



## **Media Release**

### **Midland Council directs Administration to pursue legal steps to recover encrypted MPS Records**

(Midland, ON) – Staff provided a public report to Council dated August 14, 2019, outlining the details related to the encryption of 3 servers housing data from the Midland Police Service. The encryption of these servers has stalled some of the final transition-related activities following Council's vote to retain the Ontario Provincial Police (OPP) for municipal police services back in September 2017. The report sheds light on actions taken by former MPS employees to encrypt data, ahead of the transition on February 8, 2018 to the OPP, and handover servers that are inaccessible. There are also concerns regarding two external hard drives that contained back-up operational data that were never handed over during the transition.

Why would the Town need access to these files? The Town requires access to these files, under legislation, for the purpose of matters such as addressing ongoing court proceedings, Freedom of Information and Protection Privacy Act (FIPPA), Midland Police Service Board records and employee records. The Town is currently dealing with an appeal on a Freedom of Information request regarding the MPS that could not be completed under the Town's legislated duty. Communication from the Provincial Information and Privacy Commissioner has suggested that the Town should pursue all legal steps to effect possession of the decryption keys.

The Town and the OPP reached an agreement in May of this year that would have seen the OPP screen out and retain the sensitive/confidential data on the servers prior to having it released to the Town. However, despite this agreement, the OPP informed the Town on July 18, 2019, that a former MPS employee was not co-operating and still refuses to provide the decryption keys to the OPP. The Town's position is that former MPS employees (including Mr. Gordon, who was a civilian employee of the MPS), and both now private citizens, are not entitled to hold on to this sensitive information.

The continued encryption of the MPS electronic data has triggered the following:

- Prevented the Town in carrying out its legislated duties under MFIPPA in a timely fashion;
- Created and continues to cause a financial loss to the Town by compelling administration to expend both a significant amount of time and financial resources in the pursuit of the decryption keys and custody of these records;
- Caused a perception which brings the municipality and its administration of justice into disrepute;
- Has opened up the Town to the possibility of punitive financial liability and sanctions under Section 61 of FIPPA or Section 48 of MFIPPA;
- Has caused the municipality and the Police Services Board to incur legal expenses in an effort to address the withholding of said records.

Administration reminded Council and residents that the Town is not seeking any information that the Town is not entitled to receive under the transition agreement approved by the OCPC. Further the Administration and

the OPP have accepted the terms of an agreement to effect the transfer to the Town and that some individuals are impeding the execution of that agreement. The Town wants to ensure that any documents the OPP believes should be in the OPP's possession are or will be in the OPP's possession.

At the Council Meeting held on Wednesday, August 14, Council directed Town Administration to undertake all necessary legal steps to address the encrypted MPS records and pursue those responsible for the impact this encryption has created.

The full report is included in the agenda for the August 14, 2019 Council meeting. Visit our Meetings & Agenda's webpage at [www.midland.ca/pages/meetingagenda.aspx](http://www.midland.ca/pages/meetingagenda.aspx) and click the date on the calendar to access it.



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