

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-4785

Appeal PA25-00536

Infrastructure Ontario

February 5, 2026

Summary: On June 10, 2025, an individual asked Infrastructure Ontario for records related to property maintenance and landscaping contracts. They appealed when the agency did not issue a decision within the prescribed time limit. The decision-maker finds that the agency has not issued a final access decision and the request is deemed to have been refused. The agency is ordered to issue a final access decision by March 9, 2026.

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

OVERVIEW:

[1] On June 10, 2025, the appellant asked Infrastructure Ontario (the agency) for access under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to records related to contracts, tenders or service agreements awarded for grounds maintenance, property maintenance or landscaping services at specific Ontario government facilities from January 1, 2020 to the present.¹

[2] On July 11, 2025, the agency issued an interim decision with a fee estimate to the appellant.

¹ The appellant's access request is dated June 5, 2025, but the agency did not receive payment for the request until June 10, 2025.

[3] On July 15, 2025, the appellant appealed to the Information and Privacy Commissioner of Ontario (the IPC) arguing that the agency failed to issue a decision to him within 30 days of their access request. File PA25-00536 was opened.

[4] On November 3, 2025, the appellant confirmed that they wanted to pursue their appeal as a deemed refusal because the interim decision was issued more than 30 days after their request.

[5] On November 20, 2025, the agency advised that its interim decision was issued within 30 days of the request. It referenced the *Freedom of Information and Protection of Privacy Manual* (the manual) to calculate the 30-day time limit.²

[6] On December 8, 2025, I issued a Notice of Expedited Inquiry to consider whether the agency was in a deemed refusal. After this notice was issued, the agency agreed to issue a final decision by January 9, 2025.

[7] On January 9, 2026, the agency advised that it issued notifications to affected third parties in batches due to the large volume of third parties involved. It staggered the notification requests as follows:

1. Service agreements from January 1, 2020 to December 1, 2023 – third-party notifications issued by January 9, 2026 (“batch 1”);
2. Service agreements from December 1, 2023 to June 10, 2025 – third-party notifications issued by January 16, 2026 (“batch 2”); and
3. All remaining records – third-party notifications issued by February 6, 2026 (“batch 3”).

[8] To ensure there are no further delays in processing this access request, I will order the agency to issue a final access decision to the appellant.

DISCUSSION:

[9] Section 26 of the *Act* outlines the time parameters for an institution to respond to an access request:

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,

² This manual is published by the Ministry of Public and Business Service Delivery and Procurement (formerly the Ministry of Government and Consumer Services) and is intended to provide guidance to institutions and the general public on the administration of the *Act* and its municipal counterpart. The manual is not published by the IPC.

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.

[10] Section 29(4) of the *Act* outlines the circumstances giving rise to a deemed refusal:

A head who fails to give the 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.

[11] 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 this 30-day time limit, the institution would be in a "deemed refusal" pursuant to section 29(4) of the *Act*.

[12] Previous IPC orders have found that issuing a time extension or an interim decision once the 30-day time limit has expired does not cure a deemed refusal.³

[13] The appellant's access request was received on June 10, 2025. The agency issued an interim decision on July 11, 2025. Based on the information before me, the agency issued its decision 31 days after it received the appellant's access request.⁴

[14] As the agency issued its interim decision beyond the 30-day time limit, this means the agency is deemed to have refused the access request and must now issue a final access decision to the appellant.

[15] The agency advised that third-party notifications are required and will be issued in three batches due to the volume of records and the number of affected third parties. Under section 28(1) of the *Act*, each affected third-party has 20 days to respond to an institution's notification, after which the institution must issue its final decision within ten

³ Orders MO-1777 and PO-2634.

⁴ I have calculated the days as follows: day 0 was Tuesday June 10, 2025; day 1 was Wednesday June 11, 2025; day 30 was Thursday July 10, 2025 and day 31 was Friday July 11, 2025. The 30-day time limit in this matter is not affected by a weekend or statutory holiday. The manual referenced by the agency states: "If the time limit expires on a Saturday, Sunday or statutory holiday, the timeframe for responding to the requester is extended to the next business day of the institution". See page 102.

days.

[16] To ensure that there are no further delays, I will order the agency to issue final access decisions to the appellant by March 9, 2026.

ORDER:

1. I order the agency to issue a final access decision to the appellant without recourse to a time extension by **March 9, 2026**.
2. To verify compliance, the agency shall provide me with a copy by email of the decisions referred to in order provision 1 by **March 9, 2026**.

Original Signed by: _____
Kelley Sherwood
Case Lead

February 5, 2026 _____