



STAFF REPORT INFORMATION ONLY

Annual Statistical Report to the Information & Privacy Commissioner of Ontario

Date: March 27, 2023

To: Toronto Public Library Board

From: City Librarian

SUMMARY

This report provides a summary of Toronto Public Library's (TPL's) 2022 submission to the Information and Privacy Commissioner of Ontario (IPC) in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

FINANCIAL IMPACT

There is no financial impact arising from the information in this report.

The Director, Finance & Treasurer has reviewed this financial impact statement and agrees with it.

ALIGNMENT WITH STRATEGIC PLAN

TPL provides its annual report to the IPC in compliance with MFIPPA. The freedom of information (FOI) process itself is designed to provide residents of Toronto, and other members of the public, with increased transparency and accountability by responding to FOI requests. Disclosure of information to the public is in alignment with TPL's 2020-2024 Strategic Plan to provide the vital ingredients for a democratic society.

EQUITY IMPACT STATEMENT

To meet the obligations under MFIPPA, the Library has a robust procedure for processing freedom of information requests, and tracking these to enable internal oversight and annual reporting to the IPC. The procedure is designed to provide equitable access to Library records to all members of the public.

DECISION HISTORY

At its meeting on [March 26, 2007](#), the Library Board requested staff to report on the annual report submitted to the IPC.

ISSUE BACKGROUND

TPL is governed by MFIPPA, which requires the Library to submit an annual report to the IPC on the statistics specified by the IPC. The IPC has jurisdiction and interest in gathering and analyzing annual statistics from institutions that are subject to laws over which the IPC has oversight. This report enables the collection and comparison of data across the province.

COMMENTS

Overview of Requests

TPL received three (3) new, complete, requests for access to records in 2022 that met the criteria for a request under MFIPPA. Of these three requests, two (2) were completed within the statutory timeframe and one (1) required a notice of extension, as permitted under MFIPPA, due to the requirement to consult with third parties before issuing a final decision about access to the requested records.

Information and Privacy Commissioner Activity

Under MFIPPA, each requestor has the right to appeal the Library's decision, about releasing records, to the IPC. At the close of 2022, two (2) appeals were still underway with the IPC:

- one appeal made on a request submitted to TPL in 2020 remains open
- one appeal made on a request submitted to TPL in 2022 was closed by the IPC in January 2023, in favour of TPL's decision about access to the records

Proactive Disclosure

The spirit of MFIPPA is to provide mechanisms for greater transparency in government while protecting personal information. MFIPPA does not restrict an institution's ability to proactively disclose information that is not confidential and in which the public is likely to have an interest; proactive disclosure is strongly supported by the current privacy commissioner.

The Library routinely discloses information to the public. While the TPL website provides a wide range of information, including Toronto Public Library Board documents and minutes, the Library is also planning to provide more data (aggregate statistics) to the public on a proactive basis. Finally, many informal requests for information from the Library were answered by referring requestors to the Library website.

CONTACT

Shawn Mitchell, Director, Policy, Planning and Performance Management;
416-395-5602; shawn.mitchell@tpl.ca

SIGNATURE

Vickery Bowles
City Librarian

ATTACHMENTS

Attachment 1: Summary of FOI Requests, 2022

Summary of FOI Requests Received by TPL in 2022

For Reference Only – Not Submitted to the IPC

1. Requests made directly to the Toronto Public Library in 2022:

Request Number	Type of Records Requested	Type of Requestor	Short Description of Request	TPL Response & Outcome
2022-001a	Personal Information	Individual / Public	Emails that named the requestor (an employee)	Withdrawn by the requestor before the request was clarified. NOT COUNTED FOR IPC REPORT AS PER IPC DIRECTION
2022-001b	General Information	Individual / Public	Emails to all staff re. COVID and staff scheduling	Withdrawn by the requestor within 30 days.
2022-002	General Information	Individual / Public	Records re. Toronto Police Service use of sprays, aerosols, isotopes on persons	Thorough search conducted; no records found. Response provided within 30 days. Requestor made an appeal to the IPC; the IPC closed the file in favor of TPL's response in January 2023.

2. Requests made to external organizations which were transferred to TPL in 2022:

Reference Number	Type of Information Requested	Type of Requestor	Description	Outcome
2022-003	General Information	Media	Invoices for extermination services (2021-22)	<p>Request transferred from City of Toronto; multiple City services affected, not just TPL.</p> <p>Response provided within permitted time extension, after consultation with affected third parties.</p> <p>Full & redacted records provided to requestor.</p>

3. No requests from external organizations for consultation by TPL, as an affected third party, were received in 2022.

Annual Report to the Privacy Commissioner: Brief MFIPPA Overview

Natalie Comeau
Manager, Privacy, Risk & Governance
March 27, 2023

Under the ***Municipal Freedom of Information & Protection of Privacy Act ("MFIPPA")***:

- **Any individual** can request copies of **any records** in the custody and control of TPL.
- Information contained in records is **subject to exemptions and exclusions**.
- Requestors, and affected third parties, have the right to appeal TPL's decisions about releasing records.
- The Information & Privacy Commissioner of Ontario ("IPC") oversees MFIPPA compliance and processes appeals.

