



TO: GENERAL COMMITTEE

SUBJECT: SECURE ELECTRONIC DELIVERY METHOD FOR CONFIDENTIAL ITEMS

WARD: ALL

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RECOMMENDED MOTION

1. That as part of Capital Project LC1002 - Corporate Records and Information Management Strategy Systems Upgrade, staff include the requirements associated with a secure electronic delivery method for confidential agenda items as part of the holistic analysis of the City's electronic document management needs.
2. That the implementation of an electronic delivery method for confidential agenda information be placed on hold until such time as the City's electronic document management needs analysis is completed.

Report Overview

3. On March 29 2023, City Council adopted motion 23-G-058 regarding SECURE ELECTRONIC DELIVERY METHOD FOR CONFIDENTIAL ITEM as follows:
“1. That staff in the Legislative and Court Services Department, in consultation with the Information and Technology Department, investigate the feasibility of secure digital information management systems for the purpose of delivering confidential items safely to members of Council and applicable staff and report back by the May 31, 2023 General Committee meeting on viable options.

2. That if an electronic secure delivery method of confidential items is implemented, paper copies be prepared and distributed by the Clerk at the in-camera meetings to adhere to Procedural By-law 2019-100 as amended where the use of electronic devices during in camera meetings is prohibited.”

Background

4. Agenda documents circulated by the Legislative and Court Services Department may be confidential if they are related to subjects outlined in Section 239 (2) of the Municipal Act.
5. The confidential documents detailed in the above noted motion are Council related items printed by the Legislative and Court Services Department. Other sources of information can include third parties to the City such as outside legal counsel, integrity commissioner, boards and businesses conducting business with the City, however most of this information would still be disseminated through the Legislative and Court Services Department (City Clerk).
6. Currently confidential documents including agenda packages and Circulation List memos are provided to members of Council and staff through a hard copy and delivered to them via the City's Interfacility Courier. These copies are watermarked with the recipient's name on them, with a log kept by the City Clerk on who receives the documents and when they are returned to their possession. Email reminders are sent to members of Council who do not return them to the Clerk.
7. The Council and Committee Member Code of Conduct prohibits the distribution or discussion of confidential matters.
8. On December 14, 2022 Council adopted the following excerpt from motion 22-G-181:

“That during in-camera sessions, members of Council shall not message, email, or communicate by electronic means or use any device that records audio and/or video with anyone unless explicitly permitted by the Mayor and/or City Clerk at the time.

Part two of motion 23-G-058 addresses this, as the Clerk would still be required to provide a hard copy of the agenda material at the meeting, so that electronic devices would not be accessible.

ANALYSIS

9. The Legislative and Court Services Department in consultation with the Information Technology Department investigated options that would meet the below criteria.
 1. Identify and Secure documents through their entire electronic lifecycle (creation, work in progress and collaboration, final, archive, disposal).
 2. Restrict and monitor distribution through enhanced security measures, audit, and monitoring abilities.
10. There is already an approved capital project to review the electronic document management needs of the city, namely “LC1002 - Corporate Records and Information Management Strategy System Upgrade”. By staff reviewing the electronic document management needs holistically it will ensure a solution that meets the various needs across the city, provide a consistent process for all electronic document management, not just confidential agenda related documents and ensure efficient use of tax dollars with a single system.



11. Staff investigated an alternative that could use an existing system with additional licensing and setup to meet the requirement. Preliminary cost for licensing and one-time setup is estimated to be \$13,000 with annual licensing after the first year estimated to be \$3,200. Staff are recommending that this option be explored as part of the larger Corporate System when the project will have appropriate funding and staffing resources allocated to it.
12. Distributing confidential items electronically would require laptops or tablets be used during confidential discussion. The use of electronic devices during an in-camera meeting is currently prohibited under the Procedural By-law. Paragraph 2 of motion 23-G-058 addresses this by directing the Clerk to continue to provide hard copies for use by members of Council.
13. Having two methods of providing members of Council their confidential agenda packages requires extra preparation time in advance of the meeting for the Clerk and their Team. Also, confidential items do not always get returned to the Clerk at the end of the meeting, so they would be required to continue to follow up with members to return items.
14. No matter how many controls are put in place to protect the confidentiality of items circulated, it will not prevent a person from accidentally disseminating or purposely circumventing controls and release confidential information. This is true for both digital and hard copy methods of distribution.
15. There are provisions in the Council and Committee Code of Conduct that prohibit against the distribution and discussion of confidential documents or information circulated and presented at in camera meetings or by staff in general with parties not privy to this information.
16. The potential costs and staff resources required to implement this project outside of the approved capital project are estimated to be:

Item	Information Technology	Legislative and Court Services
RFP Process	20 hours	20 hours
Basic Setup – including configuration and set up	50 hours	25 hours
Creation and Unit Testing, establishment of Council Confidential Data Policies	50 hours	10 hours
Creating and Unit Testing Intune trusted device policies so that confidential documents can only be accessed on City issued equipment with no printing capability	50 hours	15 hours (assist with testing)
Procuring and applying licences for Council, EMT, SLT, and Legislative and Court Services Staff	10 hours	0 hours
UAT Testing	20 hours	40 hours
Establishing appropriate controls/access	10 hours	2 hours



Create and deliver training materials on new process	20 hours	20 hours
Creation of Agenda Packages		1-3 hours
Printing of confidential packages	0 hours	2 hours

ENVIRONMENTAL MATTERS

17. There is no reduction to the city carbon footprint as the current direction approved by Council would require paper copies to continue to be prepared and distributed at in camera meetings in accordance to paragraph 2 of motion 23-G-058.

ALTERNATIVES

18. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could alter the proposed recommendation by having the City's Information Technology and Legislative and Court Service Departments implement a confidential delivery method utilizing existing city platforms on a trial basis. Preliminary cost for licensing and one-time setup is estimated to be \$13,000 and annual licensing after the first year is estimated to be \$3,200.

This alternative is available but is not recommended as implementing a new electronic process to deliver confidential items electronically to Council is not included the 2023 Business Plan. Resources, both staff and financial will be required to implement a properly secured process.

Alternative #2

General Committee could alter the proposed recommendation by having the City's Information Technology and Legislative and Court Service Departments issue an RFP for a solution specific for council confidential document delivery.

This alternative is not recommended. The City is seeking to reduce the number of applications supported across the Corporation in an attempt to minimize future staffing needs. A new stand-alone application will require the equivalent of 1-2 dedicated resources to implement and for ongoing maintenance to address system updates, application patches, etc. Continuing to add to the City's over 200 applications its supports, rather than utilizing existing systems or approaching document management from a more holistic approach is not an effective use of the very limited IT resources. As per the previous alternative, implementing a new electronic process to deliver confidential items electronically to Council is not in the 2023 Business Plan. Resources, both staff and financial will be required to implement a properly secured process.

FINANCIAL

19. Capital project LC1002 is already funded to complete the initial needs analysis and provide a recommendation concerning the implementation of an Electronic Document Records Management System. This project would include an analysis related to all document types – and include confidential and public materials to ensure a holistic approach to the City's records. As part of the second phase, the recommendation from the needs analysis will include budget and resource plans to implement a corporate electronic document management for Council's consideration. Staff will report back with an update once the needs analysis has been completed.

LINKAGE TO 2022-2026 STRATEGIC PLAN

20. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2022-2026 Strategic Plan.