

REPORT FROM THE DIRECTOR OF CLERKS AND PLANNING SERVICES RE: DELEGATION OF “HEAD” MFIPPA

OBJECTIVE

To delegate the City Clerk as “Head” for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA)

RECOMMENDATION

That, in accordance with section 3 and subsection 49(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, M.56, as amended (“MFIPPA”), Council delegates all of its powers and duties as “Head” under MFIPPA to the City Clerk; and

That the appropriate by-law be passed to effect this decision.

BACKGROUND

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) was enacted in 1990 and designates the Council as the “Head” for the purpose of administering the Act.

To effectively and efficiently manage responses to Freedom of Information (“FOI”) requests and ensure the City meets the legislative timeline of 30 days to respond, it is recommended that Council delegate this authority to the City Clerk.

ANALYSIS

Section 3(1) of MFIPPA states that Council is the “Head” for the purposes of the Act; however, Council may designate a staff person, such as the City Clerk, to ensure the efficient management of the City of Elliot Lake’s personal information holdings and records.

By delegating this responsibility to the City Clerk, the City will streamline the process of handling FOI requests, allowing for better coordination and faster response times.

In keeping with practices in many municipalities across Ontario, it is recommended that the City Clerk report to Council annually regarding the exercise of this delegated authority. The report will include an overview of the number, any significant issues, and an update on compliance with legislative timelines.

To further ensure accountability and transparency, the City Clerk is also required to submit an annual report to the Information and Privacy Commissioner of Ontario.

FINANCIAL IMPACT

There are no financial implications, as this recommendation formalizes an administrative procedure.

LINKS TO STRATEGIC PLAN

This recommendation aligns with the strategic objective of Strong Municipal Corporate Administration and Governance, ensuring that the City is managed effectively and efficiently.

SUMMARY

To improve service delivery while ensuring compliance with legislative requirements, it is recommended that Council delegate authority to the City Clerk as “Head” for the purpose of the Municipal Freedom of Information and Protection of Privacy Act.