

**GOVERNANCE COMMITTEE MEETING
ON-LINE VIDEO CONFERENCE**

**Thursday, June 24, 2021
9:30 a.m.**

A G E N D A

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPROVAL OF THE MINUTES

- a) Minutes of the NPCA Governance Committee Meeting dated March 11, 2021

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4. CORRESPONDENCE

5. PRESENTATIONS

6. DELEGATIONS

7. CONSENT ITEMS

8. DISCUSSION ITEMS

- a) Report No. GC-05-21 RE: Freedom of Information Statistical Report 2020

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- b) Conservation Authorities Act Regulations – Workplan (Report to be provided under separate cover)

- c) Board Training Needs (Verbal Discussion by CAO Sharma)

- d) Process for Delegations to the Board (Verbal Discussion by Chair Brenda Johnson)

9. NEW BUSINESS

10. ADJOURNMENT



**GOVERNANCE COMMITTEE
ONLINE VIDEO CONFERENCE
MEETING MINUTES
Thursday, March 11, 2021
9:30 a.m.**

MEMBERS PRESENT: R. Foster, Chair
R. Brady
B. Clark
J. Ingrao
B. Johnson
K. Kawall
B. Mackenzie
E. Smith
M. Woodhouse (attended 9:40 a.m.)

STAFF PRESENT: C. Sharma, Chief Administrative Officer / Secretary - Treasurer
G. Bivol, Clerk
M. Ferrusi, Manager, Human Resources

Chair Foster called the meeting to order at 9:30 a.m..

1. APPROVAL OF AGENDA

There were no changes, additions or deletions to the agenda.

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF THE MINUTES

- a) Minutes of the NPCA Governance Committee meeting dated November 5, 2020

Recommendation No. GC-01-2021

Moved by Member Ingrao

Seconded by Member Kawall

THAT the minutes of the meeting of the NPCA Governance Committee dated November 5, 2021 **BE ADOPTED**.

CARRIED

4. CORRESPONDENCE

None.

5. PRESENTATIONS

None.

6. DELEGATIONS

None.

7. Consent Items

None.

8. DISCUSSION ITEMS

- a) Report No. GC-01-21 RE: Required Revisions to the Administrative By-Law Resulting from Conservation Authorities Act Amendments

Recommendation No. GC-02-2021

Moved by Member Clark

Seconded by Member Brady

THAT Report No. GC-01-21 RE: Required Revisions to the Administrative By-Law Resulting from Conservation Authorities Act Amendments **BE RECEIVED.**

CARRIED

- b) Report No. GC-02-21 RE: Governance Committee – 2021 Work Plan

Recommendation No. GC-03-2021

Moved by Member Clark

Seconded by Member Kawall

1. **THAT** Report No. GC-02-21 RE: Governance Committee – 2021 Work Plan **BE RECEIVED.**

2. **THAT** the Governance Committee - 2021 Work Plan attached as Appendix 1 **BE APPROVED.**

CARRIED

- c) Report No. GC-03-21 RE: Public Sector Salary Disclosure

Recommendation No. GC-04-2021

Moved by Member Clark

Seconded by Member Kawall

THAT Report No. GC-03-21 RE: Public Sector Salary Disclosure **BE RECEIVED.**

CARRIED

d) Report No. GC-04-21 RE: Integrity Commissioner Services

Recommendation No. GC-05-2021

Moved by Member Brady

Seconded by Member Ingraio

1. **THAT** Report No. GC-04-21 RE: Integrity Commissioner Services **BE RECEIVED**.
2. **THAT** staff **BE AUTHORIZED** to execute agreements, as appropriate, to obtain Integrity Commissioner Services for the NPCA.

CARRIED

- e) Discussion RE: Leadership on Committees (Verbal) -The Chair spoke to this issue identifying a need to distribute Committee Chair responsibilities across the entire Membership of the Board. It was noted that Committee structure and Board Member participation could be addressed once partner municipalities determined Board size and composition.
- f) Discussion RE: Board Chair / Vice Chair Election Process (Verbal) – Lengthy discussion ensued with respect to process and criteria for selecting Board Chair and Vice Chair including discussion on requesting notice of interest from candidates. It was directed that this matter could be further discussed at a later date to be determined.

9. NEW BUSINESS

- a) Process for Delegations to the Board – Board Chair Johnson indicated that she wanted to discuss at the next Governance meeting a revision to the process for delegations appearing at the Board.

10. ADJOURNMENT

At the direction of the Committee Chair, the meeting adjourned at 10:42 a.m..

Robert Foster,
Committee Chair

Chandra Sharma, MCIP, RPP
Chief Administrative Officer /
Secretary - Treasurer

Report To: Governance Committee

Subject: Freedom of Information Statistical Report 2020

Report No: GC-05-21

Date: June 24, 2021

Recommendation:

THAT Report No. GC-05-21 RE: Freedom of Information Statistical Report 2020 BE RECEIVED.

