



Information and Privacy  
Commissioner/Ontario

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

# ORDER P-951

Appeal P-9500274

Ministry of the Solicitor General and Correctional Services



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## NATURE OF THE APPEAL:

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The Ministry of the Solicitor General and Correctional Services (the Ministry) received a request for records relating to the investigation of a fire at a particular property. The request was dated **October 8, 1994**.

On December 1, 1994 the Ministry issued a notice under section 27(2) of the Act, extending the time for issuing its decision by 90 days to **February 19, 1995**.

The Ministry indicated that the reason for the 90 day extension was:

... the request is for a large number of records or requires a search through a large number of records and meeting the time limit would unreasonably interfere with the operations of this Ministry.

The Ministry's revised date passed without a decision letter. The Ministry thus placed itself in a "deemed refusal" situation pursuant to section 29(4) of the Act. The requesters appealed the Ministry's deemed refusal to provide access.

On June 19, 1995, the Appeals Officer wrote to the Ministry advising that if a decision was not rendered by June 28, 1995, the matter would proceed to a decision-maker. That date has passed, and the Ministry has failed to respond.

The Ministry has informed the Commissioner's Office that there are approximately 4,000 pages of records involved, and that a decision letter could be issued in the next two or three weeks. A definitive date by which this event will occur has not been provided to this office.

While I appreciate the Ministry's difficulties in dealing with voluminous records, section 27 provides relief to institutions in such situations, without prejudicing the certainty to which the requester is entitled. The Ministry utilized the avenue provided under the Act but has failed to issue a decision letter by its projected date.

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 appellants receive a decision on the requested records, they cannot make an informed decision on whether access has been properly granted or denied and whether an appeal on such access decision(s) would be appropriate.

In not issuing a decision letter in accordance with its projected deadline, the Ministry has deprived the requesters of a timely resolution of their request.

In the circumstances of this case and given the length of time that has elapsed since the request was made to the Ministry, and the interests of the appellants, I am ordering the Ministry to issue a decision letter with respect to this outstanding request.

**ORDER:**

1. I order the Ministry to provide the appellants with a decision on access to the records requested on October 8, 1994 within fifteen (15) days of the date of this order, without recourse to a further time extension.
2. In order to verify compliance with Provision 1 of this order, I order the Ministry 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: \_\_\_\_\_  
Mumtaz Jiwan  
Inquiry Officer

\_\_\_\_\_ July 11, 1995