



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

ORDER P-1148

Appeals P_9500681, P_9500682 and P_9500683

Ontario Insurance Commission



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>

The Ministry of Finance (the Ministry) received three requests under the Freedom of Information and Protection of Privacy Act (the Act) for records held by the Ontario Insurance Commission (the OIC). The Freedom of Information and Privacy Co-ordinator for the Ministry and OIC (the Co-ordinator) returned the requests, advising that he considered them to be both frivolous and vexatious.

The requester (now the appellant) filed appeals pursuant to section 29(4) of the Act on the basis that the OIC was in a deemed refusal situation. A copy of the three request letters was attached to his letter of appeal.

It is important to note that these requests and the response letter sent by the Co-ordinator both pre-dated the enactment of Bill 26 (the Savings and Restructuring Act, 1996). Therefore, the new provisions contained in Bill 26 which provide a procedure for institutions to follow in considering requests they feel are frivolous and vexatious was not then in place.

The assigned Appeals Officer for the three appeals wrote to the Co-ordinator, encouraging him to reconsider his original response and to issue proper decision letters. The Co-ordinator claimed that he was unable to do so, because he had not retained copies of the request letters. The Appeals Officer then approached the appellant, suggesting that he either re-submit his requests or agree to have copies forwarded to the Co-ordinator by this office. The appellant refused both options presented by the Appeals Officer.

Had the Co-ordinator retained copies of the request letters, I would order the OIC to issue proper decision letters in response to each of the three requests. However, in my view, no useful purpose would be served in taking this step, because without the content of the request letters the OIC is not in a position to comply. It seems highly unusual to me that the Co-ordinator would have returned the request letters, particularly without first making copies. However, I am prepared to accept that no copies were retained in the circumstances of these appeals.

By not agreeing to re-submit the requests, and particularly by refusing to allow the Appeals Officer to provide the Co-ordinator with copies, I find that the appellant has frustrated the appeals process. I further believe that allocating additional resources to process these appeals is not justified.

On this basis I have decided to dismiss these three appeals. Should the appellant decide at some future point that he wants to request access to the information identified in any of his three requests, he may do so by submitting new requests to the OIC.

Original signed by: _____
Tom Mitchinson
Assistant Commissioner

_____ March 19, 1996