

2. 2016 YEAR-END MFIPPA REPORT – SUMMARY

**RAPPORT DE FIN D'ANNÉE SUR L'APPLICATION DE LA LAIMPVP –
SOMMAIRE 2016**

COMMITTEE RECOMMENDATION

That Council receive this report for information.

RECOMMANDATION DU COMITÉ

Que le Conseil municipal prenne connaissance de ce rapport

DOCUMENTATION/DOCUMENTATION

City Clerk and Solicitor's report, Office of the City Clerk and Solicitor, dated March 17, 2017 (ACS2017-CCS-GEN-0011)

Rapport du Greffier de la Ville et chef du contentieux, Bureau du greffier municipal et de l'avocat général, daté le 17 mars 2017 (ACS2017-CCS-GEN-0011)

**Report to
Rapport au:**

**Finance and Economic Development Committee
Comité des finances et du développement économique
4 April 2017 / 4 avril 2017**

**and Council
et au Conseil
12 April 2017 / 12 avril 2017**

**Submitted on March 17, 2017
Soumis le 17 mars 2017**

**Submitted by
Soumis par:
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2017-CCS-GEN-0011

SUBJECT: 2016 Year-End MFIPPA Report - Summary

**OBJET: Rapport de fin d'année sur l'application de la LAIMPVP – Sommaire
2016**

REPORT RECOMMENDATION

**That the Finance and Economic Development Committee recommend Council
receive this report for information.**

RECOMMANDATION DU RAPPORT

Que le Comité des finances et du développement économique recommande que le Conseil municipal prenne connaissance de ce rapport.

BACKGROUND

The changing technological landscape has contributed to an evolving understanding of privacy and records of both public institutions as well as private corporations. As the amount of information in the custody or under the control of institutions such as the City of Ottawa grows, people expect increased access to governments and records of decision-making, while at the same time trusting that privacy and confidential information will be protected. Therefore, the City and other institutions must ensure that records are preserved and maintained appropriately, that privacy is protected and that the public is provided access to information in accordance with the principles and purposes set out in legislation within the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). In other words, information should be made available to the public, with only limited and specific exemptions from the right of access.

MFIPPA applies to all local government “institutions” in Ontario, including municipalities, police service boards, public library boards, conservation authorities and boards of health as well as other “local boards”. The purpose of the legislation is to provide a balance between the right of access to information held by institutions, with the requirement to protect the privacy of individuals with respect to “personal information”. As such, MFIPPA sets out rules and regulations by which municipal institutions must abide in order to protect the privacy of an individual’s personal information in government records. This includes rules regarding the collection, use, disclosure and disposal of personal information in the custody and control of a municipal institution. As outlined above, these obligations are balanced with the right to access municipal government information, including most general records and records containing an individual’s personal information, subject to very specific and limited exemptions.

As an “institution” defined under MFIPPA, the City may appoint a “Head” of the institution who is responsible for overseeing the administration of and for decisions made under the statute. At the City of Ottawa, Council has, by by-law, designated the Mayor as the Head of Institution for these purposes. In turn, the Mayor has provided his

written delegation to the City Clerk and Solicitor to address all matters with respect to this *Act*.

In keeping with the general principles outlined in the City's Accountability and Transparency Policy that "every new delegation of power will have a corresponding accountability mechanism," the purpose of this report is to outline the operations and responsive metrics of the Access to Information and Privacy (ATIP) Office in the Office of the City Clerk and Solicitor.

City Council has made transparency and open government a priority, approving several related measures such as monthly public disclosure of individual office expenses for Members of Council and the Senior Leadership Team, an online Lobbyist Registry and a Gifts and Ticket Registry as well as Open Data initiatives. On July 17, 2013, Council approved a Routine Disclosure and Active Dissemination Policy that identifies a requirement for City departments to develop plans for routinely releasing or automatically making available certain records to the public. As such, the City of Ottawa is considered a leader in this field.

