

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4690

Appeal MA25-00207

Toronto Police Services Board

September 2, 2025

Summary: On January 8, 2025, an individual asked the Toronto Police Services Board for records about a complaint they made. They appealed because the police did not issue a decision within the prescribed time limit. The decision-maker finds that the police have not issued a final access decision and the request is deemed to have been refused. The police are ordered to issue a final access decision by September 16, 2025.

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

OVERVIEW:

[1] On January 8, 2025, the appellant asked the Toronto Police Services Board (the police) for access under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for information related to the investigation/review of their Law Enforcement Complaints Agency (LECA) complaint.

[2] On February 28, 2025, the appellant appealed to the Information and Privacy Commissioner of Ontario (the IPC) because the police failed to issue a decision within 30 days of the access request. File MA25-00207 was opened.

[3] On June 10, 2025, the IPC asked the police whether a decision had been issued for this access request.

- [4] On June 20, 2025, the police advised that it was working on a decision.
- [5] The IPC asked the police to provide an expected date for issuing its decision. No response was received.
- [6] On June 23, 2025, the IPC asked the police to issue a final decision by July 4, 2025. A final decision was not issued by this date.
- [7] On July 14, 2025, I decided to conduct an expedited inquiry and issued a Notice of Expedited Inquiry, encouraging the police to issue a final access decision by August 1, 2025. A final decision was not issued by this date.
- [8] On August 7, 2025, the IPC asked the police for an update. No response was received.
- [9] Considering the above, and to ensure there are no further delays in processing this access request, I will order the police to issue a final access decision to the appellant.

DISCUSSION:

- [10] 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 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.

- [11] 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 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.

- [12] 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*.

[13] The appellant requested records on January 8, 2025. The police did not issue an extension of time to respond to the request. As of today, the police have 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 1, 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 police are deemed to have refused the access request.

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

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

ORDER:

1. I order the police 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 16, 2025**.
2. To verify compliance, the police shall provide me with a copy by email of the decision referred to in provision 1 by **September 16, 2025**.

Original Signed by: _____

Michael Cusato
Case Lead

September 2, 2025