MFIPPA & proactive disclosure

TPL is permitted to proactively disclose information that is not confidential and in which the public is likely to have an interest.

Proactive disclosure is strongly encouraged by the current privacy commissioner (Patricia Kosseim).

TPL has **routinely disclosed** many types of records, in alignment with our mission and values.

- For example: policies and procedures, Board documents, aggregate statistics

IPC appeals

Appeals to the IPC are an anticipated part of the MFIPPA process.

The majority of appeals are from third parties seeking to protect their information from disclosure or from requestors who disagree with our decisions.

In the last 5 years, TPL responded to the following appeals:

- **2022:** 1 appeal, closed by IPC in favour of TPL's decision
- **2020:** 1 appeal, remains open with IPC
- **2019:** 3 appeals; 1 fee estimate was revised, 2 requests and related appeals withdrawn by requestor

annual report to the IPC

MFIPPA requires all institutions that are subject to the law to submit an **annual report to the IPC by March 31st**, on the statistics specified by the IPC, including:

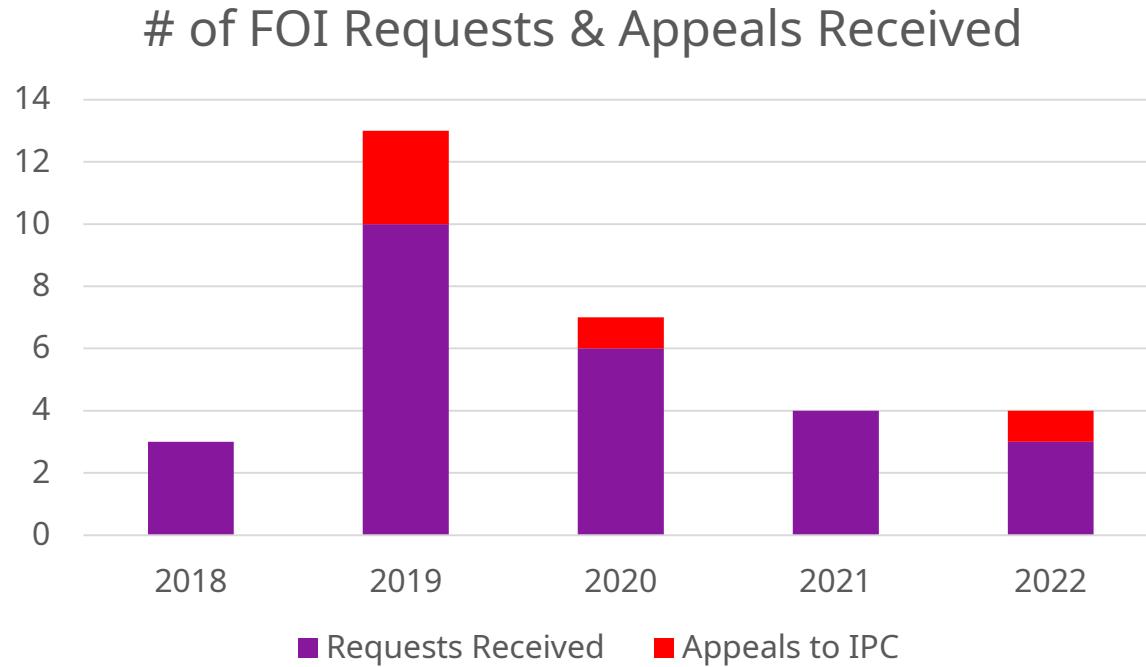
- # of requests received, completed and transferred
- type of requestor
- length of time to complete requests
- compliance rate when issuing notices of time extension & consultation
- list of which exclusions and exemptions were applied
- fees collected and waived

The IPC gathers, analyzes and **publishes** institutional and aggregate statistics for comparison across the province.

2022 TPL stats for the IPC annual report

Sample of Main Statistics Requested	TPL Response for 2022
Total # of new requests received in 2022	2
Total # of new requests transferred from another institution to TPL	1
Total # of requests completed	3
Types of requestors	Individual/public (x2), media (x1)
Compliance with time limits	2 requests completed in statutory 30 days; 1 request completed in more than 30 days with a permitted notice of time extension
Exclusions and exemptions applied	Law enforcement, third party interests
Fees Collected	\$27.50
Fees Waived	\$5.00

APPENDIX. TPL history of FOI requests



APPENDIX. FOI requests reported to IPC

	2018	2019	2020	2021
Total # FOI requests filed under MFIPPA across Ontario	34,647	38,600	26,101	30,825
Total # requests received by institutions in the 'Municipal – other' category (including libraries, transit, power, etc.)	1,362	1,456	1,015	1,056
Total # Appeals Opened under MFIPPA	814	853	579	791
Total # municipal institutions	1,035	1,042	1,036	1,057
Ave. cost of requests for Personal Info	\$10.37	\$9.50	\$8.66	\$7.62
Ave. cost of requests for General Info	\$22.20	\$26.05	\$23.61	\$24.95