

A Principled Approach to Cybersecurity and Digital Trust

AMO SUBMISSION TO THE STANDING COMMITTEE ON JUSTICE POLICY ON BILL
194, *STRENGTHENING CYBER SECURITY AND BUILDING TRUST IN THE PUBLIC
SECTOR ACT*

November 15, 2024

Executive Summary

AMO appreciates the opportunity to provide comments on Bill 194, *Strengthening Cyber Security and Building Trust in the Public Sector Act*. Municipalities understand the importance of a strong cyber security system to protect information and maintain public trust in the system. Cyber security is a significant concern for the municipal sector, particularly as municipalities offer more public services online and use internet-connected systems to conduct its operation and store data digitally.

We appreciate that the Province is paying attention to the increased number of cyber security attacks and is taking action to safeguard Ontario's data and maintain public trust. AMO has previously called for coordination and ongoing engagement around a cyber security framework that is flexible enough to be effective for different public sector organizations including municipalities.

Municipal Cyber Security Capacity and Limitations

We understand that the proposed legislation would apply to a wide range of broader public sector organizations including large organizations such as hospitals and school boards which are able to dedicate significant resources and capacity to their information technology (IT) systems. In contrast, the average municipality in Ontario has a total of six full-time equivalency positions – a smaller number than the entire IT department of many larger public sector organizations. For this reason, many municipalities choose to not maintain their own IT systems, and instead contract with outside businesses to provide this support.

Because of this breadth of capacity, a one-size-fits-all approach to cyber security that treats all broader public sector organizations would be difficult to implement, particularly, in smaller communities with limited resources to effectively address a potential cyberattack. The proposed legislation should remain flexible enough that it can be easily implemented by organizations of different sizes.

Municipalities understand that we all have a role to play in effective cyber security protection. We call on the Province to lead monitoring and risk assessment for cyberattacks, while ensuring an effective framework to ensure municipalities can act quickly when risks or incidents are identified. This will likely require transitional funding for municipalities to implement local IT systems and processes.

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We understand that the proposed legislation would establish a regulation-making authority to establish cyber security guidelines, and that the Province intends to consult on proposed regulations in the future. The proposed bill currently includes sections addressing important principles such as accountability, transparency, oversight, and risk management. AMO supports the inclusion of these principles in the legislation to provide an overarching framework, and a starting point from which regulations can be developed in the future.

We understand that other leaders in privacy and data security, including the Information and Privacy Commissioner of Ontario, have encouraged the Province to take a principles-based approach to the proposed legislation in order to ensure that it is able to evolve with changing technology. AMO supports a principles-based approach, and calls on the Province to consider the following as it develops this legislation and any future regulation:

- **Transparency:** Municipalities and local authorities are stewards of sensitive personal data. It is important that clear guidelines are in place to ensure residents understand how their data is being used and protected.
- **Accountability:** The Province should set out a clear accountability framework establishing what elements of a coordinated cyber security framework the Province, municipalities, and broader public sector organizations for which they are responsible.
- **Oversight:** A cyber security framework should set clear requirements around the use of AI including what data AI has access to, how AI decisions are made, and what human oversight is required when AI-informed decisions are being made.
- **Risk and Liability:** Any framework should provide clear guidance on what steps should be taken to mitigate risk and should limit liability to public sector organizations that have implemented local policies based on the provincial cyber security framework.

Municipal Freedom of Information and Privacy Protection

Any proposed regulations impacting the *Municipal Freedom of Information and Privacy Protection Act* (MFIPPA) will have significant impacts on municipalities and various municipal-related institutions such as local service boards, transit commissions, district social services administration boards, and other municipal agencies, boards, and commissions. Many of these organizations have their own governance structures, and obligations across different pieces of legislation. These unique structures and the capacity of each institution requires a flexible digital trust and cyber security framework to support these organizations.

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Finally, AMO agrees with the importance of updating privacy legislation. Municipalities continue to express that MFIPPA is onerous to administer, particularly around increasing volumes of frivolous and vexatious requests. We encourage the provincial government to review MFIPPA as it is important to update the privacy legislation to have a strongly functioning legislative framework.

Conclusion

AMO is pleased to see the government taking action to strengthen cyber security and digital trust. Municipalities want to remain active and engaged partners in the development of any regulations under the proposed legislation that will impact municipal governments. As the Province moves forward on drafting regulations on cyber security, digital trust and AI, we encourage you to share any specific proposals with AMO for discussion. We look forward to collaborating to improve data security and privacy in Ontario.