reduced from 32 days in 2015 to 22 days in 2016.
- Proactive and routine releases of information and records to support improved public and media access have also been significantly increased.
- In February 2016, City Council approved amendments to the Freedom of Information and Protection of Privacy By-law to appoint a single Head reflecting current City process and the practice of other municipalities. This has streamlined our Head Review processes and aided in more timely responses to FOI requests.

To improve overall response times:

- Added a Senior Information Analyst (FOI) to staff as of October 3, 2016 - increased the FOI analytical staff from 2.0 FTE to 3.0 FTE.
- Added an FOI Records Clerk (PT) to staff as of October 21, 2016 - increased the FOI Intake Desk from 1.0 FTE to 1.6 FTE.
- Requested a SharePoint site be developed to expedite SME, Legal and/or Head review process - site will be developed and implemented by the end of the second quarter of 2017.

To improve Public and Media Access:

- The City began routine posting of completed FOI response packages in May 2016, of files that do not contain personal information (30 day time lag from

release) - currently files are posted retroactive to January 1, 2016 on the FOI webpage: vancouver.ca/your-government/freedom-of-information.aspx.

- The City has reviewed records released between 2011 and 2015 and posted more than 50 FOI releases on matters of broad interest from this period.
- The City's Open Data website now contains 149 data sets including the recent addition of an Annual Remuneration Report for all City of Vancouver staff who earn more than \$75,000 per year. View the open data catalogue here: vancouver.ca/your-government/open-data-catalogue.aspx.
- Implementation of a new data visualization function for Council voting records at: vancouver.ca/your-government/council-voting-dashboard.aspx
- Open Data posting of Council voting records implemented in April 2016. The new dashboard will make it easier to view the voting record of Vancouver City Councillors since April 5, 2016 for Regular Council, Special Council, Standing Committee, and Public Hearing meeting types.
- Additional details of service requests submitted through VanConnect, the City's mobile app, publicly available as of July 1, 2016 on the app.
- Routine publication of Bid Committee Summary Reports; reports are published as soon as contract negotiations are complete and the contracts signed. Reports have been published retroactive to 2014.
- Routine publication of Internal Audit Summary Reports; includes all internal audits undertaken each year. Reports have been published retroactive to 2014.

7. The City should apply exceptions on a limited and specific basis, line by line.

The City agrees - this is normal practice.

8. The City of Vancouver should treat records as out of scope only where explicitly delineated under s.3 of FIPPA.

The City agrees - this is normal practice.

9. The City of Vancouver should develop rules that clearly define expectations surrounding the use of personal devices and personal email to conduct City business or share or store City information.

Response Actions:

- City of Vancouver email policies and the use of personal devices are covered under three different IT policies.
- The applicable policies were reviewed and amended to ensure a full and complete understanding of the rules defining the use of personal devices and personal email to conduct city business or share or store City information.
- IT Policies AG-015-01, Computing and Telecommuting - General; AG-015-03, E-mail Usage; and AG-015-NEW, Mobility, are the applicable policies.
- The policies now include directions to City staff that personal email accounts are not to be used to conduct City business and that City staff are to limit the use of personal devices for City business.
- There are occasions, such as on-call staff shift availability notifications, where City business may be conducted on personal devices, but these are extremely limited.

- The policy updates were conveyed to staff via a general circulation email from the City's Chief Technology Officer in early December.

10. The City of Vancouver should document actual time spent by department and the City to locate, retrieve, produce or prepare a record for release in circumstances where a fee is being applied.

Response Actions:

- Developed and piloted a detailed "FOI Response Checklist for record searches" an electronic, fillable department response form; piloted October to December 2016; full implementation January 2017.
- See #2 response actions for further details.

11. The City should provide updated training to all ATI staff related to the duty to assist applicants, including the management of request for records and legislative provisions for extension of time limits, fees, exemption, exclusions and third-party notifications.

Response Actions:

- In 2016, Legal Services partnered with the Access to Information group to provide specific, detailed bi-monthly training sessions for the ATI team to build knowledge base and provide a progressive learning environment with integrated peer support.
- 6 sessions were completed in 2016, topics covered applications of specific sections of the Act, including relevant Orders and directives as well as Canadian Anti-Spam Legislation, (CASL), and Supreme Court Case Law that is directly relevant to FIPPA Legislation.
- The sessions were extremely positive providing two-way learning opportunities, staff were pleased with the level of information and the presenter is also learning from ATI staff; a very positive result and sessions will continue in 2017.
- One FOI Analyst began CIPP certification coursework in 2016.
- One Records and Information Management, (RIM), staff member completed the Certified Records Manager (CRM) program in 2016.
- One Records and Information Management, (RIM) staff member began their Master's program in 2016.
- ATI Team will continue with ongoing "continuous improvement" focus.

12. The City of Vancouver should communicate more openly with each applicant and provide assistance throughout the entire request process.

Response Actions:

- Response letters in cases of "no responsive records" have been modified to include additional explanatory information to aid in the applicant's understanding of why no records were found.
- Response letters have been modified to include additional information in all circumstances where it would provide greater understanding of the response for the applicant.
- A "Bounce Back" receipt email process has been implemented so each applicant is immediately notified their online request has been received.

- A new 'cleaner' Web FOI Request form will be implemented in January 2017. It will streamline the information requested and allow for quick and easy completion and transmission to the FOI Intake desk.
- All template response letters have been reviewed and edited for clarity and plain language.
- In instances where an ATI staff member is dealing with a difficult applicant who is harassing or bullying the staff member, staff are directed to either escalate the call to the FOI Manager or ATI Director, or request the caller call back when they are able to speak in a professional manner regarding their issue and disengage.
- In the instance of staff dealing face-to-face with difficult applicants who are harassing or bullying the staff member, they are directed to call Corporate Security and have the applicant removed from the building.
- This is in compliance with the City's bullying and harassment policy as well as a requirement to maintain staff safety in the work environment in compliance with WorkSafeBC regulations.
