

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: February 16, 2021
TO: Committee of the Whole
FROM: Jennifer Russell, Deputy Clerk
SUBJECT: 2020 Freedom of Information (FOI) Summary

RECOMMENDATION:

THAT the 2020 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 2020 annual report to the IPC, with data from 2019 and 2018 provided for comparative purposes.

DISCUSSION:

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

Request Type	2020	2019	2018
General Records	10	12	3
Personal Information	0	0	0
TOTAL	10	12	3

* In 2020 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. The Municipality received a request at the end of December 2019 that was completed in January 2020. In 2020 the Municipality received 10 new requests for records and completed them all in the same year.

Request Type	2020	2019	2018
General Records	11	10	3
Personal Information	0	0	0
TOTAL	11	10	3

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 2020, one FOI request was extended by 13 days with a Notice of Extension, and two requests were overdue by 9 days or less due to staff constraints as a result of COVID-19.

Time to Complete	2020	2019	2018
30 days or less	8	9	2
31-60 days	3	1	3
61-90 days	0	0	0
91 days or over	0	0	1
TOTAL	11	10	3

4. Compliance with MFIPPA –General Records

Requests Completed	2020	2019	2018
Number of requests completed within the 30 day statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person	8	9	3

Number of requests completed in excess of the 30-day statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person	1	1	0
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.	2	0	0
TOTAL	11	10	3

5. Disposition of requests – General Records

Disposition	2020	2019	2018
All information disclosed	4	5	0
Information disclosed in part	3	3	3
No information disclosed	1	0	0
No responsive records exist	3	2	0
Request withdrawn, abandoned or non-jurisdictional	0	1	2
TOTAL	11	11	5

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.

Exemptions and Exclusions Applied	2020	2019	2018
Section 6 – Draft Bylaws, etc.	0	1	0
Section 7 – Advice or Recommendations	0	0	1
Section 8 – Law Enforcement	0	0	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	1	0	0
Section 11 – Economic/Other Interests	0	0	0
Section 12 – Solicitor-Client Privilege	0	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	0	0	1
Section 20.1 – Frivolous or Vexatious	0	0	0
Section 38 – Personal Information (Requester)	0	0	0
Section 52(2) – Act Does Not Apply	0	0	0
Section 53(3) – Labour Relations and Employment Related Records	1	0	0
Section 53 – Other Acts	0	0	0
TOTAL	5	5	5

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 2020, 8 hours were charged to individual requestors under the search and preparation reasons. However, in actuality it took staff at least 32.5 hours to process the requests. 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.

General Records	2020	2019	2018
Number of requests where fees other than application fees were collected	6	8	3
Application fees collected	\$55.00	\$60.00	\$25.00
Additional fees collected	\$244.00	\$630.9	\$197.20
TOTAL FEES COLLECTED	\$299.00	\$690.90	\$222.20
TOTAL DOLLAR AMOUNT OF FEES WAIVED	\$30.00	\$135.00	0

One request had search and preparation fees waived due to the uniqueness of the situation. MFIPPA permits the Head to waive fees if the Head is of the opinion that it is fair and equitable to do so.

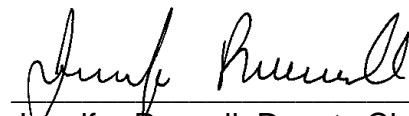
FINANCIAL IMPLICATIONS:

There are no financial implications with this report.

SUMMARY:

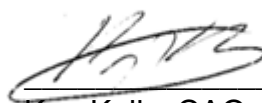
The purpose of this report is to provide Council with a summary of the 2020 annual report to the IPC.

Respectfully submitted,



Jennifer Russell, Deputy Clerk

Approved by,



Ken Kelly, CAO