Fact Sheet

Canadian Environmental Law Association
EQUITY. JUSTICE. HEALTH.

Municipal Freedom of Information and Protection of Privacy Act

What does the legislation cover?

The Ontario Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA") gives the public a right to access records held by municipal institutions while also protecting personal privacy. The Act applies to **municipalities** and many **local public bodies**, including school boards, police service boards, conservation authorities, public library boards, boards of health, transit commissions, and similar municipal agencies, boards, and commissions.

The purposes of the Act are to provide public access to information held by municipal institutions, and to protect personal information held by those institutions.

What can you ask for?

Any person may request access to records that are in the custody or control of a municipal institution. Requests must be made in writing, identify the records with sufficient detail, and state that the request is being made under MFIPPA.[1]

A requester does not need to explain why they want the information.

How much does it cost?

A request must generally be accompanied by an application fee. Additional fees may be charged for searching for records, preparing records for disclosure, photocopying, computer processing, and shipping costs.

Institutions may provide fee estimates for larger requests. Regularly, an estimation must be provided when the cost is $25 or more in value.

Fee waivers may be available in some circumstances, including where disclosure benefits public health or safety.[2]

[1] Municipal Freedom of Information and Protection of Privacy Act, 1996, c. 1, Sched. K, s. 14; 2017, c. 2, Sched. 12, ss. 17(1).
[2] *Ibid*, ss. 45(1)-45(4)

Fact Sheet: FOI

What types of records can you ask for?

MFIPPA defines "record" broadly. Records may include correspondence, reports, emails, memoranda, maps and plans, photographs and videos, sound recordings, environmental studies, technical reports, inspection records, and electronic or machine-readable data, just as a few examples.

In an environmental context, commonly requested records may include:

- environmental impact studies;
- conservation authority records;
- inspection or enforcement reports;
- contamination or spill records;
- communications regarding development approvals;
- water quality information;
- internal municipal correspondence; and
- contracts or consultant reports relating to environmental projects.

The Act only applies to records that are already in existence. Institutions are generally not required to create new records in response to a request.

What if you are unhappy with the decision?

A requester may appeal a decision to the Ontario Information and Privacy Commissioner ("IPC"). Appeals may relate to denial of access, excessive fees, time extensions, inadequate searches, severing of records or refusals to confirm whether records exist.

Appeals generally must be filed within 30 days of the institution's decision.[3]

The IPC may attempt mediation and, if necessary, conduct an inquiry and issue a binding order.

The IPC's website contains appeal forms and guidance materials: https://www.ipc.on.ca/en/about-us/privacy-and-transparency-in-a-modern-government

[3] *Ibid*, ss. 39(2).