

2024 Report on MFIPPA

BACKGROUND

Under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the “head” of an “institution” such as a municipality is responsible for overseeing the administration of the statute and for decisions made under the statute. At the City of Ottawa, Council has, by by-law, designated the Mayor as the head of the institution for these purposes. In turn, the Mayor has provided a written delegation to the City Clerk to address all matters with respect to this act. In addition to the responsibilities under MFIPPA, the City Clerk also supports the administration of access requests related to the *Personal Health Information Protection Act, 2004* (PHIPA), which establishes rules for the collection, use and disclosure of personal health information for health information custodians (for example, Public Health, Paramedic Services, and Long Term Care).

Under Subsection 26(1) of MFIPPA, the head of the institution is required to submit an annual report to the Information and Privacy Commissioner of Ontario (IPC) that provides statistics related to requests for access to information. This document provides a summary of statistics included in the City of Ottawa’s 2024 annual report to the IPC, which was submitted on February 12, 2025. Data from 2023 and 2022 is also provided for comparative purposes.

In 2024, the ATIP Office within the Office of the City Clerk completed a total of 1,162 requests under MFIPPA for general records and personal information.

DISCUSSION

2024 – Summary and statistics

Overall, the ATIP Office within the Office of the City Clerk completed 1,086 access to general information requests and 76 requests for personal information under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) in 2024.

A summary of the ATIP Office statistics is provided below. It is based on data included in the City of Ottawa’s 2024 annual statistical report to the Information and Privacy Commissioner of Ontario (IPC), which was submitted on February 12, 2025, in accordance with statutory provisions. The summary also includes information as it relates to the mandatory reporting requirement for the three health information custodians at the City of Ottawa: Long Term Care, Ottawa Public Health, and the Ottawa Paramedic Service.

As noted in previous year-end reports to Committee and Council, requests for access to general and personal information are received and processed pursuant to Part I of MFIPPA. Similarly, access to an individual’s own personal health information under the custody and

control of one of the City’s health information custodians is prescribed under Part V of PHIPA. By way of background, two types of information requests are captured in statistics pertaining to MFIPPA, as follows:

- **“General records”**: Requester is asking for general information or information that includes personal information about someone else; and
- **“Personal information”**: Requester or an authorized representative is asking for information about the requester (this document refers to such information as “own personal information”).

MFIPPA provides the head of the institution the discretion to charge fees for processes related to access requests. Fee charges for MFIPPA requests are prescribed by Section 45 of MFIPPA and Section 6 of *Regulation 823* made under the act. A requester is required to pay an initial mandatory application fee of \$5, with the possibility of additional fees depending on the nature of the request. For a personal information request, an additional fee will be assessed for photocopies if the cost of the copies requested exceeds \$5.

For general records requests, additional fees may be charged for search time, record preparation and photocopying. In 2024, the ATIP Office recovered \$10,040 related to such costs. In most cases, additional fees were related to the preparation of the records (i.e., the redaction of information pursuant to MFIPPA), followed by search time and the reproduction of records. In keeping with the spirit of the act to make records accessible to the public and the IPC’s direction that “fees should never be used as a deterrent or barrier to access,” the ATIP Office does not charge fees for requests that take under four hours to process, where under 50 pages of records will be provided, or in other circumstances where a fee waiver may be considered appropriate.

All requests – MFIPPA

Table 1 – Number of new requests received in the year (general records and personal information)

Request type	2024	2023	2022
General records	1,162	920	728
Personal information	81	88	35
Total	1,243	1,008	763

Number of requests completed

Each year, staff receive and complete new requests for general records while also completing requests that have been carried forward from the previous year. Requests are carried forward

from a previous year for a variety of reasons, most often because the requests were received and entered in December and therefore have automatic legislative deadlines in the following year (i.e., in January). However, this may also be due to matters such as the size and scope of a request, and consultations with internal staff and/or third parties. As a result, in any given year there may be a difference in the number of new requests received and the number of requests completed.

In 2024, the ATIP Office completed 1,162 requests made under MFIPPA, composed of 1,086 requests for access to general records and 76 requests for access to own personal information. This represents a 17 per cent increase over 2023 totals and a 52 per cent increase over 2022 totals.

Table 2 – Number of requests completed

Request type	2024	2023	2022
General records (under MFIPPA)	1,086	906	730
Personal information (under MFIPPA)	76	83	35
Sub-total (records requested under MFIPPA)	1,162	989	765
Personal health information (under PHIPA)	0	3	10
Total	1,162	992	775

Source of requests

Requests made under MFIPPA for general records and personal information are received from a variety of sources, as indicated in the following table.

