



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

ORDER P-617

Appeal P-9400011

Ministry of Transportation



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ORDER

On January 4, 1994, the undersigned was appointed Inquiry Officer and received a delegation of the power and duty to conduct inquiries and make orders under the provincial Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act.

The Ministry of Transportation (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to five specified categories of records.

This appeal is only concerned with part five of the request, which stated as follows:

You are being further directed to fully explain your mandate for the collection and precise use(s) of this "personal information" contained in the "November 05, 1993 letter" [a copy of which was requested in another part of the request] and attachments. I am also requesting the [Ministry] to provide legible true copies of the appropriate sections of your "Directory of Records" to fully support your collection and precise use(s) of same.

The request letter contained the following additional comment concerning the scope of all of the requests:

I request full disclosure, no exceptions, no severances, and any and all other records of support, to allow me to fully comprehend the records being requested, all inclusive.

The Ministry's response indicated that it would require an extension of time until January 31, 1994 to issue its decision for the following reason:

At the present time many of the facts relating to item #5 and to the situation in general are not yet known. We will be searching through a large number of records and conducting interviews. In these circumstances, meeting the December 23, 1993 time limit is unfeasible and would unnecessarily interfere with the operation of the institution.

Since the Ministry received the request on November 24, 1993, and section 26 of the Act requires a response within 30 days unless a time extension is invoked, the Ministry would normally have been required to respond by December 23, 1993. By extending the response date to January 31, 1994, the Ministry has indicated that it will require 39 days in addition to the standard response time.

[IPC Order P-617/January 28, 1994]

The requester appealed the Ministry's decision. The appellant and the Ministry were both notified that an inquiry was being conducted to review the decision of the Ministry. Representations were received from both parties.

The sole issue in this appeal is whether the extension of time claimed by the Ministry is reasonable in the circumstances.

In its decision letter, the Ministry indicated that its claim for a time extension is authorized by section 27(1)(a) of the Act, which states:

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 Ministry stated in its representations that, because of the broad nature of the request, a large number of policies and procedures would have to be reviewed in offices in Ottawa, Kingston and Toronto, in order to ensure that all responsive records were identified.

The Ministry's representations went on to state that the person who would be investigating the situation which led to this request and compiling responsive records is based in Toronto. The Ministry stated that this individual, who will also retain his usual duties, is in the best position to identify responsive records. In my view, this is a reasonable approach for the Ministry to have taken in the particular circumstances of this request. It is a relevant consideration in assessing whether or not processing the request within the time limit set out in section 26 of the Act would "unreasonably interfere" with the operations of the Ministry.

I have carefully reviewed the representations submitted by both the appellant and the Ministry. I am satisfied that the Ministry's response to part five of the appellant's request would necessitate a search through a large number of records. I am also satisfied that, in these circumstances, meeting the time limit set out in section 26 of the Act would unreasonably interfere with the operations of the Ministry, and that the length of the extension is reasonable.

ORDER:

I uphold the Ministry's decision.

POSTSCRIPT:

While the request which was at issue in this appeal was extremely broad, it included a request for a very specific record, namely the Directory of Records (a publication of Management Board Secretariat). The Ministry chose to invoke a time extension and did not deal with this aspect of

the request in its initial decision. Where a time extension is required, it would be desirable for the Ministry to provide a timely response with regard to records which are readily available and identifiable, such as the Directory of Records, and only rely on the time extension for records which will actually require additional time to prepare a response.

Original signed by: _____
John Higgins
Inquiry Officer

_____ January 28, 1994