In 2016, the City completed a total of 819 requests under MFIPPA for general records and personal information. This represents a drop of 6 percent from the 874 requests received in 2015. In addition to the responsibilities under MFIPPA, the City Clerk and Solicitor also administers 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 (e.g. Public Health, Paramedic Services, etc.) operating within the Province of Ontario. In 2016, the ATIP Office completed eight requests for personal health information under PHIPA. This was marginally down from the nine requests in 2015.

Overall in 2016, the ATIP Office completed 827 requests, reviewing a total of 54,545 pages of records, of which 49,869 pages were released.

For Council's information, a summary of statistics is provided in Document 1, based on data included in the City of Ottawa's 2016 annual statistical report to the Information and Privacy Commissioner (IPC) that was submitted on January 31, 2017, in accordance with statutory provisions.

DISCUSSION

Access to Information and Privacy Office Initiatives

Profile of the ATIP Office

Following the October 5, 2016 Organizational Alignment, the Access to Information and Privacy (ATIP) Office was positioned under the Manager, Policy and Technical Solutions Branch of the Office of the City Clerk and Solicitor.

In order to reiterate the importance of ATIP's legislative function within the City's restructured administration, an ATIP Manual is being developed for City Staff that will coincide with the establishment of the formal role of a Business Support Services (BSS) ATIP resource. This position in each of the BSS Units will serve as the designated liaison and direct link between each department and the ATIP Office. The resource will be accountable for tracking ATIP requests within the department and providing information such as search time and estimated number of pages. This will, in turn, enable the ATIP Analysts to provide fee estimates to requestors. In addition, the BSS ATIP resource will work with departmental service area experts to fulfill access requests and ensure departmental staff are aware of, and adhere to, the legislative obligations and timelines set out by MFIPPA, in consultation with the ATIP Analysts. In order to assist in providing a response to the ATIP Office to comply with statutory requirements, the resource will receive access and privacy training, supplemental to receiving the ATIP Manual, which should also ensure a standardized, corporate approach to accessing and releasing records.

Further, the resource will work in conjunction with the ATIP Office and the Policy Unit within the Policy and Technical Solutions Branch to develop and revise departmental routine and proactive disclosure plans, as discussed in more detail below. The plans will be made available on the City's intranet, to ensure staff are aware of, and comply with, information that can be made available without the need for a formal access request, and posted to Ottawa.ca to ensure the public is aware of what records can be accessed routinely.

Routine Disclosure and Active Dissemination Policy

Routine Disclosure is the regular or automatic release of certain types of administrative and operational records in response to requests made either informally or formally

under the MFIPPA process. Active Dissemination, also referred to as “pro-active disclosure,” is the periodic release of general records prior to, or in the absence of, a formal or informal request, and is usually applied to general records or statistics.

On July 17, 2013, Council approved the report titled, “[Routine Disclosure and Active Dissemination Policy](#)”, which established a policy that requires every City department to develop plans for routinely releasing or automatically making available certain records to the public. These plans let the public know which information can be released without going to the ATIP Office. They also help City staff to better understand the type of information that can be routinely disclosed to the public and staff’s obligation to disclose such information, as well as the types of information that require formal access procedures and must be referred to the ATIP Office.

Following Council’s approval of the Routine Disclosure and Active Dissemination Policy, the City Clerk and Solicitor Department made available requests for general records received under MFIPPA on a quarterly basis on Ottawa.ca. Requests that were closed during the previous fiscal quarter are included through routine disclosure.

In 2015, ATIP staff created a Routine Disclosure Guideline to facilitate the process of developing departmental Routine Disclosure/Active Dissemination plans. Departmental plans were established for Building Code Services, Transit Services, Procurement and Parks, Recreation and Cultural Services. In addition, ATIP staff has worked with the Ottawa Paramedic Service, and that Branch now manages all requests for PHIPA information directly through its website. A new routine disclosure practice was established for the Community and Social Services Department, and is primarily attributed to a decrease in the number of requests for own personal information. Under this new practice, requests for Ontario Works files from a client or his/her lawyer are handled directly through the Community and Social Services Department in a business-as-usual manner rather than a formal MFIPPA request.

