



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

ORDER MO-1631

Appeal MA-030091-1

Regional Municipality of Peel



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NATURE OF THE APPEAL:

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

On February 4, 2003 the requester submitted a request to the Regional Municipality of Peel (the Municipality) for access to various records from the Peel Health Department concerning possible contamination to the municipal drinking water, including water quality testing, soil chemical analysis and a map of the region.

Section 19 of the *Act* requires the Municipality to issue a decision within 30 days of receipt of a request. If a decision is not issued within the time limit, the Municipality is in a “deemed refusal” situation pursuant to section 22(4) of the *Act*. That provision states:

A head who fails to give the notice required under section 19 or subsection 21(7) concerning a record shall be deemed to have given notice of refusal to give access to the record on the last day of the period during which notice should have been given.

The Municipality did not issue a decision within the 30 days prescribed by sections 19 and 22 of 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*.

On March 18, 2003 the requester (now the appellant) appealed the Municipality’s deemed refusal to provide access to the records, to the Office of the Information and Privacy Commissioner.

On March 24, 2003, a Notice of Inquiry was issued to both the appellant and the Municipality stating that the Municipality was in a deemed refusal situation, as a letter had not been issued within the time period described by the *Act*. The Notice also advised that if this matter was not resolved by way of settlement by April 7, 2003, in my capacity as Acting-Adjudicator I would be in a position to issue an order requiring the Municipality to provide a decision letter to the appellant.

On March 28, 2003, I spoke the Freedom of Information Co-ordinator who informed me that a decision would be released by the April 7, 2003 deadline. Since that date my attempts to contact the FOIC have not been successful. As of April 7, 2003, neither the appellant nor myself have received a copy of the decision letter.

ORDER:

1. I order the Municipality to issue a decision letter to the appellant regarding access to the records outlined in his request letter dated February 4, 2003, in accordance with the *Act* and without recourse to a time extension, no later than **April 17, 2003**.

2. In order to verify compliance, I order the Municipality to provide me with a copy of the decision letter by **April 17, 2003**. All decision letters should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700 Toronto, Ontario, M5S 1V1.

Original signed by: _____

Brian Bisson
Acting Adjudicator

_____ April 10, 2003