Purpose:

The purpose of this report is to provide statistical information to the Board of Directors in respect of applications made in 2020 to the Niagara Peninsula Conservation Authority (NPCA) under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) (the Act).

Background:

As a public institution, the NPCA is bound by the provisions of MFIPPA, provincial legislation enacted to provide the public with access to information and to protect the privacy of individuals and organizations. The legislation provides that the NPCA must submit annually by March 31st, a report summarizing the volume, response times, revenues, nature of requests and appeals of decisions made by the institution under the Act. This report, entitled "*Statistical Report of the Niagara Peninsula Conservation Authority for the Reporting Year 2020*" is attached hereto for reference.

Under the legislation, the Chair of the NPCA is the Head for purposes of the Act but the day-to-day administration is designated to an F.O.I. Co-ordinator. As of August, 2019, the Board designated the NPCA Clerk / Board Secretariat as the F.O.I. Co-ordinator for MFIPPA.

Discussion:

In 2020, the NPCA received eleven new requests under MFIPPA with two carried over from 2019. In normal circumstances, an institution has 30 days to provide an access decision to the requester. Of those eleven requests received, nine requests were addressed in 2020 without issue. The remaining two requests were appealed to the Information and Privacy Commission, one of which was immediately dismissed. It is the preference of staff to satisfy requests for records without proceeding to the appeal stage and foremost, where possible, to address initial requests without need to invoke the Act.

It is also important to note that the statistical report is generated through information provided by the NPCA to the Information and Privacy Commission via its online reporting mechanism. It is a narrow statistical summary based on calendar years and does not correlate well with requests carried over from year to year, ongoing appeals, reformulated requests, the timing of fees received, decisions rendered from the IPC, etc..

Financial Implications:

Requests made under MFIPPA are subject to a non-refundable \$5.00 application fee. Fees for the provision of information thereafter are prescribed in Regulations or through Orders and Practices issued by the Information and Privacy Commission.

The prescribed fees permissible under the Act do not adequately reflect the resources consumed to provide such records. Staff time expended on requests can be very extensive and in particular, appeals can be extremely onerous and costly. Given the time requirements, the nature and complexity of the issues along with the volume and intricacies of relevant IPC orders, the NPCA does not have the dedicated staffing resources and expertise required to thoroughly address all appeals in-house. As a result, when necessary, the NPCA has utilized the firm of Gowling WLG (Canada) LLP to assist in handling appeals. In 2020, legal fees billed for outstanding appeals were \$8491 relating almost exclusively to two ongoing appeals originally initiated in 2019. The cumulative staff time and resources dedicated annually to addressing FOI requests is generally unpredictable and can vary widely depending on the types and nature of requests received.

The NPCA has also chosen to waive approximately \$393.50 in fees for 2020 relating primarily to requests under the Act for records that are, or ought normally be, made available to the public as a part of routine disclosure.

Links to Policy/Strategic Plan:

None.

Related Reports and Appendices:

Appendix 1: Statistical Report of the Niagara Peninsula Conservation Authority for the Reporting Year 2020

Authored by:

Original Signed by:

Grant Bivol
NPCA Clerk / Board Secretariat

Submitted by:

Original Signed by:

C. Sharma, MCIP, RPP
Chief Administrative Officer / Secretary-Treasurer



The Year-End Statistical Report
for the
Information and Privacy Commissioner of Ontario

**Statistical Report of
Niagara Peninsula Conservation Authority
for the Reporting Year 2020**
for
*Municipal Freedom of Information and Protection of Privacy
Act*

Section 1: Identification

1.1	Organization Name	Niagara Peninsula Conservation Authority
	Head of Institution Name & Title	Brenda Johnson, Chair of the NPCA Board of Directors
	Head of Institution E-mail Address	bjohnson@npca.ca
	Management Contact Name & Title	Grant Bivol/Clerk
	Management Contact E-mail Address	gbivol@npca.ca
	Primary Contact Name & Title	Grant Bivol/Clerk
	Primary Contact Email Address	gbivol@npca.ca
	Primary Contact Phone Number	9057883135 ext. 250
	Primary Contact Fax Number	9057881121
	Primary Contact Mailing Address 1	250 Thorold Road W
	Primary Contact Mailing Address 2	3rd Floor
	Primary Contact Mailing Address 3	
	Primary Contact City	Welland
	Primary Contact Postal Code	L3C 3W2
1.2	Your institution is:	Conservation Authority

Section 2: Inconsistent Use of Personal Information

2.1	Whenever your institution uses or discloses personal information in a way that differs from the way the information is normally used or disclosed (an inconsistent use), you must attach a record or notice of the inconsistent use to the affected information.	0
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Your institution received:

- No formal written requests for access or correction
- Formal written requests for access to records
- Requests for correction of records of personal information only

Section 2: Inconsistent Use of Personal Information

Section 3: Number of Requests Received and Completed

Enter the number of requests that fall into each category.