While some progress has been made, the development of departmental plans has been slower than had been expected at the time of the policy’s approval. As noted in previous year-end reports, identifying records for routine disclosure and authorizing staff to make them available is a labour intensive and time-consuming process. In addition, the October 2016 Organizational Alignment, which saw several departments merge and branches restructured and repointed, means that existing departmental Routine Disclosure/Active Dissemination plans need to be reviewed and refreshed to reflect the

new departmental structures. Therefore, it is anticipated that this corporate-wide exercise will take a considerable amount of time to fully implement. However, the process for developing plans will be given a heightened focus in 2017 given the ATIP Office's new position within the Office of City Clerk and Solicitor's organizational structure.

Until all of the departmental Routine Disclosure/Active Dissemination plans are complete, when ATIP staff receive an MFIPPA request that they believe should be routinely disclosed, they will continue to work with operational staff to achieve that end.

Training and Awareness

The ATIP Office regularly offers MFIPPA training in order to raise awareness and reduce the risk of privacy breaches, as such incidents tend to result from human error due to a lack of guidance and knowledge about privacy and security. In 2016, training sessions were conducted for approximately 75 employees. In addition, the orientation sessions for new managers and supervisors also includes an MFIPPA "refresher" component presented by the City Clerk and Solicitor and Deputy City Solicitor.

As well, ATIP staff performed Privacy Impact Assessments on each of the 14 records offices at the City. The ATIP Office made a series of preventative measure recommendations to Information Management with respect to handling and storing records that contain personal information. These recommendations have since been implemented and, as an additional step, all Information Management staff attended privacy training provided by the ATIP office.

In March 2016, to promote the City's annual Privacy Awareness Week, which raises awareness of ATIP and MFIPPA, the City Clerk and Solicitor published an article through "In the Loop," the City-wide employee e-newsletter, along with a corporate-wide e-mail message.

In 2017, the ATIP Office is seeking to develop standard training modules that could be offered through the City's SAP Training and Events module, which enables departments to post various training sessions and/or opportunities, similar to the Learning Centre. This would allow ATIP staff to track individuals who have received training and ensure that a record is captured in the participant's training history. Training sessions will also be offered to the Business Support Services ATIP resource, as they serve as the primary contact between the ATIP Office and departmental staff.

2016 ATIP Statistical Summary

For Council's information, a summary of statistics is provided in Document 1, based on data included in the City of Ottawa's 2016 annual statistical report to the Information and Privacy Commissioner (IPC) that was submitted on January 31, 2017, in accordance with statutory provisions.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

This is an internal information report and did not require public consultation.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a City-wide report.

LEGAL IMPLICATIONS

There are no legal impediments to Council considering this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This matter is associated with Term of Council priority GP2, "Advance management oversight through tools and processes that support accountability and transparency."

SUPPORTING DOCUMENTATION

Document 1 – 2016 ATIP Statistical Summary

DISPOSITION

The City Clerk and Solicitor will implement any decisions made by Council in relation to this report.

Document 1 – 2016 ATIP Statistical Summary

Under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the “Head” of the institution is responsible for overseeing the administration of and for decisions made under the statute. At the City of Ottawa, Council has, by by-law, designated the Mayor as the Head of Institution for these purposes. In turn, the Mayor has provided his written delegation to the City Clerk and Solicitor to address all matters with respect to this *Act*. In addition to the responsibilities under MFIPPA, the City Clerk and Solicitor also administers access requests related to the *Personal Health Information Protection Act, 2004* (PHIPA). This legislation establishes rules for the collection, use and disclosure of personal health information for Health Information Custodians operation within the Province of Ontario.

Under Subsection 26(1) of MFIPPA, the Head of 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 2016 annual report to the IPC, which was submitted on January 31, 2017. Data from 2015 and 2014 is also provided for comparative purposes.

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 (e.g. Public Health, Paramedic Services, etc.) is prescribed under Part V of PHIPA.

By way of background, there are two types of information requests captured in statistics pertaining to MFIPPA, as follows:

- “**General Records**”: Requestor is asking for general information or information that includes personal information about someone else; and
- “**Personal Information**”: Requestor or an authorized representative is asking for information about himself or herself (this document refers to such information as “own personal information”).

