

School Board Update

Are You Properly Authorized to Make that Freedom of Information Decision?

Date: May 15, 2017

This is a short reminder to our school board contacts about an often overlooked feature of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) – the assignment of formal powers and duties to the board of trustees itself. These powers and duties include those related to the processing of freedom of information requests.

Almost always, freedom of information requests are handled completely by persons other than the trustees. This is permitted by a provision in MFIPPA that allows for a *written* delegation of MFIPPA powers and duties. If a proper delegation has not been made, however, certain actions taken in processing freedom of information requests may be rendered invalid.

We encourage our school board contacts who are responsible for processing freedom of information requests to confirm that a proper written delegation is in place. We would be pleased to assist in addressing any problems. Please contact [Scott Williams](#) at 416.864.7325 or [your regular Hicks Morley lawyer](#) for more information.

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