



Corporation of the Municipality of Temagami

Memo No.
2020-M-078

Memorandum to Council

Subject: Freedom of Information Procedures

Agenda Date: July 16, 2020

Attachments:

RECOMMENDATION

BE IT RESOLVED THAT Council approve the procedures for handling requests made for information made under the Municipal Freedom of Information and Protection of Privacy Act as presented by Staff;

AND FURTHER THAT these procedures be implemented directly.

INFORMATION

This report is intended to present a procedure for moving Freedom of Information Requests through our system and reducing the need for these to automatically be referred to our legal advisors.

As Council is aware, in June of 2019, direction was received to make the necessary amendments to rescind the delegation of authority to Staff to act in the place of Council as “Head” under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and to refer these matters to our legal counsel.

For the most part, MFIPPA requests can be relatively straight forward. Recognizing this, the following is an outline of the procedures Staff intends to implement.

1. Requests received under MFIPPA would be received and date stamped. The statutory fee (presently \$5) would be receipted at this time;
2. Staff will review the request for completeness and clarity and, should there be more information or clarification required, will correspond with the requestor, in writing, highlighting what is required;
3. Once a complete request has been received (could include the additional information or clarification in item 2), Staff will prepare a report for Council’s consideration that highlights the request, if there are any special circumstances contained in MFIPPA, and provide a recommendation on how to proceed;
4. Once this report has been completed, the Mayor will be advised and the appropriate meeting will be called for Council to receive and consider this request. The Municipal Act 2001, as amended, Section 239(3) requires a meeting “be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council, board or commission or other body is the head of an institution for the purposes of that Act.

MFIPPA requires a response within thirty (30) days. While in many cases the response is the actual information requested, at minimum, the response would include whether the information is being provided, the estimated time to retrieve and reproduce the information, and the cost of this information. Costs charged are authorized by MFIPPA.

The thirty (30) day limit can be reset should the information not be complete or if further clarity is required and would start again when the new information or clarification is received. With this time frame, it may not always be possible to have a closed session as part of the normal Council schedule. For this reason, by advising the Mayor when the report is ready for consideration, the Mayor may call a special meeting as provided by the Procedural By-Law.

Once this procedure has been adopted, only in matters where the Municipality has been challenged with the a claim filed with the Office of the Privacy Commissioner or for the more involved requests will matters be referred to legal counsel.

Respectfully Submitted:
Craig Davidson
Treasurer/Administrator