



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

ORDER MO-1191

Appeal MA-980337-1

City of Toronto



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NATURE OF THE APPEAL:

On October 10, 1998, the appellant sent a request to the City of Toronto (the City) under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The request was for all information pertaining to University Settlement Centre with respect to the president from 1994-1997 from the following areas:

- (1) Community Services (City and Metro)
- (2) Parks and Recreation
- (3) City Clerk
- (4) (a) - Neighbourhoods Committee meeting May 1996
(b) - Neighbourhoods Committee meeting September 1997
- (5) (a) - City Council meeting June 10, 1995
(b) - City Council Meeting October 7, 1997
- (6) All minutes (draft & final) interviews, recordings, video tapes etc. from all University Settlement/City Task Force Committee meetings and communication from the "Concerned Friends of University Settlement", members and staff of the USRC.
- (7) Equal Opportunity Department
- (8) Mayor's Office
- (9) Metro and City Councillor files of six named City Councillors' offices.
- (10) All files of a named individual in Parks and Recreation, Task Force chair and staff.
- (11) All files of a named individual in Parks and Recreation.
- (12) All files of two named individuals in the Equal Opportunity Department.
- (13) All files from the Mayor and mayor's staff at the time.
- (14) All files of city solicitor and staff plus all communications particularly those with a named individual and two specified Councillors.

On December 3, 1998 the City extended the time for responding to the request until March 8, 1999.

The City's decision letter indicated that the reason for the time extension was that the request necessitates a search through a large number of records and meeting the time limit would unreasonably interfere with the operations of the institution (section 20(1)(a)).

The requester appealed the City's decision to extend the time for responding to the request to the Commissioner's office. Notice that an inquiry was being conducted to review the decision of the City was sent to the appellant and the City. Representations were received from both parties.

DISCUSSION:

The sole issue for me to determine in this appeal is whether the extension of time claimed by the City as necessary to respond to the appellant's request is reasonable in the circumstances.

Section 20(1)(a) of the Act states:

A head may extend the time limit set out in section 19 for a period of time that is reasonable in the circumstances, if,

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 his representations, the appellant raises concerns about the behaviour of City staff and their motivations.

In its representations, the City addresses both the large number of records which must be searched and how meeting the time limit would unreasonably interfere with the operations of the City.

The City submits that it is necessary to conduct searches in 15 program areas. Some files containing responsive records are closed and have to be recalled from storage to be searched. Some stored files are housed in records centres or off-site storage facilities.

The City submits that subject indices do not exist for records in several program areas. The City provides the example of the Mayor's office for whose records no index exists and a manual search had to be conducted through a non-indexed filing system. The City submits that for this reason and because of the specialized nature of the request, the search must be conducted by experienced staff familiar with the records.

The City submits that the need for searches to be conducted by experienced staff familiar with the records contributes to the need for an extension. The amalgamation of seven cities into one has caused many experienced staff to leave the employ of the City or assume new or additional job duties. Requesting these individuals to expend time on a search will therefore cause certain interruption to their day-to-day duties. The City submits that such interruption would unreasonably interfere with the operations of the City.

I have carefully reviewed the representations received from the parties. I am satisfied that the appellant's request necessitates extensive time-consuming searches which must be undertaken by experienced staff

familiar with the records requested. I am also satisfied that, in the circumstances, meeting the time limit imposed by section 19 of the Act would unreasonably interfere with the operations of the City. Accordingly, I find that the extension of the City to March 8, 1999 is reasonable in the circumstances of this appeal.

ORDER:

I uphold the City's decision to extend the time to provide a decision letter to the appellant to **March 8, 1999**.

Original signed by: _____
Rafael Eskenazi
Acting Adjudicator

_____ February 19, 1999