

For Information Only

Live Streaming of Hearing Committee Meetings

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Resolution

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Background:

Members of the Hearing Committee have requested information regarding current practices for recording and broadcasting Hearing Committee meetings.

The City of Greater Sudbury has adopted an Open Government Model which is based on four basic principles, being: Open Information; Open Data; Open Dialogue; and Open Doors. The City's commitment to openness and transparency is evident in their new process to live stream almost all meetings held in the Council Chamber and in meeting room C-11, except those of the Hearing Committee. This is done because there is an important balance between respecting the privacy rights of the citizen whose matters are being heard in a Hearing Committee meeting and public accountability and transparency as outlined below.

There is an interesting discussion of this balance in the report entitled "**Transparency, Privacy and the Internet: Municipal Balancing Acts**" released by the Information and Privacy Commission of Ontario this summer. The full report is available at:

<https://www.ipc.on.ca/images/Resources/2015-municipal%20guide-public%20discl-access.pdf>

In that report, the Commission notes that,

"Making personal information publically available via the Internet can be challenging when the records involved contain personal information that may be sensitive or relate to vulnerable individuals. Personal information published on the Internet may be inappropriately used or may be used for purposes other than the public policy reasons for making it public."

The report goes on to describe some of the potential privacy risks associated with release of personal

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information over the Internet, rather than in paper or other more traditional methods. These risks include the difficulty in governing how the information is used, identity theft, the difficulty in removing the information from the public realm when it is no longer required and a drop in participation by persons who are concerned about their privacy. In general, the report recommends “data minimization” which,

“refers to the practice of reducing the amount of personal information that is collected, used and disclosed to that which is necessary to achieve the legitimate governmental purpose.”

Limiting access to personal information by controlling how the information is released (as for example requiring attendance at the meeting rather than broadcasting) “results in a measure of privacy due to practical obscurity”.

This is something similar to what is practiced in the Courts. Courts and other tribunals have a long history of openness so as to ensure public confidence in the justice system and to maintain fairness (the “open court principle”). Public and the media may attend sittings of the Court but at this time the courts do not broadcast publically in real time.

The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) has a very broad definition of personal information, which includes biographical, biological, medical, financial and social information as well as personal opinions or other identifying information. While personal information related to Planning matters is exempt from MFIPPA under the Planning Act, that same exemption does not apply to the Hearing Committee.

The Hearing Committee is a quasi-judicial body and in this way, is different from the other committees of Council, which are more political in nature. The Hearing Committee deals with issues that are personal in nature and in some instances relates to a citizen's health, relationships with neighbours, prior employment or other similarly sensitive topics and protected information. Some of the hearings can be particularly emotional and personal, as for example when an individual is speaking about the death of their pet or about their personal health as it relates to a decision of the committee. It is in these situations that the citizen would not want to find, or have their friends and acquaintances find, this information generally available on the internet.

Hearing Committee meetings are open meetings which the public can attend however as noted above, there is a significant difference in attending a meeting in person as opposed to creating a permanent record which can be distributed electronically. It is the difference between open access by attendance and wide open access by broadcast.

There is also a concern that some citizens may not be willing to be as forthcoming at a meeting if they know that their comments and personal information are being broadcast and captured permanently on the Internet.

For the reasons described above, meetings of the Hearing Committee are not currently being live streamed.