

City of Mississauga  
**Corporate Report**



<p>Date: November 15, 2022</p> <p>To: Chair and Members of Council</p>	<p>Originator's files:</p>
<p>From: Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer</p>	<p>Meeting date: December 7, 2022</p>

## Subject

**2021 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 November 15, 2022, regarding the 2021 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 2021 statistics that were submitted in the beginning of this year to the IPC for their annual report, published subsequently on June 14, 2022, 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 2021, the City received 971 FOI requests, representing an increase of more than 51% from the previous reporting period in 2020, where 641 requests were filed. The impact of digitization and online services has made the FOI process more convenient and accessible for the public. These strategic changes together with pent-up demand due to the pandemic has greatly contributed to this increase. However, it should be noted that when compared with pre-pandemic levels, 2021 revealed a 13.4% increase from 2019, where 856 requests were filed.

Over the past 10 years, the number of FOI requests received has increased by approximately 55%. A graph showing the statistics of requests received since 2012 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 2021, 74% of 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 76.7%.

The City's rate fell close to the overall municipal corporations' compliance, where the average 30-day compliance rate was 73.3% and extended compliance rate was 81.2% in Ontario for 2021.

The pandemic did create many challenges for the Access and Privacy office, but it also created a great opportunity to identify barriers and implement innovative changes. Many of the City's records, especially Building Permit Records which make up the majority of our requests, are still kept in hard copy form. This created a challenge to our compliance rates in this increasingly digital society. However, internal modernization of our workflow together with multi department collaborations helped implement a more efficient process and support our progress.

### Fee Statistics

Under the Act, a \$5 application fee is mandatory. In addition, there are several regulated fees that may apply to requests. Over half 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 2021 was \$39,661.10.

### 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 10 appeals to the IPC in 2021. Most of these appeals involved the information being withheld from disclosure under one or more

exemptions of the Act. Of these 10 appeals, 7 have been resolved. 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**

Not applicable

### **Conclusion**

The 2021 access request statistics have once again highlighted the City of Mississauga's strong commitment to Access and compliance under the Act. The City of Mississauga will strive to continue to uphold the right to access while at the same time promoting the importance of privacy issues.

### **Attachments**

Appendix: 1: Access Requests Received 2012-2021

Appendix: 2: 2021 Report of Public Interest Requests



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

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