In addition, this document includes statistics related to requests for “**Personal Health Information**” under PHIPA.

All Requests – MFIPPA

Table 1 – Number of new requests received (General Records and Personal Information)

Request Type	2016	2015	2014
General Records	784	721	700
Personal Information	44	86	215
Total	828	807	915

Number of Requests Completed

Each year, staff receives and completes 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. January), but also 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 2016, the ATIP Office completed 819 requests made under MFIPPA, comprised of 773 requests for access to general records and 46 requests for access to personal information. In addition, there were eight requests completed for access to own personal health information under PHIPA. The total of 827 requests completed under both pieces of legislation in 2016 represents a decrease of five percent from the total of 874 requests completed in 2015. The following table includes data with respect to the number of requests completed.

Table 2 – Number of requests completed

Request Type	2016	2015	2014
General Records (under MFIPPA)	773	774	681
Personal Information (under MFIPPA)	46	91	210
Sub-total (records requested under MFIPPA)	819	865	891
Personal Health Information (under PHIPA)	8	9	12
Total	827	874	903

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	2016	2015	2014
Individual/Public	366	426	390
Individual by Agent	0	0	N/A ¹
Business	133	107	86
Academic/Researcher	0	1	0
Association/Group	7	8	14
Media	139	90	108
Government (All Levels)	26	20	27
Other (Lawyers)	148	213	266
Total Requests	819	865	891

Time to Completion

The time required to complete requests can vary due to factors such as the complexity of a request, 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	2016	2015	2014
30 days or less	657	678	669
31-60 days	108	121	114

¹ Separate category was not provided in 2014.

Time to Complete	2016	2015	2014
61-90 days	29	39	55
91 days or over	25	27	53
Total	819	865	891

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 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 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 2016, 708 requests (86 per cent) were completed within the statutory time frame 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 increase in compliance between 2015 (696 requests, or 80 per cent) and 2016. It is expected that greater compliance could be achieved through the implementation of an ATIP Manual and the establishment of a Business Support Services’ ATIP resource as described in the staff report. Further information and details with respect to compliance in each type of request (General Records and Personal Information) are provided later in this document.

Table 5 – Compliance with MFIPPA – Overall (General Records and Personal Information)

Requests Completed	2016	2015	2014
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	708	696	828
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	111	169	63
Total	819	865	891

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 2016, 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	2016	2015	2014
All information disclosed	249	225	182
Information disclosed in part	391	400	444
No information disclosed	85	123	141
No responsive records exist	0	0	N/A ²
Request withdrawn, abandoned or non-jurisdictional	94	117	105
Total	819	865	872

Table 7 – Exemptions and Exclusions Applied – Overall (General Records and Personal Information)

Exemptions and Exclusions Applied	2016	2015	2014
Section 6 – Draft Bylaws, etc.	1	0	0
Section 7 – Advice or Recommendations	30	20	54
Section 8 – Law Enforcement	64	80	105
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	0	0	3
Section 10 – Third Party Information	12	7	19

² Separate category was not provided in 2014.

Exemptions and Exclusions Applied	2016	2015	2014
Section 11 – Economic/Other Interests	22	29	66
Section 12 – Solicitor-Client Privilege	29	17	33
Section 13 – Danger to Safety or Health	1	2	1
Section 14 – Personal Privacy (Third Party)	364	325	329
Section 14(5) – Refusal to Confirm or Deny	4	2	2
Section 15 – Information Soon to be Published	9	8	6
Section 20.1 – Frivolous or Vexatious	0	0	0
Section 38 – Personal Information (Requester)	1	3	8
Section 52(2) – Act Does Not Apply	0	0	0
Section 53(3) – Labour Relations and Employment Related Records	14	17	25
Section 53 – Other Acts	3	0	0
PHIPA Section 8(1) Applies	0	0	N/A ³
Total	554	510	651

Fees and Fee Collection

MFIPPA requires a Head to charge fees for processes related to access requests, including applications, search time, preparation time, computer and other costs incurred in locating, retrieving, processing and copying a record, and shipping costs. Fee charges for MFIPPA requests are prescribed by Section 45 of MFIPPA and Section 6 of Regulation 823 made under the *Act*.

