

Information and Privacy Commissioner,  
Ontario, Canada



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

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## ORDER PO-4637

Appeal PA24-00529

Ministry of the Solicitor General

April 10, 2025

**Summary:** On June 28, 2024, an individual asked the Ministry of the Solicitor General for records about menstrual products for inmates at specified correctional facilities. They appealed because the ministry did not issue a decision within the prescribed time limit. The decision-maker finds that the ministry has not issued a decision, and the request is deemed to have been refused. The decision-maker orders the ministry to issue a decision by April 24, 2025.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.3, as amended, sections 26 and 29.

### BACKGROUND:

[1] On June 28, 2024, the appellant requested records from the Ministry of the Solicitor General (the ministry) under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for policies and guidelines on the distribution of menstrual products to inmates and response times to inmates' requests for menstrual products at Thunder Bay Correctional Centre, Kenora Jail, and Fort Frances Jail.

[2] On September 4, 2024, the appellant appealed to the Information and Privacy Commissioner of Ontario (the IPC) because the ministry failed to issue a decision within 30 days of the access request. File PA24-00529 was opened.

[3] On September 9, 2024, following multiple emails from the appellant requesting an update, the ministry advised the appellant that a response should be issued shortly.

[4] On January 15, 2025, I contacted the ministry and asked if a decision had been issued in response to the access request. I did not receive a response.

[5] On January 22, 2025, I asked the ministry to provide a response by January 27, 2025, or I would issue a Notice of Expedited Inquiry. I did not receive a response.

[6] On February 24, 2025, I decided to conduct an inquiry and issued a Notice of Expedited Inquiry, encouraging the ministry to issue a final decision by March 14, 2025. A final decision was not issued by this date.

[7] On March 17, 2025, I asked the ministry for an update, but received no response. Considering the above, and to ensure there are no further delays in processing this access request, I will order the ministry to issue a final access decision to the appellant.

## **DISCUSSION:**

[8] Section 26 of the *Act* states:

Where a person requests access to a record, the head of the institution to which the request is made or if a request is forwarded or transferred under section 25, the head of the institution to which it is forwarded or transferred, shall, subject to sections 27, 28 and 57, within thirty days after the request is received,

(a) give written notice to the person who made the request as to whether or not access to the record or a part thereof will be given; and

(b) if access is to be given, give the person who made the request access to the record or part thereof, and where necessary for the purpose cause the record to be produced.

[9] The circumstances giving rise to a deemed refusal are set out in section 29(4) of the *Act*. This section states:

A head who fails to give notice required under section 26 or subsection 28(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.

[10] Where a time extension is not issued, it is expected that, prior to the expiry of the 30-day time limit in section 26 of the *Act*, written notice will be given to the requester as to whether access to the record or a part thereof will be given and for access to the record to then be given to the requester. This is referred to as a final access decision. If a final access decision is not issued prior to the expiry of the 30-day time limit, the institution would be in a "deemed refusal" pursuant to section 29(4) of the *Act*.

[11] The appellant requested records on June 28, 2024. The ministry did not request an extension of time to respond to the access request. As of today, the ministry has not issued its final access decision despite the appellant filing of this appeal with the IPC and me issuing a Notice of Expedited Inquiry, encouraging it to do so by March 14, 2025.

[12] Therefore, I find the ministry to be in a deemed refusal situation pursuant to section 29(4) of the *Act*.

[13] To ensure that there are no further delays, I will order the ministry to issue a final access decision to the appellant without recourse to any time extension under section 27 of the *Act*.

**ORDER:**

1. I order the ministry to issue a final access decision to the appellant regarding access to the records in accordance with the *Act* without recourse to a time extension by **April 24, 2025**.
2. To verify compliance, the ministry shall provide me with a copy by email of the decision referred to in provision 1 by **April 24, 2025**.

Original Signed by: \_\_\_\_\_  
Michael Cusato  
Case Lead

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April 10, 2025