

07-3760

A-Gen-2007-

03767

ORIGINAL REQUEST



Access/Correction Request

Corporate Access & Privacy
City Hall
100 Queen Street West
13th Floor, West Tower
Toronto, Ontario M5H 2N2
Tel: 416-392-9684

Municipal Freedom of Information and Protection of Privacy Act/Personal Health Information Protection Act

Application Fee *\$5.00. An application fee of \$5.00 is to accompany all requests for information and/or correction requests. Please make cheque/money order payable to **City of Toronto**. Forward to the Corporate Access and Privacy Office at City Hall, 13th Floor, West Tower, 100 Queen Street West, Toronto, ON M5H 2N2.

Please include a copy of a signed form of identification, with any request for your own personal or personal health information.

Request for:

- ☒ Access to General Records
- ☐ Access to Own Personal Information/Personal Health Information
- ☐ Correction of Own Personal Information/Personal Health Information

City of Toronto

Identify Division: Parks, Forestry, & Recreation

Unit Name/Location:

Other Institution:

(If applicable)

Last Name: MASON

First Name: JUTTA

Initial: M

Daytime Telephone No: (416) 533-0153

Evening Telephone No: ()

Address: 242 Havelock St.

Suite No.

City/Town: TORONTO

Province: ON

Postal Code: M6H 3B9

Detailed description of requested records, personal information records or personal information to be corrected.

** If you are requesting a correction of personal information, please indicate the desired correction and attach any supporting documentation.

I would like to examine all city staff correspondence, meeting notes, and any other documentation relating to Item 4 of the 2006 Operating Budget Service Level Adjustments (copy attached), including all documentation of how the expenditure reductions in that item were calculated.

Preferred method of access to records:

☒ Examine Original Or ☐ Receive Copy

* Fees: Please note processing costs (i.e., photocopying) may apply. See the fee schedule on page 2 of this form.

Signature Of Applicant

Jutta Mason

Date: Day 27 Month 09 Year 2007

Office Use Only

☐ MFIPPA

☐ PHIPA

☐ BOTH

Date Request Received

Date Application Fee Received

Date Due

Request Number

Day Month Year

Day Month Year

Day Month Year

The personal information on this form is collected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act*, and *Personal Health Information Protection Act*. The information will be used for the purpose of responding to your request. Questions about this collection should be directed to the Director, Corporate Access and Privacy Office, at (416) 392-9683, 13th floor, West Tower, City Hall, 100 Queen St. W. Toronto, ON M5H 2N2



City Clerk's Office

City Hall, 13th Floor West
100 Queen Street West
Toronto, Ontario M5H 2N2

Ulli S. Watkiss
City Clerk

Tel: 416-392-8010
Fax: 416-392-4900
E-mail: clerk@toronto.ca
Web: www.toronto.ca

FOR FURTHER INFORMATION
Please respond to: Jerry Verhovsek
(416) 392-4902

October 31, 2007

Jutta Mason
242 Havelock Street
Toronto, Ontario
M5W 1E6

Dear Ms. Mason:

Subject: City of Toronto Access Request Number 07-3760 (A-Gen-2007-03767)

I am replying to your access request under the *Municipal Freedom of Information and Protection of Privacy Act*.

You have requested access to a copy of the records consisting of all City staff correspondence, meeting notes, and any other records relating to Item 4, entitled "Close All Artificial Ice Rinks (AIR's)" within the document "2006 Operating Budget Service Level Adjustments – Summary of Administrative Review", including all documents outlining how the expenditure reductions were calculated.

After careful consideration, I am of the view that the records you have requested are raising matters involved with policy development at the City. The City is in the process of taking steps to examine policy issues that are related to the subject of your request. However, policy development and approval must follow specific processes through the appropriate committees and City Council, and policy direction cannot be resolved through the Freedom of Information process.

To obtain further information pertaining to the policy being developed regarding the matters you have raised, you may wish to contact **Ann Ulusoy, Director**, Management Services, Parks, Forestry and Recreation at phone number (416) 392-8190 or **Brenda Librecz, General Manager**, Parks, Forestry and Recreation at phone number (416) 392-8182.

Under the circumstances, your application fee for this access request is being refunded to you.

.../2

Jutta Mason

October 31, 2007

You may request that the Information and Privacy Commissioner review this decision. The Commissioner is located at 2 Bloor Street East, Suite 1400, Toronto, Ontario M4W 1A8. Please provide the Commissioner with the following:

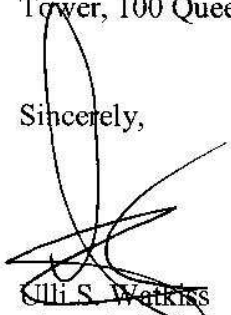
- i) request number assigned to your request;
- ii) a copy of this decision letter;
- iii) a copy of your original request.