	Personal Information	General Records
3.1 New Requests received during the reporting year	0	11
3.2 Total number of requests completed during the reporting year	0	13

Section 4: Source of Requests

Enter the number of requests you completed from each source.

	Personal Information	General Records
4.1 Individual/Public	0	11
4.2 Individual by Agent	0	1
4.3 Business	0	1
4.4 Academic/Researcher	0	0
4.5 Association/Group	0	0
4.6 Media	0	0
4.7 Government (all levels)	0	0
4.8 Other	0	0
4.9 Total requests (Add Boxes 4.1 to 4.8 = 4.9)	0	13

BOX 4.9 must equal BOX 3.2

Section 5: Time to Completion

How long did your institution take to complete all requests for information? Enter the number of requests into the appropriate category. How many requests were completed in:

	Personal Information	General Records
5.1 30 days or less	0	10
5.2 31 - 60 days	0	3
5.3 61 - 90 days	0	0
5.4 91 days or longer	0	0
5.5 Total requests (Add Boxes 5.1 to 5.4 = 5.5)	0	13

BOX 5.5 must equal BOX 3.2

Section 6: Compliance with the Act

In the following charts, please indicate the number of requests completed, within the statutory time limit and in excess of the statutory time limit, under each of the four different situations:

Section 6: Compliance with the Act

- NO notices issued;
- BOTH a Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)) issued;
- ONLY a Notice of Extension (s.27(1)) issued;
- ONLY a Notice to Affected Person (s.28(1)) issued.

Please note that the four different situations are mutually exclusive and the number of requests completed in each situation should add up to the total number of requests completed in Section 3.2.(Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = BOX 6.13 and BOX 6.13 must equal BOX 3.2)

A. No Notices Issued

	Personal Information	General Records
6.1 Number of requests completed within the statutory time limit (30 days) where neither a Notice of Extension (s.27(1)) nor a Notice to Affected Person (s.28(1)) were issued.	0	10
6.2 Number of requests completed in excess of the statutory time limit (30 days) where neither a Notice of Extension (s.27(1)) nor a Notice to Affected Person (s.28(1)) were issued.	0	1
6.3 Total requests (Add Boxes 6.1 + 6.2 = 6.3)	0	11

B. Both a Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)) Issued

	Personal Information	General Records
6.4 Number of requests completed within the time limits permitted under both the Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)).	0	1
6.5 Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)) and the time limit permitted by the Notice to Affected Person (s.28(1)).	0	0
6.6 Total requests (Add Boxes 6.4 + 6.5 = 6.6)	0	1

C. Only a Notice of Extension (s.27(1)) Issued

	Personal Information	General Records
6.7 Number of requests completed within the time limits permitted under both the Notice of Extension (s.27(1)).	0	1
6.8 Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)).	0	0
6.9 Total requests (Add Boxes 6.7 + 6.8 = 6.9)	0	1

D. Only a Notice to Affected Person (s.28(1)) Issued

	Personal Information	General Records
6.10 Number of requests completed within the time limits permitted under both the Notice to Affected Person (s.28(1)).	0	0
6.11 Number of requests completed in excess of the time limit permitted by the Notice to Affected Person (s.28(1)).	0	0
6.12 Total requests (Add Boxes 6.10 + 6.11 = 6.12)	0	0

E. Total Completed Requests (sections A to D)

	Personal Information	General Records
6.13 Total requests (Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = 6.13)	0	13

BOX 6.13 must equal BOX 3.2

Section 6a: Contributing Factors

Please outline any factors which may have contributed to your institution not meeting the statutory time limit. If you anticipate circumstances that will improve your ability to comply with the Act in the future, please provide details in the space below.

Factors for not meeting the statutory time limit were due to voluminous requests or requirement for notifications to affected third parties.

In 2020, a process was established whereby staff met with the FOI co-ordinator to discuss and establish search requirements, determine responsive records, compile records and assess possible severances.

Section 7: Disposition of Requests

What course of action was taken with each of the completed requests? Enter the number of requests into the appropriate category.

