

## **Freedom of Information in Ontario: What Has Changed and How Residents Can Use It**

For many Ontario residents, the Freedom of Information (FOI) process is one of the most important tools available for holding governments and public institutions accountable. Whether seeking records relating to municipal spending, development approvals, council communications, contracts, or public policy decisions, citizens have long relied on Ontario's freedom of information legislation to obtain information that would not otherwise be publicly available.

Recent legislative changes enacted through Ontario's Bill 97 have introduced significant amendments to both the provincial Freedom of Information and Protection of Privacy Act (FIPPA) and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). While government officials describe these changes as modernization measures, critics, including Ontario's Information and Privacy Commissioner, have expressed concern that some amendments may reduce transparency and public access to information.

For municipal matters, the basic process for making a Freedom of Information request remains relatively straightforward.

A requester begins by submitting a written FOI request to the municipality, identifying the records sought with as much specificity as possible. Most municipalities provide a standard application form, although a letter is generally sufficient provided it clearly describes the records requested. A mandatory application fee, currently \$5, must accompany the request. The institution may revert to the requester and seek further funds to cover the costs of retrieval and/or copies of records.

Once the request is received, municipal staff review it and determine what records exist and whether any exemptions apply. Records may be disclosed in full, disclosed in part, or withheld entirely if they fall within statutory exemptions such as solicitor-client privilege, personal privacy protections, law enforcement matters, or certain confidential third-party information.

One of the most significant changes introduced by Bill 97 concerns timelines. Historically, institutions generally had 30 calendar days to respond to a request. Under the new legislation, many deadlines are now calculated using business days rather than calendar days, and response periods have effectively been lengthened. Municipalities may also have greater flexibility to seek extensions and, in some circumstances, provide records in stages rather than all at once. These changes are intended to assist institutions in handling large or complex requests but may result in longer waits for requesters.

When a municipality completes its review, it will issue a formal decision letter. The letter will indicate whether access is granted, denied, or partially granted. It will also identify any fees payable for record searches, preparation time, photocopying, or other permitted costs.

If a requester is dissatisfied with the municipality's decision, the next step is an appeal to the Information and Privacy Commissioner of Ontario (IPC). Appeals can be filed when access has been denied, when excessive fees have been charged, when records appear to be missing, when

delays have occurred, or when the requester disagrees with the municipality's interpretation of the legislation.

The IPC acts as an independent oversight body. Upon receiving an appeal, it will typically attempt mediation between the requester and the institution. Many disputes are resolved at this stage through clarification of the request, additional record searches, or negotiated disclosure.

If mediation does not resolve the matter, the appeal proceeds to adjudication. An IPC adjudicator reviews written submissions from both parties and issues a formal order. The adjudicator may direct additional disclosure, uphold the municipality's decision, reduce fees, or require further searches for records.

In limited circumstances, a party dissatisfied with an IPC order may seek judicial review before the courts. However, most disputes are resolved within the IPC process itself.

For readers seeking more detailed information, including step-by-step instructions on how to submit a Freedom of Information request to the Town of Niagara-on-the-Lake, applicable fees, timelines, appeal procedures, and practical tips for obtaining municipal records, a more comprehensive article is available at NOTLRA's website. Please visit [notlra.com](http://notlra.com) to review the extended version of this article and related materials concerning municipal transparency, accountability, and public access to information.