

May 1, 2026

sent via email

Hon. Stephen Crawford
Minister of Public and Business Service Delivery and Procurement
College Park, 5th Floor, 777 Bay St.,
Toronto, ON, M7A 2J3
Stephen.crawford@ontario.ca

RE: Bill 97 Proposed MFIPPA Changes Recommendations

Dear Minister Crawford:

As a follow up to our April 2nd, 2026 letter, AMCTO is providing additional feedback regarding the proposed updates to the *Municipal Freedom of Information and Protection of Privacy Act, 1990* (MFIPPA) with Bill 97: Plan to Protect Ontario Act (Budget Measures), 2026.

As noted in our initial letter, we were pleased to see that a few of AMCTO's recommendations from our 2024 submission were included in the bill; however, we continue to emphasize the importance of a comprehensive review and update of the legislation to ensure it is fit for purpose.

Overall, the proposed changes mark a significant move toward expanding access to information and enhancing privacy protections. Their effectiveness, however, will hinge on acknowledging and planning for the operational realities municipalities face. For this reason, we recommend a scalable, risk-based approach supported by practical tools and a phased rollout. This would allow municipalities to meet compliance requirements while continuing to provide essential public services.

We understand that this legislation has already received Royal Assent. We are disappointed that this means there was not an opportunity to collect input from technical and industry experts, administrators who will be implementing these changes, or the public. We hope that the Government will continue to review legislation and consider updates.

In the absence of the opportunity to delegate before committee or provide a written submission, we are providing the following recommendations for your consideration which we hope will result in legislative change needed to support implementation:

1. Ensure that municipalities have access to tools and resources required to implement changes
2. Amend implementation timelines to allow municipalities to achieve compliance while continuing to deliver essential services to the public, particularly as it relates to the requirement for privacy impact assessments
3. Provide legislative clarity on several provisions

Again, while we are appreciative of the changes that the Government has proposed we are concerned about the operational impact as municipal staff implement new processes during a municipal election year, while budgets processes are disrupted. We urge you to work with the sector to determine appropriate implementation dates as well supports for implementation for municipalities with a range of capacity to handle existing requests.

We appreciate that your staff will be in touch to meet should your schedule permit as indicated in your April 17 letter and look forward to continued dialogue.

Sincerely,

[original signed by]

Kyle Pratt, MPA, CMIII, CHRL, CMO, Dipl.M.A.
Vice President, AMCTO

CC: Hon. Rob Flack, Minister of Municipal Affairs and Housing
Samantha Poisson, Deputy Minister, Ministry of Public and Business Service Delivery and Procurement
Martha Greenberg, Deputy Minister, Minister of Municipal Affairs and Housing
Jacqueline Spencer, Assistant Deputy Minister, Archives and Privacy Division
Jeremy Wittet, Chief of Staff, Ministry of Public and Business Service Delivery and Procurement
Robert Dodd, Chief of Staff, Ministry of Municipal Affairs and Housing
Patricia Kosseim, Information and Privacy Commissioner of Ontario

Introduction

AMCTO thanks the ministry for introducing changes to improve the information and privacy services that municipalities deliver to the public. While we continue to emphasize the need for a comprehensive review and update to the legislation, we appreciate that this is an important first step. We remain concerned, however, that enough consideration has not been given to the operational realities that municipalities face and how this may impact successful implementation of these changes.

We appreciate several of the proposed changes, especially those that reflect the realities that many municipalities face regarding operational capacity. For example, we welcome the increase from 30 calendar days to 45 business days for access requests as well as the general use of business days in the timeline calculations. We also welcome the introduction of second time extensions and plans for staged access to records. Municipalities will need time to update their systems to reflect these changes and align year end reporting metrics.

We also note the increased level of detail regarding provisions related to the duty to assist requesters and fee estimates and the explicit exclusion of records associated with the cybersecurity of the institutions from the Act. Generally, we are supportive of legislative clarity rather than clarity coming through case law. These changes actively involve the requester, which we support.

We commend the Province for introducing legislation aimed at enhancing the privacy of Ontarians. In particular, we were pleased to see the introduction of requirements for a breach of privacy safeguards. However, we are concerned that some of the proposed measures, while strong in principle, may prove difficult to implement in practice, potentially undermining the legislation's overall effectiveness.

We also have concerns about the practicality of implementing several of the new requirements, particularly those related to the collection and retention of personal information. Some of the proposed changes are quite onerous, and they do not fully account for the wide range of program maturity, service delivery and operational capacity across Ontario's municipalities. While some municipalities have greater resources than others, those same municipalities often face significantly higher volumes of requests. More realistic and flexible timelines would support all municipalities in meeting these obligations effectively.

The following recommendations and advice pertain to what is contained in Bill 97. We continue to encourage the province to consider the other recommendations we put forward in our 2024 submission: [Looking Ahead: A Proactive Submission to Modernize the *Municipal Freedom of Information and Protection and Privacy Act*](#) in addition to consulting with industry technical experts, municipal administrators, and the public regarding an improved information and privacy framework in Ontario.

