



Committee of the Whole

Meeting Date: November 26, 2024

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Subject: Modernizing the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

BACKGROUND:

The [Municipal Freedom of Information and Protection of Privacy Act \(MFIPPA\)](#), first enacted in 1990, establishes the framework for access to municipal records and the protection of personal privacy. Over three decades later, MFIPPA has not been comprehensively reviewed, reformed or updated, while municipalities now operate in a vastly different technological and operational environment.

Municipalities, including Middlesex County, recognize transparency as a cornerstone of public trust and effective governance. However, the current MFIPPA framework presents challenges that impede municipalities' ability to efficiently manage records, respond to Freedom of Information (FOI) requests, and safeguard personal information. MFIPPA does not adequately address the demands of digital governance or modern privacy concerns, resulting in unnecessary administrative burdens on staff and delays in service delivery.

The Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) represents excellence in local government, management, and leadership. Over the past 85 years, AMCTO has provided education, accreditation, leadership, and management expertise for Ontario municipal professionals. With 2,200+ members working in municipalities across the province, AMCTO is Ontario's largest association of local government professionals.

AMCTO has conducted a thorough review of MFIPPA, engaging municipal professionals across Ontario to identify MFIPPA's shortcomings and propose practical solutions. These recommendations, captured in the document "[Looking Ahead: A Proactive Submission to Modernize the Municipal Freedom of Information and Protection of Privacy Act](#)," serve as a comprehensive guide for meaningful legislative reform.

AMCTO continues to engage with the Ministry of Public and Business Service Delivery to advocate for MFIPPA reform. This now includes seeking resolutions of support from municipalities across Ontario.

ANALYSIS:

Middlesex County staff experience many of the challenges identified by AMCTO in their submission, in managing FOI requests and safeguarding personal information under the current MFIPPA framework. These challenges are consistent with those identified in broader municipal discussions, highlighting the need for urgent reform to address local issues effectively:

1. Outdated Legislative Provision

Middlesex County relies on modern technology and digital processes to manage records efficiently. However, MFIPPA's outdated references to obsolete technology, such as CD-ROMs, and its emphasis on manual search methods create unnecessary administrative burdens. These provisions fail to reflect the County's current operational realities, impeding staff productivity and increasing response times for FOI requests.

2. Improved Data Governance

Guidance on sharing data across institutions, including two-tier governments, is essential to streamline processes and foster collaboration. Middlesex County frequently collaborates with local municipalities, MLPS and other organizations. Clearer data governance provisions would improve the efficiency and effectiveness of these shared efforts while ensuring compliance with privacy laws.

3. Lack of Guidance for Digital Records

The County increasingly manages diverse types of digital records, including instant messaging, social media interactions, and automated logs. The lack of clear guidance under MFIPPA leads to inconsistencies in record management and delays. Middlesex County staff require modernized provisions to ensure that digital records are managed effectively and in compliance with clear legislative expectations.

4. Privacy and Cybersecurity Concerns

The absence of explicit privacy breach protocols within MFIPPA leaves staff without clear direction during incidents, heightening the risk of delayed responses and potential harm to public trust. Establishing minimum standards for breach notifications and prevention is critical for ensuring public confidence in the municipalities data protection practices.

5. Inefficient Processes

Ambiguities in MFIPPA, such as unclear thresholds for "frivolous and vexatious" requests, divert staff resources from higher-priority tasks. Middlesex County staff frequently navigate overly broad or unclear FOI requests, leading to inefficiencies

that strain limited resources. Clear definitions and legislative tools are essential to streamline the FOI process and reduce administrative workloads.

6. Regular Legislative Reviews

Introducing a mandatory five-year review cycle for MFIPPA would ensure the legislation remains relevant amidst technological and societal changes. Middlesex County staff have noted that the static nature of MFIPPA leads to prolonged reliance on outdated processes and guidelines, hampering the ability to adapt to emerging challenges and opportunities.

Middlesex County staff concur with AMCTO’s findings and recognize the need for a legislative framework that:

- Supports effective local service delivery,
- Responds to the demands of digital governance, and
- Reflects the principles of open and accountable government.


The AMCTO submission is a valuable resource, drawing on the expertise of municipal professionals who manage MFIPPA daily. By supporting their recommendations, Middlesex County can join a collective voice advocating for reforms that will benefit all municipalities.

FINANCIAL IMPLICATIONS:

The proposed modernization of MFIPPA would reduce administrative inefficiencies and enable staff resources to be allocated for other priorities. While no immediate costs are associated with this resolution, long-term resource effectiveness opportunities are anticipated through streamlined processes and reduced FOI workloads.

ALIGNMENT WITH STRATEGIC FOCUS:

This report aligns with the following Strategic Focus, Goals, or Objectives:

Strategic Focus	Goals	Objectives
Promoting Service Excellence 	Innovate and transform municipal service delivery	<ul style="list-style-type: none"> • Anticipate and align municipal service delivery to emerging needs and expectations • Strengthen our advocacy and lobbying efforts with other government bodies • Collaborate with strategic partners to leverage available resources and opportunities • Build organizational capacity and capabilities

RECOMMENDATION:

WHEREAS the Municipal Freedom of Information and Protection of Privacy Act, 1990 (MFIPPA) has not been comprehensively reviewed in over 30 years;

AND WHEREAS municipalities consider transparency an important tool for building and maintaining public trust and recognize the importance of continuously improving;

AND WHEREAS municipal administrators need legislation that supports effective local program delivery, is responsive to current technology, and reflects its original intent of open and accountable government;

AND WHEREAS MFIPPA presents several challenges for municipal staff, which can hinder its effectiveness and efficiency in serving the public;

AND WHEREAS municipalities should have updated legislation that ensures municipal resources are best allocated, increases trust in public institutions through strengthened accountability, transparency, and responsiveness, and addresses the needs of the digital era;

AND WHEREAS the Association of Municipal Managers, Clerks, and Treasurers of Ontario (AMCTO) has comprehensively reviewed MFIPPA and put forward recommendations in their submission *“Looking Ahead: A Proactive Submission to Modernize the Municipal Freedom of Information and Protection of Privacy Act”*;

BE IT RESOLVED THAT the Ministry of Public and Business Service Delivery be requested to review MFIPPA and consider recommendations as outlined by AMCTO within their submission, *“Looking Ahead: A Proactive Submission to Modernize the Municipal Freedom of Information and Protection of Privacy Act”*.