

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4704

Appeal MA25-00514

Toronto Police Services Board

October 14, 2025

Summary: On April 11, 2025, an individual asked the Toronto Police Services Board for records relating to a specific constable. 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 ministry is ordered to issue a final access decision by October 27, 2025.

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

OVERVIEW:

[1] On April 11, 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*) to records related to a specific constable.

[2] On June 3, 2025, the appellant appealed to the Information and Privacy Commissioner of Ontario (the IPC) when the police failed to issue a decision to the appellant within 30 days of the access request. File MA25-00514 was opened.

[3] On September 11, 2025, I asked the police whether a final decision had been issued and if one had not been issued, to issue a decision by September 17, 2025.

[4] On September 12, 2025, the police advised that it required an extension of "at

least a month" to issue the final access decision.

[5] On September 19, 2025, I decided to conduct an expedited inquiry and issued a Notice of Expedited Inquiry, encouraging the ministry to issue a final access decision by October 3, 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] When an institution decides to disclose records, or parts of records, in response to a request under the Act, section 19 of the Act outlines how this disclosure is to take place. This section 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, and if necessary for the purpose cause the record to be produced.

[8] 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.

[9] Where a time extension is not claimed, it is expected that, prior to the expiry of the 30-day time limit in section 19 of the Act, subject to sections 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 the 30-day time limit, the institution would be in a "deemed refusal" pursuant to section 22(4) of the Act.

[10] The appellant requested records on April 11, 2024. The police did not request an

extension of time to respond to the access request. To date, 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 October 3, 2025. As a final decision was not issued to the appellant within 30 days of the access request, the police is deemed to have refused the access request.

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

[12] 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 without recourse to a time extension, by **October 27, 2025**.
2. To verify compliance, the police shall provide me with a copy by email of the decision referred to in provision 1 by **October 27, 2025**.

Original Signed by: _____

Alline Haddad
Case Lead

October 14, 2025