

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4651

Appeal MA24-00795

Toronto Police Services Board

April 30, 2025

Summary: On August 28, 2023, the appellant asked the respondent under the *Municipal Freedom of Information and Protection of Privacy Act* for records generated responding to their previous access requests to the respondent and related to an application to the respondent. They appealed because the respondent failed to issue a decision within the prescribed time. The decision-maker finds that the respondent has not issued a decision and is deemed to have refused the access request. The respondent is ordered to issue a final decision by May 14, 2025.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, sections 19 and 22.

BACKGROUND:

[1] On August 28, 2023, the appellant submitted two access requests to the Toronto Police Services Board (the respondent) under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for records generated from their previous access requests filed with the respondent, and records related to an application to conduct research.

[2] On October 9, 2024, the appellant filed an appeal with the Information and Privacy Commissioner of Ontario (the IPC) when the respondent failed to issue decisions to the appellant within 30 days of the access request. The IPC opened File MA24-00795.

[3] On January 27, 2025, I was assigned this appeal as case lead.

[4] On February 3, 2025, I asked the respondent about the status of the final decisions.

[5] On February 6, 2025, the appellant agreed to place this appeal on hold until the end of February 2025, to allow the respondent to issue its final decisions. I also advised both parties that, if final decisions were not issued by February 28, 2025, I would start a formal expedited inquiry.

[6] On March 6, 2025, I contacted the respondent to ask if final decisions had been issued.

[7] On March 7, 2025, the respondent advised that it would not be able to issue final decisions to the appellant until the end of March 2025.

[8] On March 20, 2025, I decided to conduct an inquiry and issued a Notice of Expedited Inquiry, encouraging the respondent to issue final decisions by April 2, 2025. Final decisions were not issued by this date.

[9] To date, the respondent has not issued final decisions to the appellant.

[10] Considering the above, and to ensure there are no further delays in processing the access requests, I will order the respondent to issue final access decisions to the appellant.

DISCUSSION:

[11] Section 19 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 18, the head of the institution to which it is forwarded or transferred, shall, subject to sections 20, 21 and 45, 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 of it 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.

[12] The circumstances giving rise to a deemed refusal are set out in section 22(4) of the *Act*. This section 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.

[13] Where a time extension is not claimed, or an interim decision/fee estimate is not issued, it is expected that, prior to the expiry of the 30-day time limit in section 19 of the *Act*, subject to section 21 and 45 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 this 30-day time limit, the institution would be in a "deemed refusal" pursuant to section 22(4) of the *Act*.

[14] The appellant requested access to records on August 28, 2023. The respondent did not issue an extension of time to respond to the requests. As of today, the respondent has not issued its final decisions despite the appellant filing this appeal with the IPC and me issuing a Notice of Expedited Inquiry, encouraging it to do so by April 2, 2025. As decisions were not issued to the appellant within 30 days of the access requests, the respondent is deemed to have refused the access requests.

[15] Therefore, I find the respondent to be in a deemed refusal situation pursuant to section 22(4) of the *Act*.

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

ORDER:

1. I order the respondent to issue final access decisions to the appellant regarding access to the records in accordance with the *Act* without recourse to a time extension by **May 14, 2025**.
2. To verify compliance, the respondent shall provide me with a copy by email of the decisions referred to above by **May 14, 2025**.

Original Signed by: _____

Alline Haddad
Case Lead

April 30, 2025