

# THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

## STAFF REPORT

**DATE:** February 21, 2022

**TO:** Committee of the Whole

**FROM:** Casey Munro, Deputy Clerk

**SUBJECT:** 2022 Freedom of Information (FOI) Summary

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### RECOMMENDATION:

**THAT the 2022 Freedom of Information (FOI) Summary be received for information.**

### BACKGROUND:

Under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the “Head” of the institution is responsible for overseeing the administration and decision making under the statute. Under Subsection 26(1) of MFIPPA, the Head of an Institution is required to submit an annual report to the Information and Privacy Commissioner of Ontario (IPC) that provides statistics related to requests for access to information. As per the Municipality’s Consolidated Delegated Authority By-law 13-18, the Clerk has the authority to exercise the powers and duties as Head under the *Municipal Freedom of Information and Protection of Privacy Act* (section 3, subsection 49(1)).

This report provides a summary of the 2022 annual report to the IPC, with data from 2021 and 2020 provided for comparative purposes.

### DISCUSSION:

#### 1. Number of new requests received - General Records and Personal Information

Request Type	2022	2021	2020
General Records	6	6	10
Personal Information	0	0	0
<b>TOTAL</b>	<b>6</b>	<b>6</b>	<b>10</b>

\* In 2022 no appeals were made to the IPC regarding completed FOI requests.

## 2. Number of requests completed - General Records and Personal Information

Each year, staff receives and completes new requests for records. In 2022 the Municipality received 6 new requests, 5 were completed in 2022, and the other 1 will be completed in February of 2023.

Request Type	2022	2021	2020
General Records	6	4	11
Personal Information	0	0	0
<b>TOTAL</b>	<b>6</b>	<b>4</b>	<b>11</b>

## 3. Time to completion – General Records

The time required to complete requests can vary due to factors such as the complexity of a request, consultations and clarifications that may be required, retrieval times, and/or the impact on staff levels due to a pandemic. MFIPPA indicates that all FOI requests shall be completed within 30 days unless a formal Notice of Extension has been sent to the requestor. In 2022, one FOI request was extended by 20 days with a Notice of Extension, and the other requests was completed with an additional 90 days. In 2022, the municipality completed 5 of the 6 new requests, with one request carrying over into 2023. The Clerk's department also completed 2 requests that were carry overs from 2021.

Time to Complete	2022	2021	2020
30 days or less	5	2	8
31-60 days	1	1	3
61-90 days	0	1	0
91 days or over	1	0	0
<b>TOTAL</b>	<b>7</b>	<b>4</b>	<b>11</b>

#### 4. Compliance with MFIPPA –General Records

Requests Completed	2022	2021	2020
Number of requests completed <b>within the 30 day</b> statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person	5	2	8
Number of requests completed in <b>excess of the 30-day</b> statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person	2	2	1
Number of requests completed in excess of the statutory time limit (30 days) where neither a Notice of Extension (s.20(1)) nor a Notice to Affected Person (s.21(1)) were issued.	0	0	2
<b>TOTAL</b>	<b>7</b>	<b>4</b>	<b>11</b>

#### 5. Disposition of requests – General Records

Disposition	2022	2021	2020
All information disclosed	1	1	4
Information disclosed in part	3	3	3
No information disclosed	1	0	1
No responsive records exist	0	0	3
Request withdrawn, abandoned or non-jurisdictional	2	0	0
<b>TOTAL</b>	<b>7</b>	<b>4</b>	<b>11</b>

#### 6. Exemptions and Exclusions Applied – General Records

MFIPPA provides for withholding some or all of a requested record by applying various exemptions based on the type of information contained within the record (Sections 6 to 16 of the Act). For example, information that was provided in confidence to the Municipality by their solicitor is protected.

<b>Exemptions and Exclusions Applied</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>
Section 6 – Draft Bylaws, etc.	1	0	0
Section 7 – Advice or Recommendations	1	2	0
Section 8 – Law Enforcement	0	1	0
Section 8(3) – Refusal to Confirm or Deny	0	0	0
Section 8.1 – <i>Civil Remedies Act, 2001</i>	0	0	0
Section 8.2 – <i>Prohibiting Profiting from Recounting Crimes Act, 2002</i>	0	0	0
Section 9 – Relations with Governments	0	0	0
Section 10 – Third Party Information	0	0	1
Section 11 – Economic/Other Interests	0	0	0
Section 12 – Solicitor-Client Privilege	1	1	0
Section 13 – Danger to Safety or Health	0	0	0
Section 14 – Personal Privacy (Third Party)	3	3	3
Section 14(5) – Refusal to Confirm or Deny	0	0	0
Section 15 – Information Soon to be Published	3	0	0
Section 20.1 – Frivolous or Vexatious	0	0	0
Section 38 – Personal Information (Requester)	0	0	0
Section 52(2) – <i>Act Does Not Apply</i>	0	0	0
Section 53(3) – Labour Relations and Employment Related Records	0	0	1
Section 53 – Other Acts	0	0	0
<b>TOTAL</b>	<b>9</b>	<b>7</b>	<b>5</b>

## 7. Fees Related to Requests

All formal FOI requests are required to pay a \$5 application fee. There are additional costs associated with processing the requests as provided for in MFIPPA. The cost breakdown is as follows:

- Search Time: \$7.50 per ¼ hour required to search and retrieve the records
- Record Preparation: \$7.50 per ¼ hour required to prepare records for release
- Photocopying: 20 cents per page

- Computer Programming: \$15 per ¼ hour to develop program to retrieve information
- Disks/CD: \$10 each

Note that not all staff time is able to be charged back to the applicant as MFIPPA's scope on search and preparation time is quite narrow. In 2022, we received a large request that required an extensive amount of staff time to complete. This request alone required over 86 hours of preparation time. This does not include staff time accumulated outside of what is permitted to be charged include: corresponding with requestor and affected third parties; coordinating with staff to retrieve documents; researching and determining what exemptions may and may not apply; and other admin-related tasks. Of the 7 requests that were deemed completed, only 4 required fees as the other three were either abandoned or there were no costs associated as the records were publicly available.

<b>General Records</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>
Number of requests where fees other than application fees were collected	4	4	6
Application fees collected	\$30.00	\$20.00	\$55.00
Additional fees collected	\$5467.00	\$1376.30	\$244.00
<b>TOTAL FEES COLLECTED</b>	<b>\$5497.00</b>	<b>\$1396.30</b>	<b>\$299.00</b>
<b>TOTAL DOLLAR AMOUNT OF FEES WAIVED</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$30.00</b>

Over the past number of years, FOI requests have continued to take up significant time from the Clerk's department as well as IT services and other departments. In an effort to reduce the number of FOI requests staff will bring forward a Routine Disclosure Policy that will have identified documents that can be available to the public upon request without the requirement to submit an FOI request. The documents included in the routine disclosure policy would include documents that are not confidential but may not be publicly available on the website (By-laws, policies, plans, compliance reports, etc.). Staff will also look into if applicable fees should be charged for accessing some of these documents depending on the amount of staff resources required.

#### **FINANCIAL IMPLICATIONS:**

There are no financial implications with this report.

#### **SUMMARY:**

The purpose of this report is to provide Council with a summary of the 2022 annual report to the IPC which provides a snapshot of the FOI activity for the year.

Also, to help facilitate the Freedom of Information process, staff will bring forward a Routine Disclosure policy. This policy will demonstrate our commitment to customer service, transparency, and accountability as well as streamline access to our records.

Respectfully submitted,

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Casey Munro, Deputy Clerk

Approved by,

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Jeanne Harfield, Clerk/ Deputy CAO