



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1512

Appeal MA-020009-1

District Municipality of Muskoka



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NATURE OF THE APPEAL:

This is an appeal under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*).

On December 6, 2001, the requester submitted a request to the District Municipality of Muskoka (the Municipality) for records relating to the “blackballing” of [a named company] by the Municipality. Specifically, the requester asked for the following records:

- “internal records, correspondence, e-mail, etc. discussing and implementing the “blackballing of [a named company]” from anyone at Muskoka (this is to specifically address records maintained by [four named individuals], or an acknowledgement that any of these specific individuals do not possess responsive records)
- any submissions or reports to council addressing these issues
- any council records or minutes including “in-camera” sessions addressing the above that are not currently published on the Muskoka’s website
- any correspondence with others outside of Muskoka concerning the above, including records to and from lawyers with Muskoka or elsewhere
- any instructions to Muskoka’s lawyers touching upon these issues
- in addition, all records which disclose Muskoka past history of “blackballing” entities of any kind and for any reason for over last fifteen years.”

The Municipality did not issue a decision letter to the requester as required by sections 19 and 22 of the *Act* within the 30 days prescribed by the *Act*, nor did the Municipality request a time extension to process the request under section 20 (1) of the *Act*. Accordingly, the Municipality placed itself in a “deemed refusal” situation pursuant to section 22 (4) of the *Act*. The requester (now the appellant) appealed the Municipality’s deemed refusal to provide access to the records.

On February 4, 2002, a Notice of Inquiry was issued notifying the Municipality that a “deemed refusal” appeal had been opened, because a decision letter had not been issued to the appellant. The notice indicated that the matter would be mediated, and if settlement was not reached by February 18, 2002, an Order would be issued requiring the Municipality to issue a decision letter to the appellant.

I contacted the Municipality but to date, a decision letter has not been issued.

ORDER:

1. I order the Municipality to issue a decision letter to the appellant regarding access to the records in accordance with the *Act* and without recourse to a time extension, no later than February 26, 2002.
2. In order to verify compliance with Provision 1 of this Order, I order the Municipality to provide me with a copy of the decision letter referred to in Provision 1 by February 28, 2002. 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: _____

Leslie McIntyre

Acting Adjudicator

February 19, 2002 _____