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STAFF REPORT INFORMATION ONLY

Annual Statistical Report to the Office of the Information & Privacy Commissioner of Ontario

Date: March 25, 2024

To: Toronto Public Library Board

From: City Librarian

SUMMARY

This report provides a summary of Toronto Public Library's (TPL's) 2023 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 associated with 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 by providing 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 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 fourteen (14) new, complete, requests for access to records in 2023 that met the criteria for a request under MFIPPA. Twelve (12) requests were completed in 2023, and two (2) are carried over into 2024.

Of the requests completed, seven (7) were closed within the statutory timeframe of 30 days and three (3) required a notice of extension, as permitted under MFIPPA, due to the requirement to review many records and to consult with third parties before issuing a final decision about access to the requested records. The remaining two (2) requests were completed within a week of the timeline set.

Fees are not charged if records are not found or if access was refused. Fees are waived for requests from individuals for their own personal information or for related general records, or if the request is not onerous to fulfill. In 2024, fees were only charged for one (1) request; a fee waiver was granted after the requestor and TPL followed the evaluation process established under MFIPPA.

Information and Privacy Commissioner Activity

Under MFIPPA, each requestor has the right to appeal the Library's decision about releasing records to the IPC. No appeals were made or received in 2023.

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 and, despite the challenges of 2023, continues to make a wide range of information available to the public, from Board documents and minutes to aggregate statistics.

Finally, many informal requests for information from the Library were answered by referring requestors to the Library website, through the branches answering questions from customers, and by Human Resources responding to questions raised by TPL employees in relation to the cyber incident.

CONTACT

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SIGNATURE

Vickery Bowles
City Librarian

ATTACHMENTS

Attachment 1: Summary of FOI Requests, 2023

Attachment 2: Presentation: Annual Statistical Report to the Information & Privacy Commissioner of Ontario - 2023

Attachment 1

Summary of Formal FOI Requests Received by TPL in 2023

For Reference Only – Not Submitted to the IPC

1. Thirteen (13) formal requests were made directly to the Toronto Public Library in 2023:

Request Number	Type of Records Requested	Type of Requestor	Short Description of Request	TPL Response & Outcome
2023-001p	Personal Information	Individual	PI re. vaccine policy exemption	Full access granted & fee waived.
2023-001g	General Information	Individual	Vaccine policy & development	Partial access granted & fee waived.
2023-002p	Personal Information	Individual	Damaged book charge to account	Full access granted & fee waived.
2023-002g	General Information	Individual	State of damaged book	Full access granted & fee waived.
2023-003	General Information	Individual	Video of interaction with other customer	Access refused; other customer refused to provide consent to release.
2023-004	General Information	Business	Music Instrument Lending Library RFP process	Full access granted & fee waived.
2023-005	General Information	Individual	Donations to Malvern from energy corporations	No records to provide.
2023-006	Personal Information	Individual	Accommodation requests	Partial access granted & fee waived.
2023-007	Personal Information	Individual by agent (customer via counsel)	Core visits to the library	Time extension & fee issued. Carried over into 2024.
2023-008	Personal Information	Individual by agent	Core visits to the library	Final access decision issued, after half of fee paid. Request abandoned before remaining fee paid.
2023-010	General Information	Academic / Researcher	Sales of TPL tote bags	Time extension & fee issued. Carried over into 2024.
2023-011p	Personal Information	Individual	Records about customer recorded by staff	Request denied in whole, as vexatious and for employment-related records.
2023-011g	General Information	Individual	Records about named staff member	Request denied in whole, as vexatious and for employment-related records.

2. One (1) formal request was made to an external organization which was transferred to TPL in 2023:

Reference Number	Type of Information Requested	Type of Requestor	Description	Outcome
2023-009	General Information	Individual	Feedback re. room booking re. Ukrainian war	Request transferred from City of Toronto. Time extension and fee issued. Request abandoned by requestor before fee was paid.

3. No formal requests from external organizations for consultation by TPL, as an affected third party, were received in 2023.

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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.

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:

- **2023: 0 appeals**
- **2022: 1 appeal**, closed by IPC in favour of TPL's decision
- **2020: 1 appeal**, closed by IPC after appellant withdrew appeal
- **2019: 3 appeals**; 1 fee estimate was revised, 2 appeals withdrawn by appellant
- **2018: 0 appeals**

annual report to the IPC

MFIPPA requires all institutions that are subject to the law to submit an **annual report to the IPC by April 1st**, 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

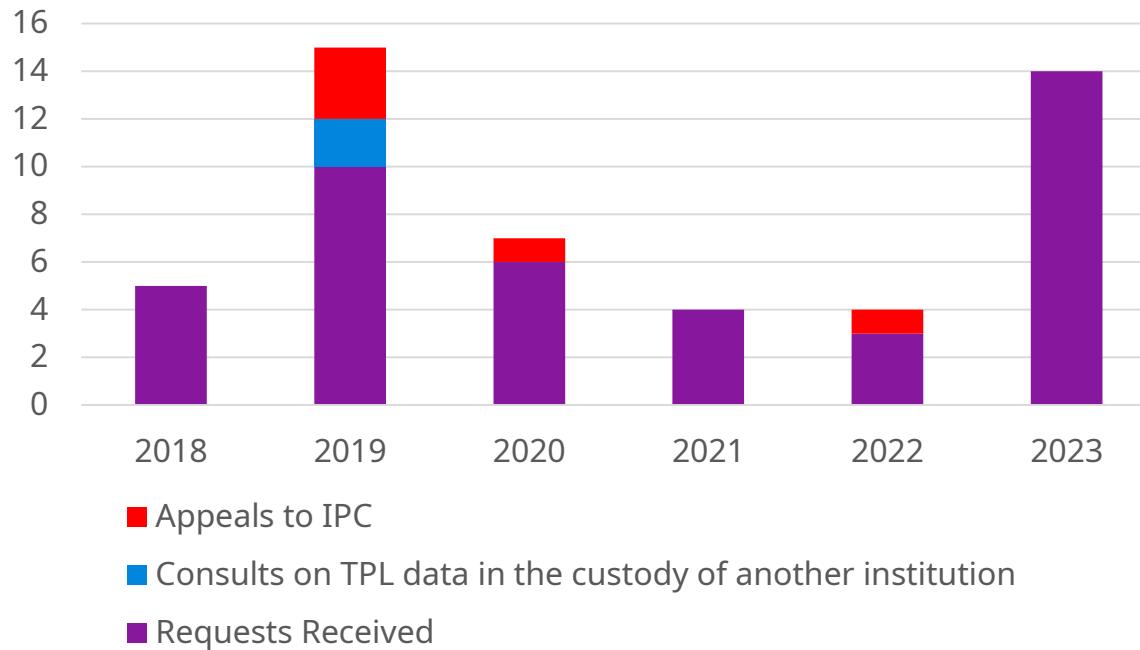
The IPC gathers, analyzes and **publishes** institutional and aggregate statistics for comparison across the province.

TPL's FOI request stats for IPC

	2022 Statistics (reported to IPC March 2023)	2023 Statistics (to be reported to IPC by April 1 st)
# requests received in the last calendar year	3	14
# requests completed in the last calendar year	3	12
Type of requestor	2 from individuals, 1 from media	11 from individuals, 1 from business
Length of time to complete requests	66% in 30 days	60% in 30 days
compliance rate when issuing notices of time extension & consultation	100% within time extension taken	80% within time extension taken
Fees collected	\$27.50	\$90.00
Fees waived	\$5.00	\$510.00

Volume of TPL FOI requests

of FOI Requests & Appeals Received





Questions?