



December 14, 2015

Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

Attention: The Honourable Ted McMeekin, Minister

Dear Minister McMeekin,

Re: Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

The Council of the Township of Oro-Medonte, at its Council meeting held on December 9, 2015, passed the following motion with respect to the above-noted matter:

“Whereas the Council of The Corporation of the Township of Oro-Medonte recognizes that pursuant to the Municipal Freedom of Information and Protection of Privacy Act (“MFIPPA”), it has an obligation to provide a right of access to the public to information under its control, with limited and specific exemptions and to protect the privacy of individuals with respect to their personal information held by the Township;

And Whereas Ontario Regulation 823 issued under MFIPPA sets out the fees that may be charged to and collected from those persons making a request for access to records;

And Whereas the amount of the fees set out in Ontario Regulation 823 were established over 20 years ago and have not been updated and do not reflect anywhere near the actual costs incurred;

And Whereas such fees do not cover the actual costs incurred in responding to requests for information and for providing access to records in accordance with the provisions of MFIPPA;

And Whereas in the last year the Township has incurred almost \$60,000 in net costs, including for computer forensic assistance and for legal advice, in responding to requests and in simply issuing fee estimates for access to requested records;

And Whereas after considerable staff time and costs incurred to issue various fee estimates for access to requested records, 3 fee estimates were appealed to the Information and Privacy Commissioner of Ontario, pursuant to MFIPPA, and the requester subsequently chose not to proceed with the appeals and chose to not proceed with any of the 3 requests;

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And Whereas in such situations there is no mechanism in MFIPPA or in Ontario Regulation 823 that would allow the Township to recover any of the substantial fees incurred, leaving such costs as a burden to the Township's taxpayers;

Now Therefore, the Council of The Corporation of the Township of Oro-Medonte resolves that correspondence, under the Mayor's signature, be forwarded to the Minister of Municipal Affairs and Housing to request a review and update of the fees provisions in MFIPPA and in Ontario Regulation 823 to ensure that they are more reflective of current and actual costs incurred in responding to requests for access to requested records and to ensure they include provisions for the collection of all or part of the costs involved in preparing fee estimates for requesters;

And Further That such letter be circulated to County of Simcoe, Cities of Barrie and Orillia, Simcoe County Municipalities, all other Ontario Municipalities, Patrick Brown, Simcoe North MPP, the Association of Municipalities of Ontario and the Association of Municipal Managers, Clerks and Treasurers of Ontario for their support."

Sincerely,

A handwritten signature in black ink, appearing to read 'H.S. Hughes', written in a cursive style.

H.S. Hughes, Mayor

/mjb