

FOI Requests are governed by the Municipal Freedom of Information and Protection of Privacy Act (the Act) and relevant regulations.

How long does it take to process an FOI Request?

As outlined in the Act, the standard time to process an FOI request is 30 days. However, depending on the size or broadness of the request, and whether or not the Township needs to notify a Third-Party, this timeline may be extended (section 20 of the Act).

How much does it cost to submit an FOI Request?

There is a standard application fee of \$5.00 at the start of a request. In addition, the requestor will pay \$7.50 for every 15 minutes spent on searching and preparing the documents, as well as other associated costs for printed copies, shipping, etc.

The requestor will be notified if the amount is expected to exceed \$25.00

If the amount is expected to be more than \$100.00, the requestor may have to pay a deposit of equal to 50% of the estimated amount, and the FOI will not be processed any further until payment is received. (see Ontario Regulation 823).

What kind of information can I have access to?

There is no simple answer to this question. In general, individuals have access to their own personal information, as well as some of the general records the Township possesses (see next question). However, there are several exceptions to this rule that are outlined in the Act. These are outlined in sections 6-15 of the Act. For example, other individuals' personal information is protected in most ways. Another example includes solicitor-client privilege, which may not be disclosed.

It is the job of the Clerk's department to go through the requested records to ensure the requestor is getting as much access as possible without violating any of the exceptions set out in the Act.

Once the FOI request has been processed, the requestor will be given an 'Index of Records' that outlines the records located, along with the decision as to whether or not the record can be released in full, partially, or not at all. The decision for each record will also be accompanied by the supporting section of the Act wherever relevant. For example, then, if you're looking to gain access to another individual's personal information, and the release would constitute an unjustified invasion of personal privacy, the record will either be withheld or released in part, and the specific section of the Act will be provided accordingly.

What is the difference between a request for personal information and general records?

When requesting records that only contain your own personal information, the requestor will *generally* have a greater right of access to the records, as per Part II of MFIPPA. Timelines for when a request is considered 'abandoned' are also more generous for requests for personal records (e.g. 365 days versus 30 days for general records). A request for general records, on the other hand, is a request for general records under the Township's custody and control that do not contain the requestor's own personal information, and which may contain another individual's personal information; a requestor will *generally* have lesser access to the latter, and exemptions under sections 6-15 of the Act may apply.

In the instance where a record contains BOTH the requestor's individual information as well as another individual's personal information, the Act stipulates, through section 38, that the Township may refuse to disclose to the individual to whom the information relates certain types of personal information, such as if certain exemptions apply or if the disclosure would constitute an unjustified invasion of another individual's privacy.

What is the most effective way to get the records I want access to?

To get the records you want in the most time and cost-efficient manner possible, the best you can do is to be specific. Working with the Clerk and/or their designate to determine exactly what it is you're after will save time and resources, ultimately reducing the cost burden to the requestor and getting the decision in better time.

Being available via email and/or phone will allow the Clerk and/or designate to contact the requestor whenever there needs to be clarification. For records pertaining to general records, in some cases, if there is no response within 30 days, the request may be considered to be abandoned. For an individual's personal information, if there is no reply within 365 days, the request may be considered to be abandoned.

Can I authorize someone to submit a request on my behalf?

Yes – with a proper authorizing document. In instances where individuals or agents request information on behalf of another individual, institutions will require official documentation to prove an individual or agent has the authority to act on behalf of another individual or organization. Examples of official documentation an institution could accept include:

- Signed consent form accompanied with a photocopy of government issued photo identification;
- A notarized will identifying the name of the executor to an estate;
- A signed affidavit or court order identifying an individual as the guardian to an individual under the age of 16; or
- A notarized Power of Attorney.

When a request is considered to be frivolous or vexatious.

A request for access may be refused if a request is determined to be frivolous or vexatious (section 20.1 of the *Act*). These are requests that are considered to be made in bad faith, made for a purpose other than to gain access, or part of a pattern of conduct that amounts to an abuse of the right to access or interferes with the operations of an institution.

For example, a request may be deemed frivolous or vexatious if:

- A requestor is submitting a significant amount of requests
- They are excessively broad
- The timing of the request coincides with some other event such as an ongoing complaint against the institution
- They are made for unreasonable or illegitimate purpose, such as to annoy or harass the government or to burden the system

What if I'm not pleased with the Township's Decision?

If your request has been processed and you disagree with the outcome or have other concerns, you have the option to appeal to the Information and Privacy Commission (IPC). They will decide whether or not to hear your appeal and look into the request at the Township.

For more information about Freedom of Information requests, you can visit [Access and correction - IPC](#).