

City of Mississauga
Corporate Report



<p>Date: October 25, 2023</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Raj Sheth, P.Eng, Commissioner of Corporate Services</p>	<p>Meeting date: November 15, 2023</p>

Subject

2022 Annual Report for Access Requests under Municipal Freedom of Information and Protection of Privacy Act

Recommendation

That the report from the Commissioner of Corporate Services, dated October 25, 2023, entitled "2022 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 Deputy Clerk on behalf of 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 2022 statistics that were provided to the IPC for their annual report and which provides information on the number and type of access requests received across the province and highlights significant access and privacy issues.

Comments

Access Request Statistics

In 2022, the City received 1009 FOI requests, representing an increase of 4% from 2021, where 971 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 may have contributed to this increase.

Over the past 10 years, the number of FOI requests received has increased by approximately 64.41%. A graph showing the statistics of requests received since 2013 is included in the Appendix 1.

In accordance with the Act, the City has 30 days to issue an access decision from once a request for records is received. In 2022, 90.6% 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 92.1%.

The City's compliance rate is above the average 30-day compliance rate of the Ontario municipal sector which in 2022, was 81% and the extended compliance rate was 86%.

Many of the City's records, of which Building Permit Records make up the majority of our requests, are still 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 as the Act contemplates a user fees principle for cost recovery. 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 2022 was \$45,832.90 (an increase in comparison to \$39,661.10 collected in 2021).

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 6 appeals to the IPC in 2022. Most of these appeals involved the information being withheld from disclosure under one or more exemptions of the Act.

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 from the recommendations in this report.

Conclusion

The 2022 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 2013-2022

Appendix: 2: 2022 Report of Public Interest Requests



Raj Sheth, P.Eng, Commissioner of Corporate Services

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