



**Information and Privacy  
Commissioner/Ontario**

**Commissaire à l'information  
et à la protection de la vie privée/Ontario**

# **ORDER M-573**

**Appeal M\_9500339**

**Leeds, Grenville and Lanark District Health Unit**



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/Téléc: 416-325-9195  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

## **NATURE OF THE APPEAL:**

This is an appeal under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The requester asked the Leeds, Grenville and Lanark District Health Unit (the Health Unit) for copies of all documentation relating to her employment with the Health Unit. In addition, the requester sought access to all documentation of a non-personal nature relating to all employee group insurance policies and contracts between the Health Unit and its insurers from 1988 to present. Without limiting her request, the appellant provided several examples of the kinds of information she was seeking. The request was made on **May 3, 1995**.

The Health Unit did not respond within the 30 days prescribed by the Act and did not request a time extension to process the request under section 20(1) of the Act. The Health Unit thus placed itself in a "deemed refusal" situation pursuant to section 22(4) of the Act. The requester appealed the Health Unit's deemed refusal to provide access.

The Appeals Officer advised the Health Unit of its obligations under the Act, and endeavoured to have the Health Unit issue the necessary decision letter. The Appeals Officer informed the Health Unit that if they failed to issue a decision letter, an order may be issued ordering the Health Unit to make a decision. The Appeals Officer confirmed the discussion by letter dated June 15, 1995. Enclosed with the letter were three "IPC Practices" which outlined the responsibility of an institution in making an access decision and providing records to the Commissioner's Office as well as information about the mediation process. The letter also confirmed that the Health Unit would be making a decision by June 28, 1995.

On June 29, 1995, the Health Unit forwarded part of the records which respond to the appellant's request and stated in a covering letter that it was "continuing to compile the requested documents" and "may wish to claim discretionary exemptions". To date, the Health Unit has not issued a decision letter.

The issuance of a comprehensive decision letter is critical both to the integrity of the access process and the timely processing of an appeal. In addition, until the appellant receives a decision on these records, she cannot make an informed decision regarding whether to continue with the appeal. Accordingly, I am ordering the Health Unit to issue a decision letter with respect to the appellant's request for records.

## **ORDER:**

1. I order the Health Unit to provide the appellant with a decision on access to the outstanding records requested by the appellant on May 3, 1995 within fifteen (15) days of the date of this order, without recourse to a time extension.

2. In order to verify compliance with Provision 1 of this order, I order the Health Unit to provide me with a copy of the decision letter referred to in Provision 1 within twenty (20) days of the date of this order. This should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario, M5S 2V1.

Original signed by: \_\_\_\_\_  
Holly Big Canoe  
Inquiry Officer

\_\_\_\_\_ July 25, 1995