

Using Freedom of Information (FOI) laws in Ontario

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There are two FOI laws in Ontario, [one](#) applicable to provincial government institutions, such as ministries, the [other](#) applicable to municipalities, police services, school boards, universities, colleges and hospitals. The Ontario government has produced a useful user [guide](#), which has links for forms, directories of institutions, contact information for FOI co-ordinators, and more. The links include one for central online filing of provincial requests. FOI requests to municipalities and their services, such as police forces, should go through local websites.

Unlike the federal level, which has separate laws for freedom of information and for privacy protection, Ontario blends the two. The same form is used to request personal records and to ask for general records. In addition, there is a single office that handles user complaints regarding FOI and personal information, the Information and Privacy Commissioner of Ontario. The [IPC link](#) has forms for registering a complaint, including online.

Requests and complaints, and their associated fees, should be filed and paid online to expedite processing. Responses from institutions can also be received online.

The Ontario FOI system is moderately expensive compared with other jurisdictions in Canada. Each request requires a \$5 application fee, and costs for processing can quickly add up. In 2022, the average cost to users for provincial records was \$13.18, and for municipal records, \$24.20. A complaint to the commissioner requires a \$25 fee.

News media are minor users of Ontario's FOI laws, accounting for 3.5 per cent of the 31,252 general requests filed in 2022, for example. Delays and relatively high costs appear to discourage filing. About a quarter of all requests to the province take more than 90 days for a response. Municipalities are generally faster in responding.

Police services constitute eight of the top 10 municipal institutions receiving FOI requests, with the Toronto Police Service receiving the most. At the provincial level, the

Environment Ministry attracts by far the most requests, followed by the Solicitor General.

The Information and Privacy Commissioner of Ontario has order-making power to compel the release of records. About three-quarters of complaints, though, never make it to that stage and are resolved at the outset or through mediation. The remainder go to adjudication. Complaints currently (2022) take 12.5 months, on average, to resolve, and two-thirds of the completed reviews uphold institutions' initial decisions.

Journalists using the Ontario FOI laws need to be well focused in their requests, given that the province and municipalities operate on a user-pay system. The regulations, for example, say an institution can charge \$30 an hour for search and/or preparation, and 20 cents a page for photocopies. The law allows for fee waivers, however, and about 10 per cent of all fees are indeed waived each year. A tightly worded, well-targeted request will save on fees and time.

Focused requests limit the time period (the online form requires the requester to set a time frame); will refer to categories of documents, such as audits, rather than topics; will draw on previous research that narrows the scope; will exclude repetitive email chains; and so on. Keep a file on each request, and ensure it is updated with each new communication from the FOI officer. Datebook each commitment, and follow up immediately if deadlines are missed. Areas where documents are exempt from disclosure include cabinet deliberations, advice to ministers, ongoing police investigations, commercially confidential records, and personal information about individuals.

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