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Town of Aurora
Committee of the Whole Report
No. CS26-005

Subject: Third Party Consultant Contractual Release

Prepared by: Patricia De Sario, Director of Corporate Services/Town Solicitor

Department: Corporate Services

Date: February 10, 2026

Recommendation

1. That Report No. CS26-005 be received; and
2. That staff implement the framework to release third-party consulting reports, studies or analyses as set out in this report.

Executive Summary

The purpose of this report is to provide Council with a proposed implementation framework to ensure that all future reports, studies and analyses commissioned from third-party consultants on behalf of the Town may be released to the public.

- On October 14, 2025, Council passed a motion relating to the release of third-party consultant reports.
- The public release of documents is subject to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*.
- The Town has a routine disclosure policy which is designed to streamline the Town's release of records.
- Many of the Town's records are already made public and may be found in the Public Records Repository section of the Town's website.
- The Town's standard consulting contract for a mid-value procurement or an open competition already includes clauses that permit the release of deliverables.

- Town staff will ensure that this requirement be included in any other contracts, including those relating to land acquisitions or dispositions.
- A process to identify and release eligible third-party consulting reports, studies or analyses from prior closed session meetings will be implemented moving forward.

Background

On October 14, 2025, Council passed a motion relating to the release of third-party consultant reports.

The motion passed by Council is as follows:

1. Now Therefore Be It Hereby Resolved That staff be directed to ensure that all future reports, studies, and analyses commissioned from third-party consultants on behalf of the Town of Aurora include a contractual provision or written release permitting their public disclosure, in whole or in part, at the discretion of the Town; and
2. Be It Further Resolved That staff be further directed to make publicly available any third-party reports or portions thereof that are not subject to legal, privacy, security or contractual restrictions, including those originally considered in closed session, once the reason for confidentiality no longer applies; and
3. Be It Further Resolved That staff report back to Council through a public agenda, at the February 2026 agenda cycle with a proposed implementation framework, including recommended updates to procurement documents, standard contract language, and a process for identifying and releasing eligible reports from prior closed sessions; and
4. Be It Further Resolved That this policy applies to all new reports commissioned after the date of this motion and be incorporated into all relevant procurement and contract management practices going forward.

The public release of documents is subject to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*.

This legislation (“MFIPPA”) states that every person has a right of access to a record or a part of a record in the custody or under the control of the Town unless the record or the part of the record falls within one of the exemptions set out in the legislation. In general, records are released, upon request, by an individual making a Freedom of Information (“FOI”) request.

The Town has a routine disclosure policy which is designed to streamline the Town’s release of records.

Not only can any individual request records through an FOI request, the Town also promotes the routine disclosure and active dissemination of certain records in accordance with a policy (Attachment 1). Routine disclosure involves the release of certain records identified in Appendix A of the policy in response to requests made informally. A request is made directly through the department that generated the records. The records identified in Appendix A may be released by the department without requiring the individual to submit an FOI request. Despite the Town providing routine disclosure, there may be situations where the Town will require the individual to request records through an FOI request, such as requesting older or numerous records, or requesting records for or related to a legal proceeding.

Many of the Town’s records are already made public and are found in the Public Records Repository section of the Town’s website

Active dissemination involves the routine or periodic release of Town records identified in Appendix B of the policy in the absence of any request. These records are classified as public records and may be released at any time. Any individual may visit <https://records.aurora.ca> for a comprehensive history of the Town’s agendas, minutes, by-laws and select policies.

The purpose of this report is to provide Council with a proposed implementation framework to ensure that all future reports, studies and analyses commissioned from third-party consultants on behalf of the Town may be released to the public.

Analysis

The Town's standard consulting contract for a mid-value procurement or an open competition already include clauses that permit the disclosure of deliverables.

