

City of Mississauga  
**Corporate Report**



<p>Date: January 8, 2025</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: January 22, 2025</p>

## Subject

**2023 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 January 8<sup>th</sup> 2025, entitled "2023 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. In those cases, 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, privileged, 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 2023 statistics that were submitted in the beginning of this year to the IPC for their annual report, published subsequently on June 5, 2024, 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 2023, the City received 1,076 FOI requests, representing an increase of approximately 7% from the previous reporting period in 2022, where 1,009 requests were filed. Such an increase may reflect the public's better awareness regarding their right in accessing City information and their growing demand in understanding City's decision-making process. Moreover, the impact of digitization and online services has made the FOI process more convenient and accessible for the public. All these factors may have contributed to this increase. Over the past 10 years, the number of FOI requests received has increased by approximately 42%. A graph showing the statistics of requests received since 2014 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 2023, 92.1% 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 94.2%. The City's rate rose above the overall municipal corporations' compliance, where the average 30-day compliance rate was 80.2% and extended compliance rate was 85.3% in Ontario for 2023.

Many of the City's records, especially Building Permit Records, which make up about 80% of our requests, are still kept in hard copy or on microfiche. 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 support our progress.

Since 2022, the *Globe and Mail* has published an annual investigation into Canada's Freedom of Information system. Each year they survey and review the statistics of Access to Information Offices across the country.

In the most recent edition of this *Secret Canada* series relating to municipalities, the City of Mississauga was highlighted for our performance in responding to freedom of information requests. The article states "Mississauga released 78 per cent of its FOI responses without any redactions whatsoever, the highest full disclosure rating for any major Canadian municipality." It also goes on to emphasize that "While several municipalities fared well in this audit, some stood out for how quickly and fulsomely they responded to requests.... Mississauga released more than 70 per cent of their files in full, and managed to do so while keeping FOI responses to an average of ... 23 days."

This national recognition reflects the Access and Privacy Office's dedication to efficiency, transparency, and accountability to residents, aligning with the obligations outlined in MFIPPA.

### 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 2023 was \$45,177.50 (which is comparable to \$45,832.90 collected in 2022).

### 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 9 appeals to the IPC in 2023, *which represents less than 0.1% of the access decisions that the City issued*. 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

Not applicable

### Conclusion

The 2023 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 2014-2023

Appendix: 2: 2023 Report of Public Interest Requests



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Raj Sheth, P.Eng, Commissioner of Corporate Services

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