

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-4713

Appeal PA25-00232

Ministry of the Solicitor General

August 27, 2025

Summary: In March 2024, a media appellant asked the Ministry of the Solicitor General for records about the potential to expand the OPP detachment in Sioux Lookout, Ontario. After receiving no response, they appealed. The decision-maker finds that the ministry has not issued a decision, and the request is deemed to have been refused. The ministry is ordered to issue a final access decision by September 10, 2025.

Statute Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, sections 26 and 29.

OVERVIEW:

[1] In March 2024, a member of the media (the appellant) asked the Ministry of the Solicitor General (the ministry) for access under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to all briefing notes, plans, reports and slide deck presentations relating to the potential to expand the OPP detachment in Sioux Lookout, Ontario. The request was only for responsive records contained within either the minister's office or the deputy minister's office.

[2] On April 3, 2025, the appellant appealed to the Information and Privacy Commissioner of Ontario (the IPC) because the ministry failed to issue a decision to the appellant within 30 days of the access request. File PA25-00232 was opened.

[3] On June 13, 2025, the IPC asked the ministry whether a decision had been issued

for this request, and for a response by June 27, 2025.

[4] On June 30, 2025, I again requested a response and advised that if a response was not received by July 9, 2025, a formal expedited inquiry would be conducted. To date, the ministry has not responded.

[5] On July 28, 2025, I decided to conduct an expedited inquiry and issued a Notice of Expedited Inquiry, encouraging the ministry to issue a final decision by August 12, 2025. A final decision was not issued by this date.

[6] 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 decision to the appellant.

DISCUSSION:

[7] 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.

[8] 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.

[9] 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*, subject to sections 28 and 57 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*.

[10] The appellant requested records in March 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 this appeal with the IPC and me issuing a Notice of Expedited Inquiry, encouraging it to do so by August 12, 2025. As a final decision was not issued to the appellant within 30 days of the access request and no decision has been issued to date, the ministry is deemed to have refused the access request.

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

[12] To ensure that there are no further delays, I will order the ministry to issue a final access decision to the appellant.

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* and without recourse to a time extension, by **September 10, 2025**.
2. To verify compliance, the ministry shall provide me with a copy by email of the decision referred to in provision 1 by **September 10, 2025**.

Original Signed by: _____

Alline Haddad
Case Lead

August 27, 2025