Table 3 – Source of requests – Overall (general records and personal information)

Requester	2024	2023	2022
Individual/Public	756	564	417
Individual by agent	2	1	7
Business	133	139	108
Academic/Researcher	13	3	3

Requester	2024	2023	2022
Association/Group	16	17	17
Media	27	38	68
Government (all levels)	4	3	1
Other (lawyers)	211	224	144
Total requests	1,162	989	765

Time to completion

The time required to complete requests can vary due to factors such as the complexity of a request, third party consultations that may be required and department retrieval times. The following table provides data with respect to the absolute amount of time that was required to complete requests made under MFIPPA, regardless of compliance with timelines set out in the legislation.

Table 4 – Time to completion – Overall (general records and personal information)

Time to complete	2024	2023	2022
30 days or less	946	679	498
31-60 days	167	206	158
61-90 days	22	60	47
91 days or over	27	44	62
Total	1,162	989	765

The time it takes to complete requests can be particularly affected by factors such as complexity of files and requests for a broad scope of information. This is due to the nature of the work required to review requests for information, read and comprehend a number of different documents, apply specific legislative provisions, and correspond with departments and requesters.

Compliance with MFIPPA

MFIPPA provides timelines for the completion of requests made under the statute. There is a statutory timeframe of 30 days for completion of an access request (i.e., giving written notice to a requester regarding whether access to all or part of the record will be

provided, and providing access if so), unless an exemption is applied under Subsection 20(1) and/or 21(1) of the legislation, as follows:

- Under Subsection 20(1) of MFIPPA, the head of the institution may extend the 30-day time limit (i.e., issue a “Notice of Extension”), “for a period of time that is reasonable in the circumstances, if,
 - a) the request is for a large number of records or necessitates a search through a large number of records and meeting the time limit would unreasonably interfere with the operations of the institution; or
 - b) consultations with a person outside the institution are necessary to comply with the request and cannot reasonably be completed within the time limit.”
- Under Subsection 21(1), the head of the institution must give written notice to the person to whom the information relates (i.e., a “Notice to Affected Person”) before granting a request for access “to a record,
 - a) that the head has reason to believe might contain information referred to in subsection 10 (1) [a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly] that affects the interest of a person other than the person requesting information; or
 - b) that is personal information that the head has reason to believe might constitute an unjustified invasion of personal privacy

The written notice described above triggers extensions on the time period in which the request must be completed.

In 2024, 1,034 requests were completed within the statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person, as indicated in the following table. This represents an 89 per cent compliance rate, compared to 80 per cent in 2023 and 73 per cent in 2022.

It is important to note that a number of requests were completed within days of the 30-day statutory timeframe expiring, but a Notice of Extension was not issued because the request was often substantially complete near the end of the 30-day timeframe. In addition, the statutory 30-day timeline set out under MFIPPA includes weekends and statutory holidays.

Table 5 – Compliance with MFIPPA – Overall (general records and personal information)

Requests completed	2024	2023	2022
Number of requests completed within the 30-day statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person	1,034	791	555
Number of requests completed in excess of the 30-day statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person	128	198	210
Total	1,162	989	765

Disposition of requests

MFIPPA provides for a head to withhold some or all of a requested record by applying various exemptions based on the type of information contained within the record, as detailed in sections 6 to 16 of the legislation. For example, information related to law enforcement, advice or recommendations, and economic and other interests may be exempt in particular situations. In 2024, the most common exemption applied with respect to general records was made under personal privacy provisions of Section 14 of MFIPPA. The following tables provide statistics related to the disposition of requests made under MFIPPA.

Table 6 – Disposition of requests – Overall (general records and personal information)

Disposition	2024	2023	2022
All information disclosed	300	236	178
Information disclosed in part	367	379	315
No information disclosed	217	166	89
No responsive records exist	122	90	75
Request withdrawn, abandoned or non-jurisdictional	156	118	108
Total	1,162	989	765

Table 7 – Exemptions and exclusions applied – Overall (general records and personal information)