Please note that you have 30 days from receipt of this decision to request a review.

In addition, you must send an appeal fee to the Commissioner's office. Please be advised that the fee to appeal a request for general records is **\$25.00**. Please include the fee in your letter of appeal. Appeal fees should be in the form of either a cheque or a money order, made payable to the *Minister of Finance*.

Should you have any questions, please contact **Jerry Verhovsek, Access and Privacy Officer**, at phone number (416) 392-4902. Mr. Verhovsek is located at City Hall, 13th Floor, West Tower, 100 Queen Street West, Toronto, Ontario M5H 2N2.

Sincerely,



Cilli S. Watkiss
City Clerk.

c. Ann Ulusoy
c. Brenda Librecz
c. Sue Corke

FOR FURTHER INFORMATION
Please respond to: Jerry Verhovsek
(416) 392-4902

November 21, 2007

Jutta Mason
242 Havelock Street
Toronto, Ontario
M5W 1E6

Dear Ms. Mason:

Subject: City of Toronto Access Request Number 07-3760 (A-Gen-2007-03767)

I am writing to you in response to your recent phone messages which were in response to our decision letter to you of October 31, 2007.

Under this access request, you asked for a copy of the records consisting of all City staff correspondence, meeting notes, and any other records relating to Item 4, entitled "Close All Artificial Ice Rinks (AIR's)" within the document "2006 Operating Budget Service Level Adjustments – Summary of Administrative Review", including all documents outlining how the expenditure reductions were calculated.

Upon further consideration, it continues to be our view that your request is for documentation of how the [2006 Operations Budget Services Adjustments] expenditure reductions are dealing with matters involved with policy development at the City.

The Director, Management Services, Parks, Forestry and Recreation (PFR), states that an extensive search will have to be initiated to determine whether there are records responsive to your request. PFR has advised this office that it is expected to take about **52 hours** (i.e., 1 ½ weeks) to search for responsive records within a large number of files that are located in 4 buildings in different City districts. The Director, PFR, further states that for each of the files which may or may not contain responsive records, it will require at least 3 staff about 45 minutes to locate the file, and then to identify records within the file that are responsive to this request.

PFR management state that some of the records may also be contained in an electronic database and those will require programming to retrieve the records and to create records that can be converted into paper documents or electronic files. PFR management further indicate that the access database used to prepare the budget is overridden every year, and that they are not certain whether an electronic backup of responsive records exists. This could very well result in no electronic records being found in response to your request.

It remains our view that policy development and approval must follow the specific processes through the appropriate committees and City Council, and that policy direction and understanding of how expenditures were calculated are often not resolved through the Freedom of Information (FOI) process.

Thus, I would again encourage you to obtain further information regarding the policy that is the foundation for how the expenditure reductions in the item were calculated along with the reason, by contacting **Ann Ulusoy, Director**, Management Services, Parks, Forestry and Recreation at phone number (416) 392-8190 or **Brenda Librecz, General Manager**, Parks, Forestry and Recreation at phone number (416) 392-8182.

Should you decide that you wish to go forward with a formal FOI request instead of obtaining further information from PFR staff, please be advised that, based on search times provided by the program area staff, the following search fees under section 45 will apply to your request. Please note that this does not include any costs which may be associated with preparing the records for disclosure:

Cost to the City of searching for all responsive records:

52 hours and \$30.00 per hour	\$1,560.00
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Pursuant to Regulation 823, where the fee estimate is over \$100.00, an institution is permitted to require a deposit equal to 50 per cent of the estimated fee. Therefore, your written acceptance of the fee estimated together with a deposit of **\$780.00** is requested prior to proceeding with this request. Please make the cheque payable to the City of Toronto.

As well, please note that a photocopying fee will also apply for copies of the requested records at \$0.20 per page.

The *Act* does provide that all or part of the fee can be waived if, in our opinion, it is fair and equitable to do so, if the fee will cause you a financial hardship or if dissemination of the record will benefit public health and safety.

The Manager, Records and Information Management (RIM), Programs and Standards, states that the City Clerk's Office, in partnership with the Chief Information Officer (CIO) and business units, is identifying tools and developing methods for creating, sharing, and maintaining City records digitally, which would reduce search and duplication time for large requests for information, and thus also reduce future search time costs.

If you disagree with any aspect of the fee estimate, please contact Jerry Verhovsek, Access and Privacy Officer, at phone number (416) 392-4902. Mr. Verhovsek is located at City Hall, 13th Floor, West, 100 Queen Street West, Toronto, Ontario M5H 2N2.

