



Staff Report

Report To: Dan Best, Chief Administrative Officer

From: **Rebekah Msuya-Collison, General Manager of Corporate Services**

Date: April 4 2022

Report: CL#08-2022

Subject: Office of the Information and Privacy Commissioner (IPC) Annual Reporting

Recommendations:

That South Huron Council received the report of Rebekah Msuya-Collison, General Manager of Corporate Services for information purposes.

Purpose:

Information.

Background and Analysis:

The municipality must file an annual statistical reporting with the Information and Privacy Commissioner of Ontario (IPC) each calendar year. The reporting is on Access and Privacy requests under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) legislation.

The "head" or someone the head designates to do the reporting is responsible for the reporting of requests for access or correction to records under MFIPPA and the Clerk has been appointed head of the Municipality of South Huron. The reporting year is based on a calendar year from January 1st to December 31st.

Access Requests relate to access to municipal government information, including most general records and records containing an individual's own personal information, subject to very specific and limited exemptions. Privacy Requests relate to the protection of privacy principles outlined in the Part II of MFIPPA. These privacy rules apply to all personal information in the custody or control of institutions regardless of whether an access request has been made, with the exception of public records and certain labour relations records.

The annual statistical report requests information on the following:

- the number of access requests received in the previous year; and
- the number of times
 - the request was responded to within 30 calendar days;
 - the deadline was extended to respond by up to 90 days;
 - access was refused to all or part of a record;
 - access was refused based on each of the access exceptions;
- the number of correction requests received; and
- and the number of times
 - The request was responded to within 30 calendar days
 - extended the deadline to respond by up to 90 days
 - refused the request based on one of the exceptions ,
 - received a statement of disagreement
- privacy breaches of the personal information in our custody and control, of the following types:
 - theft
 - loss
 - unauthorized use
 - unauthorized disclosure
 - times personal information was used or disclosed outside the scope of your information practices

MFIPPA legislation provides that an institution must provide the requester with the information and/or a decision regarding their request within 30 calendar days from the date a complete request is received. For the purposes of the Statistical Report, a request is considered to be complete

when a decision letter has been sent to the requester notifying him or her what information if any, will be made available.

2021 Highlights

There were 7 new requests for information and 8 requests completed during the reporting year, as this number included the completion of one appeal that was started in 2020. Two of the requests were for personal information and five of the requests were completed within 30 days or less with the remaining two completed within 60 days. Notices of Extension were provided to both of the requests that were extended past the statutory time limit of 30 days.

In an effort to provide some comparative context, the following is the comparative data for this term of Council (2018-2021):

2018: 10 Requests for information processed by the Clerk

2019: 3 Requests for information processed by the Clerk

2020: 2 Requests for information processed by the Clerk

2021: 7 New Requests for information, 8 requests completed and processed by the Clerk (including 1 file appealed from 2020)

Comments

Certain requests are not reported to the IPC and not all requests for information are made pursuant to MFIPPA. Any request for access to information that is routinely disclosed or any request that has not been made pursuant to MFIPPA (i.e., where no five dollar request fee has been charged), are not reported to the IPC.

Many searches and requests for information completed by the municipality are considered a general information search and fall outside of the scope of MFIPPA. The municipality provides a significant amount of information on a proactive basis through the web site and other means. One of the initiatives that staff have been exploring is a proactive disclosure initiative for the routine and active disclosure of public records.

The dissemination process would include Senior staff in each department reviewing their departmental records and records most requested to determine which records can be routinely released or actively made available. The Clerk will help identify the types of records suitable for routine and active dissemination to ensure compliance with MFIPPA.

It is hoped that an active dissemination program will create an efficient means of providing the public with greater access to information and improve staff's awareness and understanding of identifying records. At this time, however, staff are unsure of the time commitment required to provide this service and will continue to monitor capacity.

Operational Considerations:

The number of requests vary annually. There is a general shift in the complexity of requests with requests for information becoming increasingly broader and capturing a wider range and volume of records. The rapid pace of innovation and growth in digital communication and data storage capacity means that more records are being created than ever before. It is hoped that the Records Information Management (RIM) project will assist in information requests as better records assist in responses to information requests.

South Huron's Strategic Plan:

Section 6.2.2 of the Municipality of South Huron 2015- 2019 Strategic Plan identifies key objectives that are reflective of the collective perspectives of the strategic planning process. The recommendations and actions outlined in this report are reflective of the following strategic objectives:

- ✓ Administrative Efficiency and Fiscal Responsibility
- ✓ Increased Communications and Municipal Leadership
- ✓ Transparent, Accountable and Collaborative Governance

Financial Impact:

MFIPPA establishes prescribed charges, with certain limited exceptions. In processing a request for information under MFIPPA, the Municipality incurs certain costs and the majority of FOI responses are provided with the minimal fee which represents only a small fraction of the costs associated with administering the system (wages, IT, facilities, costs of legal services).

Legal Impact:

There are no legal implications other than those outlined in the report for the Corporation and none resulting from the proposed recommendation.

Staffing Impact:

There are no staffing implications for the Corporation resulting from the proposed recommendation.

Communication Actions

As this is a Council delegated authority and for accountability purposes, this report is provided to Council annually.

Policies/Legislation:

Municipal Freedom of Information and Protection of Privacy Act

Consultation:

Dan Best, Chief Administrative Officer/Deputy Clerk

Related Documents:

Respectfully submitted,

Rebekah Msuya-Collison, General Manager of Corporate Services