In summary, a requester is required to pay an initial 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. The charge for photocopies is 20 cents per page.

³ Separate category was not provided in 2014.

Computer Programming fees are \$15 per ¼ hour to develop a program to retrieve information. Disks/CDs are \$10 each.

For General Records requests, additional fees are charged as follows:

- Search Time: \$7.50 per ¼ hour required to search and retrieve the records.
- Record Preparation: \$7.50 per ¼ hour required to prepare records for release
- Photocopying: 20 cents per page.
- Computer Programming: \$15 per ¼ hour to develop program to retrieve information.
- Disks/CD: \$10 each

Requesters are given an estimated fee if anticipated fees are \$25 or more. If the estimate of fees to be paid is \$100 or more, the requester is required to pay a 50-per-cent deposit.

Under Section 45(4) of MFIPPA, a Head shall waive the payment of all or any part of the additional fees if the Head is of the opinion that it is “it is fair and equitable to do so after considering,

- (a) the extent to which the actual cost of processing, collecting and copying the record varies from the amount of the payment required by subsection (1) [the processes for which fees are charged, and the amounts charged under the regulations];
- (b) whether the payment will cause a financial hardship for the person requesting the record;
- (c) whether dissemination of the record will benefit public health or safety; and
- (d) any other matter prescribed in the regulations.”

In 2016, there were 73 requests where fees other than application fees were collected, and a total of \$7,983.00 in additional fees was collected. The total amount of fees collected (application and additional fees) was \$11,813.00, as set out in the following table.

Table 8 – Fees Related to Requests, 2016

	General	Personal	Total
Number of requests where fees other than	8	65	73
Application fees collected	\$215.00	\$3,615.00	\$3,830.00
Additional fees collected	\$202.20	\$7,780.80	\$7,983.00
Total fees collected	\$417.20	\$11,395.80	\$11,813.00
Total dollar amount of fees waived	\$0.00	\$0.00	\$0.00

For comparative purposes, in 2015, there were 74 requests where fees other than application fees were collected, and a total of \$5,844.40 in additional fees was collected. The total amount of fees collected (application and additional fees) was \$10,000.40. There was \$53.00 in waived fees in 2015.

Record reproduction and search time were the most common reasons for additional fee collection, as indicated in the following table (note that a request can be entered into more than one category). The same factors were typically the reason for additional fee collection in 2015 and 2014.

Table 9 – Reasons for Additional Fee Collection, 2016

	General	Personal	Total
Search time	25	0	25
Reproduction	50	8	58
Preparation	6	0	6
Shipping	0	0	0
Computer costs	0	0	0
Invoice costs (and others as permitted by	2	0	2
Total requests	83	8	91

It should be noted that the Federal Government has issued an “Interim Directive on the Administration of the *Access to Information Act*,” which took effect on May 5, 2016, and provides for the waiver of all fees related to access to information requests made under that *Act*, other than the initial application fee. The Federal Government has indicated that the Interim Directive will be in place until the *Access to Information Act* goes through a full legislative review, which is scheduled for no later than 2018. At this time, staff is not aware of any similar fee waiver provision being considered at the provincial level regarding MFIPPA.

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 773 requests for general records in 2016, which mirrors 2015, when 774 requests were completed.

Most requests for access to general records were completed in 30 days or less. 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 10 – Time to completion – General Records

Time to Complete	2016	2015	2014
30 days or less	616	609	497
31-60 days	104	102	97
61-90 days	28	36	41
91 days or over	25	27	46
Total	773	774	681

With respect to compliance related to general records requests during the 2016 reporting year, 666 requests (86 percent) were completed within the initial 30-day statutory timeframe or within the time limits permitted under a Notice of Extension and/or a Notice to Affected Person. This is up from 81 percent of requests completed within the statutory timeframes in 2015.

