

# City of Mississauga

# Corporate Report



<p>Date: October 20, 2020</p> <p>To: Chair and Members of General Committee</p> <p>From: Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer</p>	<p>Originator's files:</p> <hr/> <p>Meeting date: November 4, 2020</p>
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## Subject

**2019 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, regarding the 2019 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 2019 statistics that were submitted in the beginning of this year to the IPC for their annual report, published subsequently on May 28, 2020, 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 2019, the City received 856 FOI requests, representing a slight decrease in requests received from the previous reporting period in 2018. Over the past 10 years, the number of FOI requests received has increased by approximately 34%. A graph showing the statistics of requests received since 2009 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 2019, 94.9% 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 95.20%.

In comparison to all municipal government organizations in Ontario, the City's rate continues to surpass the average 30-day compliance rate of 84.40% and extended compliance rate of 90.00%.

### 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 2019 was \$28,046.56.

### 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 seven appeals to the IPC in 2019. Most of these appeals involved the information being withheld from disclosure under one or more exemptions of the Act. Of these seven appeals, two 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 2019 access request statistics have once again highlighted the City of Mississauga's excellent record in complying with the response rate requirements of the Act. The City of

Mississauga will strive to continue its outstanding response rate, at the same time promoting the importance of privacy issues.

## Attachments

Appendix: 1: Access Requests Received 2009-2019

Appendix: 2: 2019 Report of Public Interest Requests



Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Paul Wan, Access and Privacy Officer