



Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

ORDER P-517

Appeals

P-9300364, P-9300365 and P-9300366

Ministry of Environment and Energy



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ORDER

On June 29, 1993, the Ministry of Environment and Energy (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to copies of all records in the files of two named employees in the Ministry respecting AOX and; the draft regulation, the background or development of the draft regulation, any future Municipal and Industrial Strategy for Abatement (MISA) pulp and paper effluent regulation and the Ontario Water Resource Act permits, approvals, or orders identifying AOX.

On July 6, 1993, the Ministry and the requester discussed the scope of this request. On July 13, 1993, the requester wrote to the Ministry dividing the original request into ten requests and asking that only three be dealt with first, being requests for the files of three named employees relating to:

the background or development of the draft regulation, the draft regulation, or any future MISA pulp and paper regulation as it pertains to AOX and/or organochlorines rather than all of the substances listed in the draft regulation. Continuing access is also requested. Access is sought by viewing the requested records. A specific bibliography agreed to between the appellant and Freedom of Information Coordinator from the files of an identified individual is also requested.

On July 26, 1993 the Ministry responded to the requests by extending the response time for the three named individuals' files by 23 days due to the voluminous nature of the record in one request and due to the volume of records in the other two.

On August 4, 1993, the requester appealed the Ministry's decision to extend the statutory 30 day time limit for an additional 23 days.

It was not possible to effect a mediated settlement of the appeal and representations were received from the Ministry and the appellant on August 16, 1993.

The sole issue for me to determine in this appeal is whether the extension of time claimed by the Ministry as necessary to respond to each of the three separate requests described in the appellant's letter of July 13, 1993 is reasonable in the circumstances.

Subsection 27(1)(a) of the Act provides that:

A head may extend the time limit set out in section 26 for a period of time that is reasonable in the circumstances, where,

the request is for a large number of records or necessitates a search through a large number of records and meeting the time limit would unreasonably interfere with the operations of the institution;

The appellant submits that, given the degree to which the requests were discussed with the Ministry, the Ministry's prior knowledge of the appellant's desire for a speedy response and the appellant's demonstrated efforts to narrow the request to facilitate a quicker decision, an extension of time is unreasonable.

Having carefully considered all of the information provided to me by the Ministry and the appellant, and in the circumstances of this appeal, it is my view that the Ministry's decision to extend the time for responding to each of the appellant's three requests by 23 days to August 20, 1993 is reasonable.

I am satisfied that each of the three separate requests involves a large number of records and necessitates a careful review of these records, preferably by the individuals in whose files those records were found, and that a proper review of the records by others less well acquainted with the records would be almost impossible in a practical sense. I am satisfied that these individuals have spent substantial amounts of time in the preparation of the records in these appeals and that pressing operational requirements in the Ministry require that these individuals attend to other duties for a large portion of their time. Accordingly, I am satisfied that in these circumstances, meeting the 30 day time limit set out in section 26 of the Act would unreasonably interfere with the operations of the Ministry.

I uphold the Ministry's decision to extend the time for responding to the requests to August 20, 1993.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

_____ August 20, 1993