According to the Procurement By-law, contracts are required for mid-value procurements and open competition procurements, which are subject to the Town's contract templates. The Town's current consulting contract templates include clauses that transfer ownership of any reports or studies to the Town. Since the Town is the owner of the report or study, the Town has the sole discretion of whether a consulting report, study or analysis may be released to the public. However, to ensure there is no ambiguity, a clause has been added to the consulting contract template whereby the consultant acknowledges and agrees at the outset that any reports, studies or analyses provided by the consultant may be disclosed publicly by the Town at the Town's sole discretion.

In addition, many third-party consultants retained by the Town are for the purposes of preparing corporate reports, studies or analyses that are then presented to Council at an open session meeting. Examples include the Community Planning Permit System, the Transportation Master Plan, Asset Management Plan, etc. These reports are attached to a staff report and are therefore, publicly available in the Town's Public Records Repository.

Town staff will ensure that this requirement be included in any other contracts, including those relating to land acquisitions or dispositions.

There are some projects or transactions that either do not require a contract (i.e. low-value procurements) or where other contracts are used that are not the Town's standard procurement contracts. In these cases, staff propose that where contracts are not necessary, the consultant will be asked to sign an acknowledgement that all or part of the report, study or analysis prepared on behalf of the Town may be released in accordance with Council's direction set out in the above motion and that the consultant grants its consent to do so. Where contracts are used that are not the Town's standard procurement contracts (for example, the consultant provides its form of contract), staff will ensure that the contract includes the appropriate clauses so that the consultant that is being engaged is aware that all or part of the report, study or analysis may be released in accordance with Council's direction.

A process to identify and release eligible third-party consulting reports, studies or analyses from prior closed session meetings will be implemented moving forward.

Third-party consultant reports, studies or analyses that are part of confidential staff reports are typically used to provide Council with advice or recommendations on a Town project or to assist Council in deciding whether to acquire or dispose of a property, including purchases, sales or leasing arrangements.

Staff propose that moving forward, the Clerk's office will review all third-party consultant reports, studies and analyses that were part of a closed session meeting and, in consultation with Legal Services staff and Finance staff, determine whether any of the documents may be released, in whole or in part. If there aren't any legal, privacy, security or contractual restrictions that prohibit the release of the document, the document (or any part thereof) will be made available to the public through the Town's Public Records Repository. The timing of this review will be done upon the completion of the transaction or the project for which the third-party consultant was retained.

Advisory Committee Review

Not applicable.

Legal Considerations

If the Town releases all or part of any record that is no longer considered confidential, staff would still be required to redact any personal information. MFIPPA provides that municipalities are not permitted to release personal information of any individuals, unless such individual consents to the release.

Further, MFIPPA also prohibits the release of third-party information, including trade secrets or scientific, technical, commercial, financial, or labour-relations information supplied in confidence, if releasing it could reasonably be expected to cause specific harms. There is also a strict prohibition on releasing information obtained from tax returns or collected for determining or enforcing tax liability. These third-party prohibitions apply unless the affected third party provides consent for the release.

Financial Implications

None.

Communications Considerations

Staff propose that any reports, plans or analyses that are released be accessible through the Town's Public Records Repository found on the Town's website.

Climate Change Considerations

The recommendations from this report do not impact greenhouse gas emissions or impact climate change adaptation.

Link to Strategic Plan

The release of Town records support's the Town's objective to promoting service accountability, excellence and innovation.

Alternative(s) to the Recommendation

1. Council provide direction.

Conclusions

Council directed staff to report back with a proposed implementation framework to ensure that all future reports, studies and analyses commissioned from third-party consultants on behalf of the Town may be released to the public. In accordance with the Town's Routine Disclosure Policy, many of the Town's records are already made public. In addition, the Town's standard procurement contracts for consultants already include clauses that permit the release of deliverables. For all other contracts, staff will ensure that the consultant acknowledges and consents at the outset that any report, study or analysis provided by the consultant may be released to the public.

Attachments

Attachment 1 – Routine Disclosure Policy dated October 5, 2022, as revised on September 26, 2024

Previous Reports

None.

Pre-submission Review

Agenda Management Team review on January 22, 2026

Approvals

Approved by Doug Nadorozny, Chief Administrative Officer