

Date: October 14, 2021	Originator's files: CA.21
To: Chair and Members of General Committee	
From: Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer	Meeting date: November 17, 2021

Subject

2020 Annual Report for Access Requests under the Municipal Freedom of Information and Protection of Privacy Act

Recommendation

That the report from the Commissioner of Corporate Services and Chief Financial Officer, dated October 20, 2020, entitled 2020 Annual Report for Access Requests under the Municipal Freedom of Information and Protection of Privacy Act be received.

Background

The City of Mississauga is governed by the Municipal Freedom of Information and Protection of Privacy Act (the "Act"). The two key purposes of the Act are to ensure the right of access to government held records and information and to protect the personal privacy of individuals.

Much of the information disclosed by the City occurs on a routine basis. That is, the City may provide access to records or information without a formal FOI process. The Office of the City Clerk frequently provides assistance to staff across the corporation to process requests through routine disclosure. However, when information is of a personal, confidential or commercial nature, the release of the information may be handled by the Office of the City Clerk through a formal access request under the Act. A decision regarding the release of the requested information is then issued by the City Clerk. This decision can be appealed to the Information and Privacy Commissioner by the requestor of the information.

The Information and Privacy Commissioner ("IPC") is an officer of the Legislature appointed to provide an independent review of the decisions of provincial and municipal organizations under access and privacy laws. This report contains 2020 statistics that were submitted in the beginning of this year to the IPC for their annual report, published subsequently on June 24 2021, which provides statistics on the number and type of access requests received across the province and highlights significant access and privacy issues.

Comments

Access Request Statistics

In 2020, the City received 641 FOI requests, representing a decrease in requests received from the previous reporting period in 2019. This was consistent with other municipalities who also saw their total requests received decline. Pandemic measures including the temporary closure of City Offices and reduction in approved construction and therefore reduced need for City held building permit records, led to a reduction in total requests. From 2009-2019, the number of FOI requests received has increased by approximately 34%. A graph showing the statistics of requests received since 2010 is included in the Appendix 1.

In accordance with the Act, the City has 30 days to issue an access decision once a request for records is received. In 2020, 79.1% requests were completed within the 30 day time frame. In qualifying circumstances, such as volume of the records requested or records that require consultation; the City may extend the time frame by notifying the requestors of the reason for the extension. In such instances, the City has achieved a compliance rate of 80.7%.

The Covid-19 Pandemic created unique challenges for the Access and Privacy office. Many of the City's records, especially Building Permit Records which make up the majority of our requests, are kept in hard copy form, and with City offices being closed and staff access reduced our compliance rate did fall from the previous year. Nonetheless many city divisions were able to digitize older paper records or had the electronic records needed to comply with requests for records.

Working in an ever challenging environment, staff were able to develop procedures to ensure secure, effective delivery of requested records in a digital form.

In partnership with the City's IT division, we were able to create an online payment processing system, allowing the City to continue to accept requests and respond to requests that required payment of regulated fees.

Though the year created challenges the City's rate is comparable to the average 30-day compliance rate of 78.9% and extended compliance rate of 83.8% for all municipalities across Ontario in 2020.

Fee Statistics

Under the Act, a \$5 application fee is mandatory. In addition, there are several regulated fees that may apply to requests. Just under 35% of the requests completed warranted additional fees, such as search time, reproduction costs, preparation time, shipping, computer costs and invoiced costs. The total amount collected in 2020 was \$14,799.35.

Appeal to the IPC

The City Clerk's decision on an access request is appealable to the IPC by the requestor or, in some cases, by an affected third party. The City received four appeals to the IPC in 2020. Most of these appeals involved the information being withheld from disclosure under one or more exemptions of the Act. Of these four appeals, one has been resolved and one has been deemed inactive. The others are currently being adjudicated by the IPC.

Public Interest

As part of the City of Mississauga's commitment to accountability and transparency, a list of requests received under the Act that could be of public interest has been compiled and is included in the Appendix 2.

Financial Impact

There are no financial impacts resulting from the Recommendations in this report.

Conclusion

The 2020 access request statistics have once again highlighted the City of Mississauga's strong commitment to Access and compliance under the law. In a difficult year the City of Mississauga overcame challenges to uphold the right to access while at the same time promoting the importance of privacy issues and spearheading privacy initiatives throughout the Corporation.

Attachments

Appendix: 1: Access Requests Received 2009-2019

Appendix: 2: 2020 Report of Public Interest Requests



Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer

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