

FAQ's about MFIPPA

Q. What is the Act and how does it work?

F.O.I. is a commonly used term that refers to Ontario's *Municipal Freedom of Information and Protection of Privacy Act*. The *Act* came into force in 1991, and applies to all Ontario municipalities, local boards, agencies and commissions.

The fundamental purpose of the freedom of information system is accountability to the public.

The spirit of the *Act* is to create an open and accountable government by providing as much information as possible to the public, while ensuring that their personal privacy is protected.

The *Act* gives individuals two legal rights:

The right to access government information, including most general records, and personal information about yourself; and

The right to the protection of personal information which may be held within government records.

The *Act* contains a number of mandatory and discretionary exemptions which allow the City to deny access to records containing certain types of information.

Mandatory exemptions include: someone else's personal information; inter-governmental relations; information about a third party.

Discretionary exemptions include:

Information that may cause danger of health and safety;

Solicitor-Client privilege;

Published information;

Economic or other interests of an individual or company;

Limitations on access to one's own personal information;

Draft By-laws;

Reports and records of closed meetings;

Legal, consultant advice or recommendations;

Law Enforcement information.

Q. Are Councilors records covered by the Act?

The issue here is Custody and Control of the records. If the records are not kept separate and a part from the institution records then they are considered under the custody and control of the institution and are covered by the *Act*. (Orders P-267, 271)

Q. Are my personal notes taken during meetings covered by the Act?

Yes – As long as the notes/files were created as part of doing your job and are in the custody and control of the institution.

Q. Will my business expenses be made available to the public?

Business expense statements are not characterized as personal information of a board or council member when the expenses are incurred by members in the course of fulfilling their public duties.

Q. Are records of closed meetings available to the public?

In-camera meetings records are not normally available to the public. If the substance of the deliberations of the meeting are later considered in an open meeting or made public, this exemption no longer applies. (s.6(1)(b))

Q. Is the Mayor and Members of Council considered Officer's of the Institution under the Act?

Council members are not but the Mayor is considered an Officer under the *Act*. (Order MO-1503)

Q. I have been asked by a constituent to investigate a complaint against them. Can I have access to all the information regarding the issue?

You will have access to most of the information but not all. Complainant's names are confidential and will not be provided unless you need to know the name to do your job. (s.42(j), FIPPA)

Q. Whom do I contact if I have any further questions?

Please feel free to contact the City Clerk at ext. 4560 or the FOI Co-ordinator at ext. 4377. They would be happy to answer any questions that you might have regarding the *Act*.