Exemptions and exclusions applied	2024	2023	2022
Section 6 – Draft by-laws, etc.	2	2	1
Section 7 – Advice or recommendations	14	24	35
Section 8 – Law enforcement	136	134	94
Section 8(3) – Refusal to confirm or deny	0	0	0
Section 8.1 – <i>Civil Remedies Act, 2001</i>	0	0	0
Section 8.2 – <i>Prohibiting Profiting from Recounting Crimes Act, 2002</i>	0	0	0
Section 9 – Relations with governments	3	6	1
Section 10 – Third party information	21	34	21
Section 11 – Economic/Other interests	21	22	25
Section 12 – Solicitor-client privilege	26	33	37
Section 13 – Danger to safety or health	0	0	3
Section 14 – Personal privacy (third party)	319	342	276
Section 14(5) – Refusal to confirm or deny	5	4	0
Section 15 – Information Soon to be Published	86	8	24
Section 20.1 – Frivolous or vexatious	0	0	0
Section 38 – Personal information (requester)	2	1	1
Section 52(2) – Act does not apply	0	0	1
Section 53(3) – Labour relations and employment related records	29	32	21
Section 53 – Other acts	1	3	0
PHIPA Section 8(1) applies	0	0	0
Total	665	645	540

The sections below provide additional details for each category of request under MFIPPA (general records and personal information) and PHIPA (personal health information).

General records request – MFIPPA

The ATIP Office completed 1,086 requests for general records in 2024. This represents a 20 per cent increase over 2023 and a 49 per cent increase over 2022.

The following table provides a summary of the absolute time to completion for general records, regardless of compliance with timelines set out in the legislation.

Table 8 – Time to completion – General records

Time to complete	2024	2023	2022
30 days or less	886	621	476
31-60 days	153	188	147
61-90 days	21	55	46
91 days or over	26	42	61
Total	1,086	906	730

With respect to compliance related to general records requests during the 2024 reporting year, 966 requests (or 89 per cent) were completed within the initial 30-day statutory timeframe or within time limits permitted under the act. This is up from the 80 per cent compliancy rate in 2023.

It is important to note that a number of requests were completed within days of the 30-day statutory timeframe expiring, but a Notice of Extension was not issued because the request was substantially complete near the end of the 30-day timeframe. In addition, the statutory 30-day timeline set out under MFIPPA includes weekends and statutory holidays.

With respect to the 120 requests completed in excess of statutory time limits in 2024, some of these delays can be attributed to departments being late in submitting responsive records to the ATIP Office, or increasingly complex files that crossed multiple departments and included a significant number of records. Other requests required clarifications from the requester or secondary searches to locate additional records. In other cases, requesters agreed to go beyond the legislated deadline without a formal extension when working with the ATIP Office, or files were abandoned by requesters and extended beyond time limits before being formally closed. These situations are not reflected in the statistics provided to the IPC.

The following table shows compliance with MFIPPA timelines for general records requests.

Table 9 – Compliance with MFIPPA – General records

Requests completed	2024	2023	2022
Number of requests completed within the statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person	966	725	530
Number of requests completed in excess of the statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person	120	181	200
Total	1,086	906	730

Personal information requests – MFIPPA

Personal information is defined in the statute as recorded information about an identifiable individual including, among other things, information related to race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital or family status, as well as education, medical, criminal or employment history of an individual. Personal information files tend to be very voluminous and can range from hundreds to thousands of pages. The ATIP Office has been working with City departments to encourage the direct and automatic release of own personal information to individuals without the need for a formal access request.

Table 10 – Time to completion – Personal information records

Time to complete	2024	2023	2022
30 days or less	60	58	22
31-60 days	14	18	11
61-90 days	1	5	1
91 days or over	1	2	1
Total	76	83	35

With respect to compliance with timelines set out in MFIPPA, 68 requests for personal

information (or 89 per cent) were completed within the initial 30-day timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person.

Table 11 – Compliance with MFIPPA – Personal information requests

Requests completed	2024	2023	2022
Number of requests completed within the statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person	68	66	25
Number of requests completed in excess of the statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person	8	17	10
Total	76	83	35

Personal health information requests under the Personal Health Information Protection Act, 2004

Personal health information privacy breaches

Pursuant to Section 6.4 of *Ontario Regulation 329/04*, on or before March 1 in each year beginning in 2019, health information custodians are required to provide to the IPC an annual report that includes the number of times in the previous calendar year that personal health information in the custodian’s custody or control was stolen, lost, or used or disclosed without authority. The following table includes information relating to the three health information custodians at the City of Ottawa.

Table 12 – Personal Health Information Privacy Breaches

Health information custodian	2024	2023	2022
Long Term Care	5	3	1
Ottawa Paramedic Service	2	1	3
Ottawa Public Health	0	1	2