
For Information

REPORT TITLE: 2021 Annual Transparency and Accountable Government Report

FROM: Gary Kent, CPA, CGA, ICD.D, Chief Financial Officer and Commissioner of Corporate Services

OBJECTIVE

To provide an overview of the work conducted to advance the Region of Peel's commitment to accountability and transparency of government.

REPORT HIGHLIGHTS

- In 2021, the Region of Peel received 15 Formal Public Complaints, all were handled in compliance with the Complaints Handling Policy.
 - 329 Freedom of Information requests were received in 2021 and processed with an extended compliance rate of 99.7 per cent under the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.
 - In 2021, 86 Lobbyists registered on the Region of Peel's online Lobbyist Registry; and 34 continue to be active at the time of this report.
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DISCUSSION**1. Background****a) Formal Complaints**

On February 11, 2016, Regional Council passed Resolution 2016-111 to implement a Region of Peel Complaints Handling Policy (Corporate Policy G00-24). The policy was developed in response to *The Public Sector and MPP Accountability and Transparency Act, 2014*, which authorized the Ontario Ombudsman to investigate complaints with respect to municipalities and make recommendations.

The Complaints Handling Policy included a requirement for the Office of the Regional Clerk to provide a summary of the Formal Public Complaints received, to Regional Council on an annual basis.

b) Freedom of Information (FOI) Requests

The *Municipal Freedom of Information and Protection of Privacy Act, 1990* (MFIPPA) came into effect on January 1, 1991, and applies to all municipalities, local boards, agencies, commissions, school boards and police services boards in Ontario.

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MFIPPA has two main purposes. First, it establishes rules and obligations that municipal institutions must follow to protect the personal information of individuals in the custody and control of the institution. Second, MFIPPA gives the public the right to access records held by municipalities, subject to very specific exemptions.

Regional Council, through By-law 28-2018, has appointed the Regional Clerk as “head” for the purposes of MFIPPA. As the “head”, the Regional Clerk is responsible for overseeing the administration of MFIPPA and for decisions made under the *Act*.

MFIPPA requires every municipality in Ontario to file an annual report to the Information and Privacy Commissioner of Ontario (IPC). The annual report provides statistical information on access requests that are received, the municipality’s response time, the decisions that were made in response to these requests and the fees charged.

c) Lobbyist Registry

As part of Regional Council’s commitment to enhance accountability and transparency, By-law 47-2016 was enacted to establish a lobbyist registration system for the Region of Peel. The By-law came into effect on March 1, 2017.

Pursuant to By-law 47-2016, the Regional Clerk is responsible for the development and maintenance of the Lobbyist Registry in which all registrations and returns of individuals/corporations who lobby public office holders are recorded. The Lobbyist Registry is available for registering and viewing on the Region of Peel website.

2. Findings

a) Formal Complaints:

In 2016, the Regional Clerk began tracking all formal public complaints received regarding Regional programs, facilities, services and/or staff. A formal complaint is one that has not been successfully resolved through the Region’s informal resolution processes and the complainant chooses to formalize the complaint by completing a Region of Peel Public Complaint form.

In 2021, the Region received 15 formal complaints. All formal complaints were managed in accordance with the Complaints Handling Policy.

The 15 formal complaints received related to the following program areas/subject matter:

- Early Years and Childcare Services: 1
- Housing Services: 1
- Ontario Works: 7
- Public Works Fleet: 1
- TransHelp: 1
- Paramedics: 1
- Waste Management: 3

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b) Freedom of Information (FOI) Requests:

The Region of Peel encourages the release of information on a routine basis where possible. For example, requests for documents such as Environmental Planning Studies or Maps are available directly from the custodial group for a fee, as outlined in the Regional User Fees and Charges By-law. This approach ensures records are made readily available to the public upon request. Where information cannot be provided routinely, such as where the request involves personal information or proprietary information to the Region of Peel, individuals are asked to submit a formal FOI request to the Regional Clerk's Office.

In 2021 the Region of Peel received 329 FOI requests. This captures all requests received by the Region, including requests that were transferred to other institutions or requests missing an authorization permitting a third party to access the records. To process these FOI requests, staff in the Regional Clerk's office reviewed 96,714 pages (over 60,000 pages more compared to 2020). The Region of Peel received 335 FOI requests in 2020, 414 in 2019, 415 FOI requests in 2018, 438 in 2017, 500 in 2016 and 319 in 2015.

MFIPPA imposes a 30-day time limit in which an institution must provide a decision regarding a FOI request. The 30-day time-limit may be extended in certain limited circumstances, as prescribed by MFIPPA. In 2021, the Region's 30-day compliance rate was 57.7 per cent and the extended compliance rate was 99.7 per cent. The Region's extended compliance rate was higher than the average municipal 30-day extended compliance rate of 83.8 per cent.

The majority of FOI requests received by the Region were for personal information, consisting of social assistance files. The Region also received a number of requests for general records, consisting of covid-related information, health inspection reports, red-light camera project information, and procurement bid documents.

Under MFIPPA, an individual may appeal to the IPC if they are not satisfied with the access decision made by the Region. In 2021, the IPC received 16 appeals regarding access decisions made by the Region of Peel. In 2021, seven appeals were successfully resolved.

MFIPPA permits a municipality to charge certain fees to individuals seeking access to government records. The fees permitted are set out in MFIPPA, such as fees for photocopying, shipping, preparing a record for disclosure and search time. In 2021, the Region of Peel collected approximately \$4,966.10 in fees for processing FOI requests.

Under MFIPPA, the Region is also required to report to the IPC on the number of requests for personal health information made to the Region or the applicable Health Information Custodian (i.e. Public Health, Paramedics, Long-Term Care and Senior Services Department). In 2021 Paramedics received 509 access requests, Long-Term Care received 2 access requests, and Public Health did not receive any access requests. These numbers include requests from all sources including, individuals, lawyers, physicians, hospitals, regulatory bodies and law enforcement.

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c) Lobbyist Registry

In 2021, 86 Lobbyists registered on the Region of Peel's online Lobbyist Registry; and 34 continue to be active at the time of this report.

The Registry details the name of the lobbyist, the public officer holder to be lobbied, the subject matter being lobbied and when lobbying will occur or has occurred.

Registration in the Lobbyist Registry is required if an individual engages in lobbying and is a:

1. **Consultant Lobbyist:** a person who lobbies for payment on behalf of a client (another individual, company, partnership or organization);
2. **In-house Lobbyist:** a person who is an employee, partner, sole proprietor and who lobbies on behalf of their own employer, business or organization; or
3. **Voluntary Unpaid Lobbyist:** a person who lobbies without payment on behalf of a person, business, or other organization for the benefit of the interests of the individual, business or other organization.

Of the total 86 registrations in 2021, 36 were Consultant Lobbyists, 47 were In-house Lobbyists and 3 were Voluntary Unpaid Lobbyists.

All lobbyist complaints and investigations are handled by the Integrity Commissioner/Lobbyist Registrar.

CONCLUSION

The Region of Peel remains committed to enhancing accountability and transparency of government through a variety of means including the complaints handling policy, fulfilling the requirements under the *Municipal Freedom of Information and Protection of Privacy Act* and through the lobbyist registration.

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