



**Information and Privacy  
Commissioner/Ontario**  
**Commissaire à l'information  
et à la protection de la vie privée/Ontario**

# **ORDER P-682**

**Appeal P-9400208**

**Ontario Crown Employees Grievance Settlement Board**



80 Bloor Street West,  
Suite 1700,  
Toronto, Ontario  
M5S 2V1

80, rue Bloor ouest  
Bureau 1700  
Toronto (Ontario)  
M5S 2V1

416-326-3333  
1-800-387-0073  
Fax/Télé: 416-325-9195  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

## ORDER

The Ontario Crown Employees Grievance Settlement Board (the Board) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to all grievance records involving the Psychiatric Patient Advocate Program (the PPAP) for a specific time period.

The Board responded by extending the time for issuing its decision letter by an additional 104 days to June 23, 1994 for the following reasons:

[the] request requires a search through an extensive number of records and meeting the thirty day time limit would unreasonably interfere with the operations of our institution; and consultations with a person outside the institution are necessary ... and these can not reasonably be completed within the time limit.

The requester appealed the decision of the Board to extend the statutory thirty day time limit. The requester simultaneously filed an appeal from a decision of the Ontario Public Service Labour Relations Tribunal (the Tribunal) relating to a request for similar records. The Board and the Tribunal share administrative and personnel resources to the extent that the same individual functions as the Registrar for both the Board and the Tribunal. Appeal Number P\_9400208 was assigned to both appeals. While the issues and the appellant are the same in both the appeals, the institution is different. Therefore, I will issue a separate order in respect of each appeal.

Notice that an inquiry was being conducted to review the decision of the Board was sent to the Board and the appellant. Representations were received from both parties.

The Board received the request on February 9, 1994. Pursuant to section 26 of the Act, unless a time extension is invoked, the Board is required to issue its decision letter by March 11, 1994. On March 25, 1994 the Board extended the response date by an additional 90 days to June 23, 1994, for a total extension of 104 days.

The sole issue in this appeal is whether the extension of time claimed by the Board, under section 27(1)(a), to respond to the request, is reasonable in the circumstances of the appeal. The Board has made no representations regarding its need for outside consultation and, therefore, I will not consider the application of section 27(1)(b) of the Act.

Section 27(1)(a) of the Act provides that:

A head may extend the time limit set out in section 26 for a period of time that is reasonable in the circumstances, where,

the request is for a large number of records or necessitates a search through a large number of records and meeting the time limit would unreasonably interfere with the operations of the institution;

In its representations, the Board has included a sworn affidavit from the Registrar of the Board. In the affidavit, the Registrar states that the Board's filing system is not indexed to include the topic which is the subject of the request (the PPAP) and consequently each file will have to be searched. The affidavit indicates that the time period encompassed by the request will require a total of 16,453 files to be searched and that each file will take at least 15 minutes to search.

Some of these files are closed and will have to be recalled from storage. Finally, the Board submits that it is "... not in a position to devote a full time employee to any of these tasks ...".

The appellant submits that the time extension invoked is excessive based upon the nature of the records sought, which exclude any personal information. The appellant claims that the Board has based at least part, if not all of its decision, on the total records responsive to this and other requests that he may have made to institutions with which the Board may share resources, instead of treating and viewing each request individually.

I have carefully reviewed the representations of the parties and I find that the time extension invoked by the Board is reasonable on the basis that the request will necessitate a search through a large number of records and that meeting the statutory time limit would unreasonably interfere with the operations of the Board.

**ORDER:**

I uphold the Board's decision.

Original signed by: \_\_\_\_\_  
Mumtaz Jiwan  
Inquiry Officer

\_\_\_\_\_ May 17, 1994