



## Executive Committee Agenda

Thursday, April 5, 2018  
Council Chambers  
County Administration Centre, Walkerton

### 1. Declaration of Pecuniary Interest

### 2. Information Items

- A. Aboriginal Communities Exemption under the Municipal Freedom of Information and Protection of Privacy Act (attached)

### 3. Closed Meeting

- A. That the Committee move into a closed meeting pursuant to:

Section 239 (2) (b) of the Municipal Act for personal matters about an identifiable individual, including municipal or local board employees; and Section (3.1) 1. of the Municipal Act for the purpose of educating or training the members

- B. Minutes for Approval - March 22, 2018

### 4. Rise and Report

### 5. Next Meeting

May 3, 2018

### 6. Adjournment



## Committee Report

**To:** Warden Paul Eagleson  
Members of the Executive Committee

**From:** Donna Van Wyck, AMCT  
Clerk

**Date:** April 5, 2018

**Re:** Aboriginal Communities Exemption under the Municipal  
Freedom of Information and Protection of Privacy Act

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### Recommendation:

The report on the Aboriginal Communities Exemption Under the Municipal Freedom of Information and Protection of Privacy Act is for information.

### Background:

The Freedom of Information and Protection of Privacy Act (FIPPA) and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) were amended in 2017 to add a new discretionary exemption related to the disclosure of records concerning relations with Aboriginal communities.

The term "Aboriginal Community" is used for the purposes of the new exemption and in order to correspond with the language in the Constitution Act, 1982 which uses the term "Aboriginal" to include the "Indian, Inuit and Metis peoples of Canada".

Municipalities and municipal institutions under MFIPPA are increasingly engaging and/or consulting Aboriginal communities on, for example, land use planning matters, environmental assessments, the acquisition and disposition of land, and resource management decisions.

Many Aboriginal communities have expressed concerns about the need to maintain confidentiality to protect their political and economic interests. In addition, Aboriginal communities have expressed concerns about the potential harms of the public disclosure of information and the potential misuse of information relating to sacred and traditional ecological knowledge. Many Aboriginal communities have also emphasized the impact of these harms on their spiritual and cultural ways of life.



# BRUCE county

The new exemption allows municipal institutions to withhold a record from disclosure in response to a Freedom of Information request where disclosure of the record could reasonably be expected to:

- Prejudice the conduct of relations between an Aboriginal community and the Government of Ontario or an institution; or
- Reveal information received in confidence from an Aboriginal community by an institution.

The exemption is intended to enable Ontario, municipalities and Aboriginal communities to participate in discussions more effectively and facilitate the exchange of confidential information, including sacred and traditional ecological knowledge, to conduct affairs of mutual concern and interest. Further, the exemption is intended to help build trust in a manner consistent with Ontario's government-to-government approach to its relationship with Aboriginal peoples. This exemption will be a positive step in the journey towards reconciliation.

#### **Financial/Staffing/Legal/IT Considerations:**

There are no financial, staffing, legal or IT considerations associated with this report.

#### **Interdepartmental Consultation:**

There was no Interdepartmental Consultation.

#### **Link to Strategic Goals and Elements:**

None identified.

Approved by:

Kelley Coulter  
Chief Administrative Officer