You may request that the Information and Privacy Commissioner review this decision. The Commissioner is located at 2 Bloor Street East, Suite 1400, Toronto, Ontario M4W 1A8. Please provide the Commissioner with the following:

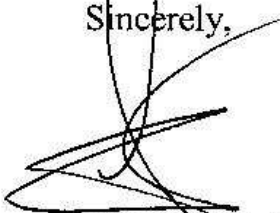
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Should you have any questions, please contact **Jerry Verhovsek, Access and Privacy Officer**, at the phone number indicated previously.

Sincerely,



Ulli S. Watkiss
City Clerk

c. Ann Ulusoy
c. Brenda Librecz
c. Sue Corke

Ms. Suzanne Craig,
Director, Corporate Access and Privacy,
City Hall, Toronto,
100 Queen St. West,
Toronto, M5H 2N2

November 27, 2007

Dear Ms. Craig,

Subject: Access Number 07-3760 (A-Gen-2007-03767)

Today I received a letter signed by the city clerk, reiterating that the documentation I asked for in my request is a policy development matter. Although once again no specific part of the Act was cited to disallow my request, I have the sense from this letter that the message is the same as before – essentially “go away.”

But that's not an option for our group. A very serious possibility was raised by the item I am asking about – the closing of 47 neighbourhood compressor-cooled outdoor rinks to save money. This possibility has a history. And although the letter I received says I should address any follow-up concerns on this issue to Mr. Verhovsek, I think the city's response is alarming enough that I would prefer to write to you, as the head of Corporate Access.

I and other rink supporters have been trying for years to engage with City decision-makers regarding the running of outdoor rinks. We are very knowledgeable and committed, and our sustained interest is well known all over the city. However we've been unsuccessful, year after year, in getting invited to the table where outdoor rink policies are discussed. Decisions come from far away, as before.

The letter I received from Corporate Access urges us to put our questions to the PFR Director of Management Services and the General Manager directly. But the fact is, our research group submitted a very detailed report on the outdoor rinks to the city last April, requesting that city management would let us collaborate with them. Despite a number of follow-up requests, the only result our report got was the most cursory attention from the city outdoor rink manager. He told us at a large meeting that he makes no policy decisions, he basically just follows orders.

Simply being told what the policies are, is not the level of involvement we requested. The stakes are too high for us. The recent cost containment measure mandating drastic cuts to the outdoor rink season once again brought home to many Torontonians how fragile our basic tax-supported services are.



The letter I got today from Corporate Access says that if our group still insists on asking PFR to document how they came to raise the rink closures as a possibility two years ago, it will take 52 hours for numerous staff to search for the information, looking in all sorts of places.

This news is rather astonishing. Did a recommendation to close all the outdoor rinks permanently (except Nathan Philips and Mel Lastman Square) not at least have a report attached to it? Does no record exist to back up the cost-savings figures of \$569,400 for December 2006 and \$1,117,500 for January-February 2007? Is there not *one* orderly folder in a cabinet, containing the main calculations that led PFR management to consider such a drastic step? Do staff not archive such a major document on their computers?

Perhaps not. Certainly the letter I received today suggests that the database used to prepare for the 2006 budget debate may already have been erased. For that reason, the \$1570.00 the City proposes to charge our group, to hunt for information, would be a particularly unwise expenditure – if after all that costly searching, the PFR staff could turn up nothing.

Our broader concern is that this response seems to share a common thread with other recent responses we've had from Corporate Access in the past month. Most of the responses we've had seem rather token. Perhaps we are seen as not serious in our inquiries, somehow just wanting to put city staff to a lot of extra work.

However, we *are* serious, and the stakes are high enough – in terms of what citizens stand to lose – that we need to persist in our efforts. Simply being told by PFR that “there's no money” to fix what's broken, or to use the public facilities we collectively own, is not an answer we can accept. We need the details, so that we can make arguments at least externally, even if we can't find the doorway in to more direct collaboration.

For that reason I have enclosed a more limited information request on *2006 Operating Budget Item Four, “close all artificial ice rinks.”* The information I request does not need 52 hours of hunting by staff. If the specific files I am asking for don't exist in any readily accessible place, then please let us know that for sure. Hopefully PFR management will then move quickly to ensure that such basic information is retained and accessible from now on.

If the information *does* exist but you decide that it is not available to us, on the grounds that a policy proposal from 2005 (relating to the 2006 budget) properly remains beyond the reach of information requests two years later, then please cite the exemption in the Act. We can then try to get a judgment from the province on whether they agree.

Thank you for your attention to this.