

## Section III – Items for the Information of the Board

**TO:** Chair and Members of the Board of Directors  
Meeting #3/20, Friday, April 24, 2020

**FROM:** Michael Tolensky, Chief Financial and Operating Officer

**RE:** **2019 FREEDOM OF INFORMATION REQUEST SUMMARY**

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### KEY ISSUE

A summary of access to information requests completed by Toronto and Region Conservation Authority in 2019 under the *Municipal Freedom of Information and Protection of Privacy Act*.

### RECOMMENDATION

**WHEREAS** Toronto and Region Conservation Authority is subject to annual reporting requirement under the *Municipal Freedom of Information and Protection of Privacy Act*;

**IT IS RECOMMENDED THAT 2019 Freedom of Information Request Summary report, be received.**

### BACKGROUND

Toronto and Region Conservation Authority (TRCA) is subject to the *Municipal Freedom of Information and Protection of Privacy Act (the Act)*. TRCA is also subject to the provisions of the federal *Personal information Protection and Electronic Documents Act (PIPEDA)*.

Under subsection 26(1) of *the Act*, 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 TRCA 2019 annual report to the IPC, which was submitted on February 21, 2020.

Under the Act, TRCA reports on two types of information requests: requests for general records and requests for personal information. The former captures requests for information about someone else, while the latter is concerned with requests for "own personal information", requested by an individual or their agent.

All requests must be completed within 30 calendar days, with the exception of cases when a Notice of Extension or a Notice to Affected Person is issued, which extends the request processing timeline.

### RATIONALE

In 2019 TRCA received forty-eight (48) new requests for information under *the Act*. Forty-six (46) of these requests were completed, while two (2) were carried forward to 2020 because the requests were received and entered in December and therefore had automatic legislative deadlines that extended into the following year. Additional seven (7) requests, carried over from 2018, were completed in 2019.

Of the fifty-three (53) completed requests, fifty-two (52) were related to "general records" and one (1) was related to "personal information".

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Twenty-one (21) of these requests were received from individuals/public, 28 from businesses, 2 from an agent representing an individual, 1 from media, and 1 from government (all levels).

Of the 53 requests completed in 2019, 52 were completed within the legislated timelines, while one request was completed 1 day late due to the need for legal review. Overall, the requests were processed as follows:

- 32 were processed in 30 days or less;
- 20 were processed in 31-60 days, resulting from a duty to issue a Notice to Affected Person and/or a need to issue a Notice of Extension.
- 1 request was processed in 91 days or longer, resulting from a duty to issue a Notice to Affected Person and a need to issue a Notice of Extension.

In response to the 53 requests, the following was disclosed:

- all information was disclosed in 3 cases;
- information was disclosed in part in 25 cases (partial information);
- no responsive records existed in 19 cases (partial information);
- request was withdrawn, abandoned or non-jurisdictional in 6 cases.

When partial information was disclosed, the exclusions used for non-disclosure were as follows, and for the illustrated number of requests:

- Section 7 – Advice or Recommendation: 1
- Section 8 - Law Enforcement: 2
- Section 10 - Third Party Information: 9
- Section 11 - Economic/Other Interests: 3
- Section 12 - Solicitor-Client Privilege: 5
- Section 13 – Danger to Safety or Health: 1
- Section 14 - Personal Privacy (Third Party): 21
- Section 15 - Information soon to be published: 2

*The Act* provides the requester and affected third party with the right to appeal TRCA's decisions to the Information and Privacy Commissioner of Ontario. There are three stages in an appeal: intake, mediation and adjudication. Two (2) TRCA decisions were appealed to the IPC in 2019. One (1) of the appeals is currently in the mediation phase and one (1) is in the adjudication phase. Two (2) outstanding appeals from 2017 and one (1) appeal from 2018 were successfully resolved.

Furthermore, in accordance with the provisions of *Municipal Freedom of Information and Protection of Privacy Act*, provincial *Freedom of Information and Protection of Privacy Act*, and federal *Privacy Act*, other institutions regularly consult TRCA prior to issuing a decision related to TRCA's records in their custody or control (so-called third party records). In 2019 TRCA responded to six (6) third party consultation notices.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:  
**Strategy 9 – Measure performance**

### **FINANCIAL DETAILS**

Section 45 of *the Act* and section 6 of Regulation 823 prescribe fees associated with the processing of requests. 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. These fees may be charged for photocopying, search, and preparation time. In 2019, TRCA collected a total of \$1,806.60 in such fees. In keeping with the spirit of *the Act* to make records accessible to the

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public, TRCA does not charge fees for requests that take under half an hour to process, or in other circumstances where a fee waiver may be considered appropriate. A total of \$62.40 of fees were waived accordingly.

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**Date: February 21, 2020**