



INFORMATION REPORT

TO:	Chair and Members of the General Issues Committee
COMMITTEE DATE:	March 2, 2018
SUBJECT/REPORT NO:	Freedom of Information Requests (CL18001) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lisa Barroso, Manager, Records & Freedom of Information
SUBMITTED BY:	Rose Caterini, City Clerk Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

At its meeting of February 16, 2018, members of the General Issues Committee requested that staff provide information respecting:

- a) the number of Freedom of Information requests identified as frivolous
- b) the percentage of requests submitted by the same person

INFORMATION

The *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* is provincial legislation that applies to all municipal Institutions.

A request is frivolous or vexatious if it is:

- a) part of a pattern of conduct that amounts to an abuse of the right of access or interferes with the operations of the institution;
- b) made in bad faith;
- c) made for a purpose other than to obtain access.

To establish frivolous and vexatious, an Institution must maintain detailed records of their interactions with the requester including information about the number of requests, nature and size of the requests, timing of the requests and their relationship to other events, apparent or stated purpose of the request, nature and quality of the interaction between the requester and staff.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

In considering whether or not a request qualifies as frivolous or vexatious an Institution must be able to demonstrate a pattern of behaviour orchestrated by the requester. A pattern of behaviour is one that would interfere with the operations of an institution or obstruct or hinder the institution's activities.

Since amalgamation in 2001, there is no record of the City of Hamilton issuing a frivolous or vexatious notice to a requester.

The provisions of *MFIPPA* do not preclude an individual or organization from filing multiple requests. The Information and Privacy Commissioner of Ontario (IPC) does not request this information from Institutions for the purpose of its Annual Report.

Summary

MFIPPA provides individuals with the right to access their own information and general records held by an Institution, unless an exemption applies, or the request is determined to be frivolous or vexatious.

The legislation prescribes that written notice be provided to the person making the request within 30 days of the Institution receiving the request.

The steady increase in the number of FOI requests filed with the City has led to the recommendation that the current temporary FTE in the Records and FOI section be made a full-time complement to manage these requests and satisfy the City's legislated obligations.