



## ***Freedom of Information Requests Fact Sheet***

### **Information Requests**

Much of the information under the care and control of the City of Oshawa can be easily obtained by looking at the City's website or contacting the department that deals directly with that type of information. In many cases the information can be quickly provided to a requester without completing a formal request. Only in cases where the requested information falls under provisions of the *Municipal Freedom of Information and Protection of Privacy Act* is it necessary to complete a formal request (FOI Request). Where a request for information is filed with City Clerk Services, the City has 30 days from the date of clarification of the request and mandatory application fee to respond to the request.

### **Legislative Requirements**

The *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990* (MFIPPA), came into effect January 1, 1991. The Act applies to any record in the custody or under the control of the City of Oshawa. The Act ensures that any person has access to information held by the City of Oshawa, subject to legislated restrictions to protect the privacy of individuals and organizations. Personal records held by an individual Councillor that are used to carry out duties as an elected representative are generally not within the jurisdiction of the Act. The provisions of the Act provide guidelines such as time limits and fee structures for processing requests.

### **Fees**

The following fees shall apply to all requests for information filed with City Clerk Services under the *Municipal Freedom of Information and Protection of Privacy Act*.

Application Fee:	\$5.00 to be paid when a request is submitted.
Search Time:	\$7.50 for each 15 minutes spent by any person to manually search and retrieve records.
Record Preparation:	\$7.50 for each 15 minutes spent by any person to prepare records for disclosure, including severing part of a record.
Photocopies and Printouts:	\$0.20 per page.
Computer Programs:	\$15.00 for each 15 minutes spent by any person to develop a computer program or other method of producing a record from a machine readable record.
CD-ROMS:	\$10.00 for each CD-ROM/DVD/USB.
Shipping Costs:	as incurred.
Other Costs:	Cost incurred in locating retrieving, processing and copying a record if those costs are specified in an invoice that the institution has received.

**Note: All fees invoiced by the City must be paid by the applicant, even where an applicant abandons or withdraws their request. If applicants do not remit payment, the City will pursue collection activities to recover the amount owing.**

## **Search Time**

As indicated above, a fee is charged for the time required to search for requested information. This includes staff time involved in searching for the records, examining file indices, file plans or listings of records, either on paper or in digital format. The fee for such search time is \$7.50 for each 15 minutes spent by any person in the institution searching for the requested records. If more than one person is conducting the search, each person's time is charged. Where a computer program or other method must be developed to produce the requested record from a machine readable record, there is a fee of \$15.00 for each 15 minutes spent by any person in developing such a program or method.

## **Record Preparation**

The time required to physically prepare a record for disclosure is subject to a fee of \$7.50 for each 15 minutes spent by a person completing this work. This includes the time required to sever exempt information prior to disclosure. Severing a record includes physical handling. For example, putting removable tape over exempt portions of the record before it is photocopied. There is no charge for the time spent in reviewing the legislation to determine if an exemption applies and the time taken to actually photocopy a record. However there is a fee of twenty cents per page to photocopy records for disclosure to the requester.

## **Fee Estimates**

An estimate will be provided to the requester, where it is anticipated that fees will exceed \$25.00. If the estimated fees are more than \$100.00, the requester is required to pay a 50% deposit prior to the City taking further steps to respond to the request. Once an estimate is provided to the requester, she or he can decide to proceed with the request or not. Alternatively the requester can contact the FOI Coordinator to possibly narrow down the scope of the initial request. Once a search is conducted, all fees must be paid before the requested information will be released.

## **Waiving Fees**

A requester may ask the City to waive fees. However, in seeking such a waiver the requester bears the responsibility of establishing his or her case. For example, if the requester does not supply sufficient information to convince the institution that a fee waiver is justified, the institution is not required to grant the waiver. A decision not to waive a fee may be appealed to the Information and Privacy Commissioner. Note: the application fee can not be waived.

## **Time Limitations**

The City must respond to the requester with a decision within 30 calendar days from the date a complete request is received. A complete request is one that bears the original signature of the requester, the \$5.00 application fee has been paid and the request has been clarified so as to provide sufficient detail to allow staff to understand what information is being requested.

## Time Extensions

Under certain conditions it may be necessary to extend the 30 day time limit for responding to a request. This may occur when the request necessitates a search through a large number of records and meeting the time limit would unreasonably interfere with the institution's operations. The decision to extend the time limit must be made within the original 30 day time limit.

There may be cases where the requested information concerns information with respect to other organizations (third parties). Disclosure of this information might for example, impair the third party's ability to compete effectively. In cases such as this, the City is required to notify the third party that a request has been made and the third party is permitted an additional time period to respond as to whether the information should be released or not. If the third party disagrees with disclosure but the City decides to disclose the information, a further 30 day time extension is required to allow the third party to appeal the City's decision.

In certain situations, the City may need to consult with an outside institution and as a result, the request may not reasonably be completed within the 30 day time limit. Accordingly, an extension may be necessary. Consultations in this context do not include consultations within the City's organization.

## Completing the Request Application

It is very important that the requester be specific about the records they are seeking. This will ensure that the requested information can be provided quickly, accurately and reduce the cost to the requester. Every application should clearly identify the following:

1. The type of records they want access to (*complaint, inspection reports, drawings, permits*)
2. The subject matter the request relates to (*fire, event, building address, etc.*)
3. The time frame for which the records apply (*specific year, month, day, date range*)

Note: Information should not be requested in the form of questions (*i.e. How many lodging houses are in Oshawa?*)

## Role of the Information and Privacy Commissioner/Ontario (IPC):

The IPC oversees compliance with the *Municipal Freedom of Information and Protection of Privacy Act*. The IPC acts independently of the Provincial Government to uphold and promote open local government and the protection of personal privacy in Ontario. Any decision made by the City may be appealed to the IPC by the requester or third parties. The IPC decides matters under appeal and can issue orders which are binding on all parties.

## Appeal Fees

There are mandatory fees for a requester appealing decisions to the IPC. A \$25.00 fee applies for general records request appeals. A \$10.00 fee applies to appeals with respect to requests for



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personal information. No fee is required for a third party to appeal an institution's decision to disclose information.

### **General Contact Information**

City of Oshawa: Service Oshawa: 905-436-3311

IPC website: [www.ipc.on.ca](http://www.ipc.on.ca)

MFIPPA (the Act): [www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90m56\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m56_e.htm)

Copies of this Information Fact Sheet and FOI Request Form are available at Service Oshawa, City Hall, 50 Centre Street South, Oshawa, or on the City of Oshawa website: [www.oshawa.ca](http://www.oshawa.ca).