	Personal Information	General Records
7.1 All information disclosed	0	1
7.2 Information disclosed in part	0	7
7.3 No information disclosed	0	1
7.4 No responsive records exists	0	5
7.5 Request withdrawn, abandoned or non-jurisdictional	0	1
7.6 Total requests (Add Boxes 7.1 to 7.5 = 7.6)	0	15

BOX 7.6 must be greater than or equal to BOX 3.2

Section 8: Exemptions & Exclusions Applied

For the Total Requests with Exemptions/Exclusions/Frivolous or Vexatious Requests, how many times did your institution apply each of the following? (More than one exemption may be applied to each request)

	Personal Information	General Records
8.1 Section 6 — Draft Bylaws, etc.	0	1
8.2 Section 7 — Advice or Recommendations	0	2
8.3 Section 8 — Law Enforcement ¹	0	0
8.4 Section 8(3) — Refusal to Confirm or Deny	0	0
8.5 Section 8.1 — Civil Remedies Act, 2001	0	0
8.6 Section 8.2 — Prohibiting Profiting from Recounting Crimes Act, 2002	0	0
8.7 Section 9 — Relations with Governments	0	0
8.8 Section 10 — Third Party Information	0	1
8.9 Section 11 — Economic/Other Interests	0	2
8.10 Section 12 — Solicitor-Client Privilege	0	1
8.11 Section 13 — Danger to Safety or Health	0	0
8.12 Section 14 — Personal Privacy (Third Party) ²	0	10
8.13 Section 14(5) — Refusal to Confirm or Deny	0	0

Section 8: Exemptions & Exclusions Applied

8.14	Section 15 — Information soon to be published	0	0
8.15	Section 20.1 Frivolous or Vexatious	0	0
8.16	Section 38 — Personal Information (Requester)	0	0
8.17	Section 52(2) — Act Does Not Apply ³	0	0
8.18	Section 52(3) — Labour Relations & Employment Related Records	0	0
8.19	Section 53 — Other Acts	0	0
8.20	PHIPA Section 8(1) Applies	0	0
8.21	Total Exemptions & Exclusions Add Boxes 8.1 to 8.20 = 8.21	0	17

¹ not including Section 8(3)

² not including Section 14(5)

³ not including Section 52(3)

Section 9: Fees

Did your institution collect fees related to request for access to records?

	Personal Information	General Records	Total	
9.1	Number of REQUESTS where fees other than application fees were collected	0	2	2
9.2.1	Total dollar amount of application fees collected	\$0.00	\$65.00	\$65.00
9.2.2	Total dollar amount of additional fees collected	\$0.00	\$56.90	\$56.90
9.2.3	Total dollar amount of fees collected (Add Boxes 9.2.1 + 9.2.2 = 9.2.3)	\$0.00	\$121.90	\$121.90
9.3	Total dollar amount of fees waived	\$0.00	\$393.50	\$393.50

Section 10: Reasons for Additional Fee Collection

Enter the number of REQUESTS for which your institution collected fees other than application fees that apply to each category.

	Personal Information	General Records	Total	
10.1	Search time	0	2	2
10.2	Reproduction	0	2	2
10.3	Preparation	0	2	2
10.4	Shipping	0	0	0
10.5	Computer costs	0	0	0
10.6	Invoice costs (and other as permitted by regulation)	0	0	0
10.7	Total (Add Boxes 10.1 to 10.6 = 10.7)	0	6	6

Section 11: Correction and Statements of Disagreement

Did your institution receive any requests to correct personal information?

Personal Information

Section 11: Correction and Statements of Disagreement

11.1 Number of correction requests received	0
11.2 Correction requests carried forward from the previous year	0
11.3 Correction requests carried over to next year	0
11.4 Total Corrections Completed [(11.1 + 11.2) - 11.3 = 11.4]	0

BOX 11.4 must equal BOX 11.9

What course of action did your institution take regarding the requests that were received to correct personal information?

	Personal Information
11.5 Correction(s) made in whole	0
11.6 Correction(s) made in part	0
11.7 Correction refused	0
11.8 Correction requests withdrawn by requester	0
11.9 Total requests (Add Boxes 11.5 to 11.8 = 11.9)	0

BOX 11.9 must equal BOX 11.4

In cases where correction requests were denied, in part or in full, were any statements of disagreement attached to the affected personal information?

	Personal Information
11.10 Number of statements of disagreement attached:	0

If your institution received any requests to correct personal information, the Act requires that you send any person(s) or body who had access to the information in the previous year notification of either the correction or the statement of disagreement. Enter the number of notifications sent, if applicable.

	Personal Information
11.11 Number of notifications sent:	0

Note:

This report is for your records only and should not be faxed or mailed to the Information and Privacy Commissioner of Ontario in lieu of online submission. Faxed or mailed copies of this report will NOT be accepted. Please submit your report online at: <https://statistics.ipc.on.ca>.

Thank You for your cooperation!

Declaration:

I, Grant Bivol/Clerk, confirm that all the information provided in this report, furnished by me to the Information and Privacy Commissioner of Ontario, is true, accurate and complete in all respects.

Signature

Date