



DATE: November 1, 2021
TO: Mayor and Council
FROM: Municipal Clerk
SUBJECT: Delegation of "Head" under the Municipal Freedom of Information and Protection and Privacy Act ("MFIPPA")

Issue

To designate by by-Law the designation of the Head to the Municipal Freedom of Information and Protection and Privacy Act ("MFIPPA")

Facts

- The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) provides individuals with a right of access to certain records and information under the custody and control of the Municipality
- Recent staffing changes within the office of the Municipal Clerk resulted in the requirement to update the delegation or designate to act as the Head of MFIPPA. Therefore this item is considered to be strictly a housekeeping item to reflect accurately in the Municipal records
- Alternatively, MFIPPA provides that members of council of a municipal corporation may by by-law designate from among themselves an individual or a committee of the council to act as head of the municipal corporation for the purpose of the Act. If no person is designed as head the head shall be the Municipal Council

Analysis

- Many municipalities in Ontario appoint the Municipal Clerk as the "Head" for MFIPPA being the statutory officer responsible for corporate records
- The legislation provides prescriptive requirements with respect to requests for information in terms of timelines, implementation, administration therefore traditionally staff administers all activities relating to MFIPPA

RECOMMENDATION

THAT Council enacts a By-Law to designate the Municipal Clerk as the head of municipality for the purposes of the Municipal Freedom of Information and Protection of Privacy Act

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