



**CORPORATION OF THE MUNICIPALITY OF SOUTH HURON**

322 Main Street South P.O. Box 759

Exeter Ontario

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Phone: 519-235-0310 Fax: 519-235-3304

Toll Free: 1-877-204-0747

[www.southhuron.ca](http://www.southhuron.ca)

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June 7, 2021,

Via Email: [Lisa.Thompson@pc.ola.org](mailto:Lisa.Thompson@pc.ola.org)

Hon. Lisa M. Thompson  
Minister of Government and Consumer Services  
5th Floor, 777 Bay Street  
Toronto, ON M7A 2J3

Dear Honourable Lisa Thompson,

**Re: Support MFIPPA Change 2021**

Please be advised that the Council of the Municipality of South Huron at its regular meeting on May 17, 2021 passed the following resolution:

**197-2021**

**Moved By: Ted Oke**


**Seconded by: Jim Dietrich**

**That South Huron Council support municipality of Chatham-Kent resolution and support a change to the Municipal Freedom of Information and Protection of Privacy Act and the recommendations outlined therein; and**

**That a letter demonstrating South Huron Council's support be sent to MPP Lisa Thompson, Information and Privacy Commissioner of Ontario, Association of Municipalities of Ontario, AMCTO Legislative and Policy Advisory Committee and Municipality of Chatham-Kent.**

**Result: Carried**

Sincerely,

  
Alex Wolfe, Deputy Clerk  
Municipality of South Huron  
[awolfe@southhuron.ca](mailto:awolfe@southhuron.ca)  
519-235-0310 ext. 224

Encl.



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cc: Information and Privacy Commissioner of Ontario  
Association of Municipalities of Ontario  
AMCTO Legislative and Policy Advisory Committee  
Municipality of Chatham-Kent



**Municipality of Chatham-Kent**

*Corporate Services*

Municipal Governance

315 King Street West, P.O. Box 640

Chatham ON N7M 5K8

Tel: 519.360.1998 Fax: 519.436.3237

Toll Free: 1.800.714.7497

May 10, 2021

Via Email: [Lisa.Thompson@pc.ola.org](mailto:Lisa.Thompson@pc.ola.org)

Hon. Lisa M. Thompson  
Minister of Government and Consumer Services  
5<sup>th</sup> Floor, 777 Bay Street  
Toronto, ON M7A 2J3

Dear Hon. Thompson:

**Re: Time for Change  
Municipal Freedom of Information and Protection of Privacy Act**

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on March 1, 2021 passed the following resolution:

WHEREAS the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 (MFIPPA) dates back 30 years;

AND WHEREAS municipalities, including the Municipality of Chatham-Kent, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the Municipal Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the Act fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

BE IT RESOLVED THAT the Ministry of Government and Consumer Services be requested to review the MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the Municipal Clerk, or designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under the Act, including those of the IPC, be reviewed and modernized;
8. That the integrity of the Act be maintained to protect personal privacy and transparent governments.

If you have any questions or comments, please contact Judy Smith at [ckclerk@chatham-ketn.ca](mailto:ckclerk@chatham-ketn.ca)

Sincerely,

Judy  
Smith

Digitally signed by  
Judy Smith  
Date: 2021.05.10  
16:49:07 -04'00'

Judy Smith, CMO  
Director Municipal Governance  
Clerk /Freedom of Information Coordinator

c.

Lianne Rood, MP  
Dave Epp MP  
Rick Nicholls, MPP  
Monte McNaughton, MPP  
Information and Privacy Commissioner of Ontario  
Association of Municipalities of Ontario  
AMCTO Legislative and Policy Advisory Committee  
Ontario municipalities