




COMMUNICATION UPDATE

TO:	Mayor and Members of City Council
DATE:	April 19, 2023
SUBJECT:	Municipal Freedom of Information & Protection of Privacy Act Annual Statistical Report for 2022
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Lisa Barroso Manager, Corporate Records and FOI Corporate Services/Office of the City Clerk
SIGNATURE:	

This communication update is to inform the Mayor and Members of Council of the City's Annual Statistical Report submission for 2022 to the Information & Privacy Commissioner of Ontario.

Background on the Municipal Freedom of Information & Protection of Privacy Act Annual Statistical Report

Section 26 of the *Municipal Freedom of Information & Protection of Privacy Act* (MFIPPA) requires that institutions file an Annual Statistical Report with the Information & Privacy Commissioner of Ontario. This requirement has been in place since 1995 to support the primary purpose of the legislation which is to ensure that citizens have the information required to participate meaningfully in the democratic process and to hold their governments accountable.

The City's Annual Statistical report provides meaningful information that can be analysed over time to evaluate and improve performance and service, identify trends, set policy and support budget recommendations. With the launch of the City's Routine Disclosure and Active Dissemination Policy, this Annual Statistical Report is available on the City's web site: <https://www.hamilton.ca/city-council/city-clerks-office/freedom-information-privacy-protection>

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

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In addition to the annual statistical reporting requirements under MFIPPA, the City is accountable as a participant municipality in the Municipal Benchmarking Network Canada (MBCanada), where the coordination of all requests received under MFIPPA are measured. Partner municipalities identify and collect consistent and comparable data on the administration of Freedom of Information, report the findings annually and analyze those results. This MBCanada network is used to discuss results and share best practices and strategies resulting in collaboration on creative solutions to improve performance for the benefit of all Canadians.

The City of Hamilton's Municipal Freedom of Information & Protection of Privacy Act (MFIPPA) Annual Statistical Report for 2022

The City's MFIPPA Annual Statistical Report for 2022 tracks several types of data: the number of requests received, the number of requests completed, the source of requests, the time to complete requests, compliance data, disposition of requests, exemptions and exclusions applied and fees.

Overall, the number of Freedom of Information requests received decreased from 212 in 2021 to 188 in 2022. In the past, the City would typically receive a larger volume of requests filed in an election year, but the data does not bare that for last year. Comparing 2021 to 2022, the City's response to Freedom of Information requests within 30 days decreased from 81 per cent to 73 per cent. The delays can be explained as a result of an unexpected retirement, a challenging and competitive recruitment process, an increase in volume of complex Freedom of Information requests, the management of appeals and a backlog of files. The division is in the final stages of the recruitment for the vacant Access & Privacy Officer position and expect to have it filled in the near future. Filling this position along with the approval to use external support for high volume Freedom of Information record requests is expected to increase the City's ability to meet the legislated timeline of replying to requests within 30 days].

While the 2022 response result is lower than the City's 10-year average of 80 per cent, the City of Hamilton's Corporate Records and FOI Division continues to focus on the City's strategic initiative of accountability and transparency through Access & Privacy by design principles supported by Council. With Council support, the division has made steady progress on access and privacy initiatives in the past few years:

- Implemented a Routine Disclosure and Active Dissemination Policy (2019/2020)
- Developed a Protection of Privacy Policy and received approval for an FTE to support Implementation of a Privacy Program (2020/2021)
- Created and hired a new position (Corporate Privacy Specialist) to support development and implementation of a Corporate Privacy Program (2021)
- Developed and continue to implement the Corporate Privacy Program: Training/Awareness, Breach reporting, Privacy Impact Assessments, Privacy

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Committee, data sharing and vendor agreements (2022)

- Re-evaluated the Access & Privacy Officer position – which has proven difficult to attract and retain candidates for – so that the salary grade more closely aligns with the skill set required for the position in support of a competitive recruitment (2022)
- Received temporary external support on requests containing a large volume of Freedom of Information records and to support a backlog of file requests
- Received approval to increase the operating budget (\$50,000) in the 2023 Budget for continued external support on Freedom of Information requests

These actions, along with prioritizing future requests are strengthening the administration of MFIPPA and the City’s transparent and accessible approach to governance for the residents of Hamilton.

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