

# Memorandum to the Council of Corporation of the Municipality of Temagami

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**Subject:** Reporting and Legal Compliance for Ombudsman Inquiries

**Memo No:** 2025-M-003

**Date:** January 9, 2025

**Attachment:** None

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## Recommendation

BE IT RESOLVED THAT Council receives Memo 2025-M-003 as presented.

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## Executive Summary

This document establishes protocols and legal considerations for handling Ombudsman inquiries, ensuring compliance with relevant legislative frameworks, including the Municipal Act, 2001 (Ontario), the Ombudsman Act, and the Freedom of Information and Protection of Privacy Act (FIPPA). It addresses obligations under specific provisions such as Section 239(3)(b) and Section 239(2)(f) of the Municipal Act, Sections 14 and 18 of the Ombudsman Act, and Section 21(1) of FIPPA. This report differentiates between informal inquiries and formal investigations, emphasizing confidentiality and adherence to legal obligations in managing sensitive information.

## Informal Inquiries

Informal inquiries are preliminary fact-finding efforts by the Ombudsman's Office. These inquiries aim to gather information without initiating a formal investigation and are governed by Section 18 of the Ombudsman Act and Section 21(1) of FIPPA, which prioritize confidentiality and restrict disclosure of personal information. Key Guidelines are as follows:

- What Can Be Shared:
  - General acknowledgment of the inquiry, if necessary and carefully considered, in compliance with Section 18 of the Ombudsman Act.
  - Publicly available information unrelated to the specifics of the inquiry.
- What Cannot Be Shared:
  - Specific details or internal communications regarding the inquiry, as protected under Section 21(1) of FIPPA.
  - Internal documentation or discussions unless explicitly authorized by the Ombudsman under Section 18 of the Ombudsman Act.

## Formal Investigations

Formal investigations involve structured examinations initiated by the Ombudsman, typically through formal notices to relevant parties. These are governed by Section 239(3)(b) of the Municipal Act and Section 14 of the Ombudsman Act, which prescribe confidentiality and define protocols for accessing required information. Key Guidelines are as follows:

- What Can Be Shared:
  - General acknowledgment of a formal investigation upon receiving official notice.
  - Updates on non-confidential aspects of the investigation's progress, in accordance with Section 18 of the Ombudsman Act.

- Formal investigations should be discussed exclusively in closed council meetings, as required by Section 239(3)(b) of the Municipal Act, unless public disclosure is authorized.
- What Cannot Be Shared:
  - Specific findings, communications, or conclusions unless expressly authorized under Section 14 of the Ombudsman Act.
  - Confidential materials provided by the Ombudsman, protected under Section 18 of the Ombudsman Act.

## Conclusion

Managing Ombudsman inquiries with discretion and adherence to legal frameworks is vital for ensuring confidentiality and compliance. Informal inquiries are governed by Section 18 of the Ombudsman Act and Section 21(1) of FIPPA, necessitating careful handling of personal and confidential information. Formal investigations demand strict adherence to protocols for closed council discussions, as outlined in Sections 239(3)(b) and 239(2)(f) of the Municipal Act. Seeking legal counsel and consistently referencing the relevant legislative provisions are essential to navigating these processes responsibly.