Agenda – Council – September 28, 2016

Report – Executive Policy Committee – September 14, 2016

Item No. 2 Information Sharing Agreement between the Government of Manitoba and The City of Winnipeg

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2016, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the City enter into, execute and deliver an Agreement with the Government of Manitoba, represented by the Minister of Growth, Enterprise and Trade, Labour Programs Workplace Safety and Health Branch, concerning the sharing of information with the Winnipeg Police Service (WPS).

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Information Sharing Agreement with the Government of Manitoba, in accordance with the terms and conditions set out herein and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of all future information sharing agreements with the Government of Manitoba, in accordance with terms and conditions similar to those set forth herein and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – September 14, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2016, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Information Sharing Agreement between the Government of Manitoba and The City of Winnipeg

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Musgrove	Acting Chief Arthur G. Stannard	n/a	D. McNeil

EXECUTIVE SUMMARY

The establishment of an Agreement between the City and the Government of Manitoba provides a formal mechanism for the exchange of Personal Health Information and Personal Information between the parties to the Agreement to assist safety and health officers make such examinations and investigations as are necessary in the administration and enforcement of *The Workplace Safety and Health Act* (C.C.S.M. c. W210).

RECOMMENDATIONS

1. That the City enter into, execute and deliver an Agreement with the Government of Manitoba, represented by the Minister of Growth, Enterprise and Trade, Labour Programs Workplace Safety and Health Branch, concerning the sharing of information with the Winnipeg Police Service (WPS).

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Information Sharing Agreement with the Government of Manitoba, in accordance with the terms and conditions set out herein and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of all future information sharing agreements with the Government of Manitoba**,** in accordance with terms and conditions similar to those set forth herein and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Council approval is required to enter into the Information Sharing Agreement with the Government of Manitoba.

IMPLICATIONS OF THE RECOMMENDATIONS

Completing this agreement with the Government of Manitoba will ensure that the sharing of relevant personal information conforms with all applicable privacy and other legislative requirements. The Agreement commences on the date it is executed by the parties and continues in effect unless terminated. There are no financial implications arising from entering into this agreement.

HISTORY

The City and the Government of Manitoba wish to ensure that the sharing of personal health information and any personal information under this Agreement conforms with all applicable privacy and other legislative requirements and wish to set out in writing the conditions and procedures for the sharing of the information, and for its use, protection and disclosure.

The disclosure of personal information under this Agreement by the Government of Manitoba to City, and by the City to the Government of Manitoba is authorized under the following clauses of *The Freedom of Information and Protection of Privacy Act* (C.C.S.M. c. F175):

(i) clause 44(1)(d), which permits disclosure for the purpose of complying with an enactment of Manitoba, namely *The Workplace Safety and Health Act*;

(ii) clause 44(1)(r), which permits disclosure for law enforcement purposes or crime prevention;

(iii) clause 44(1)(s), which permits a law enforcement agency to disclose personal information to another law enforcement agency in Canada.

The disclosure of personal health information by the City, through the Winnipeg Police Service, to the Government of Manitoba is authorized under clause 22(2)(o) of *The Personal Health Information Act* of Manitoba (C.C.S.M. c. P33.5), which permits disclosure where it is authorized or required by an enactment of Manitoba. Clauses 23, 24 and 46 of *The Workplace Safety and Health Act* authorize the disclosure to the Government of Manitoba.

For the purposes of this Agreement, the City agrees to provide the Government of Manitoba, with the following types of records, which may contain Personal Health Information and Personal information:

(a) police investigation reports;

(b) accident scene photographs,

(c) police officer notes

The Government of Manitoba acknowledges that the City, in accordance with section 20(2) of PHIA and section 42(2) of FIPPA, will only disclose the minimum amount of Personal Health Information and personal information necessary to accomplish the purpose of the disclosure as set out in the Agreement. Personal Information and Personal Health Information identifying third parties that is not necessary for the purposes described in in the Agreement will not be disclosed.

On August 8, 2016 the Winnipeg Police Board received this report from the Winnipeg Police Service for review and consideration. On August 8, 2016, through communication from the Executive Director, the Winnipeg Police Board advised that it accepted this report for information, and indicated that the Winnipeg Police Service may proceed with the submission of this report, as it is administrative in nature and within the authority of the Chief of Police.

FINANCIAL IMPACT

Project Name: **First Year of Program** **2016**

Workplace Safety and Health Information Sharing

	2016	2017	2018	2019	2020
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs		$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery		-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts		-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comment: No financial impact.

original signed by Ron Smolik July 26/16

Manager of Finance
Winnipeg Police Service

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

01-2a COLLABORATE TO MAKE SAFE COMMUNITIES
Direction 1: Provide a visible and effective community police presence.

SUBMITTED BY

Department:	Winnipeg Police Service
Division:	Organizational Development and Support, Division 32
Prepared by:	M. Musgrove, Research Analyst
Date:	August 25, 2016
File No.	ODS 16 – 099