

Municipal Freedom of Information and Protection of Privacy Act Exemptions

The definitions below can be used as a guide in understanding the severances that were applied in this release of records

Draft by-laws, etc

6 (1)(a) A head may refuse to disclose a record, that contains a draft of a by-law or a draft of a private bill.

6 (1)(b) A head may refuse to disclose a record that reveals the substance of deliberations of a meeting of a council, board, commission or other body or a committee of one of them if a statute authorizes holding that meeting in the absence of the public.

Exception Section 6

(2) Despite subsection (1), a head shall not refuse under subsection (1) to disclose a record if:

(a) In the case of a record under clause (1) (a), the draft has been considered in a meeting open to the public.

(b) In the case of a record under clause (1) (b), the subject-matter of the deliberations has been considered in a meeting open to the public.

(c) The record is more than twenty years old. R.S.O. 1990, c. M.56, s. 6.

Relations with Governments

9 (1) A head shall refuse to disclose a record if the disclosure could reasonably be expected to reveal information the institution has received in confidence from:

(a) The Government of Canada.

(b) The Government of Ontario or the government of a province or territory in Canada.

(c) The government of a foreign country or state.

(d) An agency of a government referred to in clause (a), (b) or (c)

(e) An international organization of states or a body of such an organization. R.S.O. 1990, c. M.56, s. 9 (1); 2002, c. 18, Sched. K, s. 17.

Third Party Information

10 (1) A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to,

(a) Prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

(b) Result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied.

(c) Result in undue loss or gain to any person, group, committee or financial institution or agency.

(d) Reveal information supplied to or the report of a conciliation officer, mediator, labour relations officer or other person appointed to resolve a labour relations dispute. R.S.O. 1990, c. M.56, s. 10 (1); 2002, c. 18, Sched. K, s. 18; 2017, c. 8, Sched. 20, s. 2.

Economic and other interests

11 A head may refuse to disclose a record that contains:

(a) Trade secrets or financial, commercial, scientific or technical information that belongs to an institution and has monetary value or potential monetary value.

(b) Information obtained through research by an employee of an institution if the disclosure could reasonably be expected to deprive the employee of priority of publication.

(c) Information whose disclosure could reasonably be expected to prejudice the economic interests of an institution or the competitive position of an institution.

- (d) Information whose disclosure could reasonably be expected to be injurious to the financial interests of an institution.
- (e) Positions, plans, procedures, criteria or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of an institution.
- (f) plans relating to the management of personnel or the administration of an institution that have not yet been put into operation or made public.
- (g) Information including the proposed plans, policies or projects of an institution if the disclosure could reasonably be expected to result in premature disclosure of a pending policy decision or undue financial benefit or loss to a person.
- (h) Questions that are to be used in an examination or test for an educational purpose.
- (i) Submissions in respect of a matter under the Municipal Boundary Negotiations Act commenced before its repeal by the Municipal Act, 2001, by a party municipality or other body before the matter is resolved. R.S.O. 1990, c. M.56, s. 11; 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. K, s. 19.

Solicitor-client privilege

12 A head may refuse to disclose a record that is subject to solicitor-client privilege or that was prepared by or for counsel employed or retained by an institution for use in giving legal advice or in contemplation of or for use in litigation. R.S.O. 1990, c. M.56, s. 12.

Personal Privacy

14(1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except:

- (a) Upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access.
- (b) In compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates.

(c) Personal information collected and maintained specifically for the purpose of creating a record available to the general public.

(d) Under an Act of Ontario or Canada that expressly authorizes the disclosure.

(e) For a research purpose if:

(i) The disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained.

(ii) The research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form.

(iii) The person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations.

(f) If the disclosure does not constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. M.56, s. 14 (1).

14(2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether:

(a) The disclosure is desirable for the purpose of subjecting the activities of the institution to public scrutiny.

(b) Access to the personal information may promote public health and safety.

(c) Access to the personal information will promote informed choice in the purchase of goods and services.

(d) The personal information is relevant to a fair determination of rights affecting the person who made the request.

(e) The individual to whom the information relates will be exposed unfairly to pecuniary or other harm.

(f) The personal information is highly sensitive.

(g) The personal information is unlikely to be accurate or reliable.

(h) The personal information has been supplied by the individual to whom the information relates in confidence.

(i) The disclosure may unfairly damage the reputation of any person referred to in the record. R.S.O. 1990, c. M.56, s. 14 (2).

14(3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information:

(a) Relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation.

(b) Was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.

(c) Relates to eligibility for social service or welfare benefits or to the determination of benefit levels.

(d) Relates to employment or educational history.

(e) Was obtained on a tax return or gathered for the purpose of collecting a tax.

(f) Describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness.

(g) Consists of personal recommendations or evaluations, character references or personnel evaluations.

(h) Indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations. R.S.O. 1990, c. M.56, s. 14 (3).

52 (3) Subject to subsection (4), this Act does not apply to records collected, prepared, maintained or used by or on behalf of an institution in relation to any of the following:

1. Proceedings or anticipated proceedings before a court, tribunal or other entity relating to labour relations or to the employment of a person by the institution.

2. Negotiations or anticipated negotiations relating to labour relations or to the employment of a person by the institution between the institution and a person, bargaining agent or party to a proceeding or an anticipated proceeding.
3. Meetings, consultations, discussions or communications about labour relations or employment-related matters in which the institution has an interest. 1995, c. 1, s. 83.

General

Out of Scope

This is used to sever information that is outside of the scope of the MFIPPA request.

Municipal Act Exemptions

223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

223.22 (1) The Auditor General and every person acting under the instructions of the Auditor General shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

Same

(2) Subject to subsection (3), the persons required to preserve secrecy under subsection (1) shall not communicate information to another person in respect of any matter described in subsection (1) except as may be required:

- (a) in connection with the administration of this Part, including reports made by the Auditor General, or with any proceedings under this Part; or
- (b) under the Criminal Code (Canada). 2006, c. 32, Sched. A, s. 98.

Same

(3) A person required to preserve secrecy under subsection (1) shall not disclose any information or document disclosed to the Auditor General under section 223.20 that is subject to solicitor-client privilege, litigation privilege or settlement privilege unless the person has the consent of each holder of the privilege. 2006, c. 32, Sched. A, s. 98.

Section prevails

(4) This section prevails over the Municipal Freedom of Information and Protection of Privacy Act. 2006, c. 32, Sched. A, s. 98.