With respect to the 107 requests (14 percent) completed in excess of statutory time limits in 2015, some of these requests involved late retrievals from departments or complex files that crossed multiple departments and included large amounts of materials. 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. The following table shows compliance with MFIPPA timelines for general records requests.

Table 11 – Compliance with MFIPPA – General Records

Requests Completed	2016	2015	2014
Number of requests completed within the statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to	666	625	631
Number of requests completed in excess of the statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to	107	149	50
Total	773	774	681

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 of pages to more than 1,000 pages.

In the staff report titled, “[2014 Year-End MFIPPA Report – Summary](#)”, which was considered by Council on April 15, 2015, staff noted that the City had experienced a 187-per-cent increase in the number of requests received for access to personal information between 2013 (75 requests) and 2014 (215 requests). The increase was

primarily attributed to two factors: (1) beginning in 2014, the IPC changed the definition of “personal” files to include any records related to an individual’s property (ex. building permits, property assessments, etc.); and (2) an increase in the practice of personal injury law firms requesting access to the personal records of clients.

In 2015, there was a significant decline in the number of requests for access to personal information. The ATIP Office received 86 formal requests, a decrease of 60 per cent from 2014, when 215 requests were received. The trend in the reduction in the number of requests for access to personal information continued in 2016, when 44 formal requests were received by the ATIP Office.

This decrease can largely be attributed to a new routine disclosure practice established in mid-2015 for the Community and Social Services Department. This practice sees requests for Ontario Works files from a client or his/her lawyer handled directly through the Community and Social Services Department rather than a formal MFIPPA request. This approach is of value given that in 2014, more than 100 requests for Ontario Works files were received from one law firm alone. In addition, a change in process has been made for former City of Ottawa employees accessing their employee files, as information related to matters such as training and employee verification is now processed directly through Human Resources without the need for a formal request through the ATIP Office.

As previously noted, staff each year receives and completes new requests for personal information and also completes requests that have been carried forward from previous years. The ATIP Office completed 46 requests for personal information in 2016, which is a decrease of 49 percent from 2015, when 91 requests were completed.

Similar to general records, most requests for access to personal information records were completed in 30 days or less, as indicated within the following table, which provides a summary of the absolute time to completion for personal information records, regardless of compliance with timelines set out in the legislation.

Table 12 – Time to completion – Personal Information Records

Time to Complete	2016	2015	2014
30 days or less	41	69	172
31-60 days	4	19	17
61-90 days	1	3	14
91 days or over	0	0	7
Total	46	91	210

With respect to compliance with timelines set out in MFIPPA, 42 requests for personal information (91 percent) were completed within the initial 30-day timeframe or time limits permitted under a Notice of Extension and/or a Notice to Affected Person. This represents an increase from 2015, when 78 percent of requests were completed in compliance with MFIPPA timelines. The following table provides statistics with respect to personal information requests and compliance.

Table 13 – Compliance with MFIPPA – Personal Information Requests

Requests Completed	2016	2015	2014
Number of requests completed within the statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to	42	71	197
Number of requests completed in excess of the statutory timeframe or time limits permitted under a Notice of Extension and/or a Notice to	4	20	13
Total	46	91	210

Personal Health Information Requests under the *Personal Health Information Protection Act, 2004*

There were eight requests for information under PHIPA completed in 2016, which is consistent with 2015, when nine such requests were completed.

With respect to compliance, all eight requests were completed within the statutory limit (30 days) and/or the limit permitted under a time extension and notice under subsections 54(3) and 54(4) of PHIPA, which provide for an extension of up to 30 days if meeting the initial 30-day timeline would unreasonably interfere with the operations of the Health Information Custodian because the information consists of numerous pieces of information or locating the information would require a lengthy search, or if additional time is required to undertake necessary consultations.

The following table provides data with respect to requests for access to personal health information under PHIPA.

Table 14 – PHIPA Requests

PHIPA Requests	2016	2015	2014
Number of requests completed within the statutory limit or the time limit permitted under	8	7	12
Number of requests completed in excess of the statutory limit or the time limit permitted	0	2	0
Total	8	9	12