



Mediation of Appeals – Overview

Introduction

A person who has made a request under Ontario's *Freedom of Information and Protection of Privacy Act* or *Municipal Freedom of Information and Protection of Privacy Act* (the Acts) may appeal any decision of the institution concerning the request to the Information and Privacy Commissioner/Ontario (IPC). For more information about the appeal process please refer to *The Appeal Process and Ontario's Information and Privacy Commissioner* and the IPC's *Code of Procedure*.

The IPC is committed to mediation as the preferred method of dispute resolution. Our goal is to increase the proportion of files settled informally, thereby reducing the number, which require the more formal, adversarial, and labour-intensive adjudicative process.

What is mediation at the IPC?

Mediation consists of a range of strategies and techniques all targeted at assisting the parties to reach a settlement. Some of those strategies include telephone conference and face-to-face meetings. In some cases full settlement is not possible, but issues or records can be narrowed, thereby simplifying the adjudicative process. Successful mediation requires the commitment of all parties. The role of the Mediator is to help build this commitment and to facilitate discussion towards a resolution of the issues in dispute.

What are the advantages to mediation?

The main advantages of mediation are:

- Provides an opportunity for the parties to explain their respective positions.
- Offers parties the opportunity to retain control by working together to arrive at a resolution.
- Parties benefit from the Mediator's assistance in communicating, clarifying issues, pinpointing areas where agreement can be reached, and negotiating those agreements.
- Frequently leads to resolution faster than more formal methods of dispute resolution.
- Generally less costly to the parties.
- Can enhance future interaction between the parties by building trust, understanding, and communication.

How can I work with the IPC to resolve the appeal?

- Display a willingness to participate in telephone conference or face-to-face mediation meetings.
- Take advantage of the opportunity to hear the issues and interests directly from the other party.
- Work together as partners in finding solutions.
- See this as an opportunity to resolve disputes informally and in a timely fashion.
- Be creative and open to ideas and suggestions as well as innovative possibilities for settlement.
- Listen with a view to understand.