Recommendations and Advice

Recommendation 1: Ensure that municipalities have access to the tools and resources required to implement changes

Municipalities across the province vary widely in their administrative capacity. Many smaller municipalities operate with minimal staffing, where a single individual may be responsible for freedom of information, privacy, and records management functions in addition to other duties. While larger municipalities may have more staff capacity in their information and privacy departments, they also often face a high volume of complex requests requiring participation of many different departments. Without adequate supports, the proposed requirements risk creating significant compliance challenges rather than improving access and privacy outcomes.

To support effective implementation, the development of scalable, practical tools, including standardized templates, checklists, and model policies, would help ensure that municipalities can meet new obligations in a consistent and efficient manner meaningfully rather than treating them simply as a compliance checklist.

Additional clarity and tools are also needed for Privacy Impact Assessments (PIAs). Standardized templates and practical examples would help municipalities apply PIAs appropriately and consistently. PIAs may be a standard practice in some larger municipalities for technology projects. They are not currently a standard practice for municipalities in all instances where personal information is collected. Similarly, enhanced breach reporting requirements would benefit from clear, practical guidance including decision-making frameworks and templates to support the consistent assessment of a real risk of significant harm.

Successful implementation will also depend on staff understanding and adoption. Plain-language guidance, training materials and resources for staff would significantly strengthen sector-wide readiness. It is important to note that these types of resources should be created with both clerks' office and information and privacy staff in mind, but also municipal staff more broadly as all departments have roles to play when it comes to providing access to records and protecting privacy. If not, municipal clerks may be further burdened with providing training to other departments.

Recommendation 2: Amend implementation timelines to allow municipalities to achieve compliance while continuing to deliver essential services to the public, particularly as it relates to the requirement for privacy impact assessments

The proposed changes introduce substantial new administrative requirements, many of which will require additional municipal resources. As we had communicated to the ministry previously, all municipalities are currently in the process of preparing for municipal and school board elections in October 2026, and in most municipalities, the same individuals responsible for municipal elections are responsible for information and privacy programs. Municipal budget processes are also disrupted with councils being inaugurated in November, meaning requests for resources to support implementation of new extensive requirements may not be contemplated until 2027 making it extremely difficult to transition to new rules which are proposed to be in effect by January 1, 2027. **We suggest an alternative implementation date of July 1, 2028.**

Without realistic timelines, there is a risk that municipalities will be forced to adopt a checklist-oriented approach that diverts resources away from meaningful privacy protection and essential public services. A phased, risk-based implementation timeline would allow municipalities to prioritize high-impact areas first while maintaining service delivery. It is also important to avoid retroactive application of new privacy requirements. Imposing retroactive obligations would be cost-prohibitive and operationally challenging for many municipalities. A forward-looking approach, with the ability to prioritize high-risk legacy areas over time, would be more practical and achievable.

Recommendation 3: Provide legislative clarity on several provisions

We note that AMCTO has long called for increased legislative clarity across MFIPPA. Several proposed provisions would benefit from additional legislative clarity to ensure consistent interpretation and implementation across municipalities. In general, it is the position of AMCTO that where possible clarity should come through legislation rather than through interpretation of Information and Privacy Commissioner (IPC) Orders and/or case law, or guidance bulletins. While resources from the Ministry and IPC are helpful and necessary, the legislation should be clear enough to stand on its own.

For example, clarity is needed regarding the scope of PIAs. It is important to confirm that PIAs are intended to apply proactively to new collections of personal information, rather than retroactively which would pose significant operational and financial challenges. Clarity would be welcomed in understanding if the intention is to have a PIA for every single collection of personal information (e.g. on a form) or if it is intended for technology systems and/or applications.

Further clarity is also needed on breach reporting and determining risk. This would help ensure that requirements are proportionate to the sensitivity and potential impact of the information involved and support municipalities in focussing their efforts where privacy risks are greatest.

The new provisions regarding access to records would also benefit from additional clarity. For example, if a municipality develops a staged access plan but the requester refuses the plan, what recourse is available to municipalities? Similarly, if a municipality fulfills the duty to assist requestor provisions, and a requestor declines to provide more details, what does the municipality do next. It is important that the legislation clarifies that these new provisions do not threaten the municipality's ability to apply exemptions, such as the exemption for frivolous and vexatious requests, where appropriate.

What is noted here is not an exhaustive list of all areas that may require additional legislative clarity. The province should continue to work with municipalities to determine all areas where additional clarity may be required.

Despite these changes, we still strongly believe in a need for more comprehensive update to the legislation after fulsome consultation and engagement process with municipalities, other MFIPPA institutions, academics and other stakeholders.

Conclusion

We look forward to further engagement by the ministry on the development of tools and supports for municipalities implementing these changes, appropriate timelines, and continued changes to improve

the information and privacy legislative framework.

Once again, AMCTO thanks the government for the introducing changes to improve information and privacy services for Ontarians. We hope that consideration is given towards continuous improvement, including improving clarity of the legislation and ensuring that it is responsive to current technology and trends and addresses the needs of the digital era.