



**Information and Privacy
Commissioner/Ontario**

**Commissaire à l'information
et à la protection de la vie privée/Ontario_ 1 -**

ORDER P-633

Appeal P-9300615

Ministry of Education and Training



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ORDER

The Ministry of Education and Training (the Ministry), received a request under the Freedom of Information and Protection of Privacy Act (the Act), for access to information relating to the Literacy Branch of the Ministry. More specifically, the requester sought access to a copy of three reports concerned with a public inquiry, a judicial inquiry requested of the Attorney General's office and an audit conducted by the Ministry.

On November 30, 1993, the Ministry responded to the request by deciding to extend the time for the issuance of its decision letter to January 31, 1994 on the grounds that consultations with the Ministry of the Attorney General were required but could not be completed within the normal time limits.

On December 10, 1993, the requester appealed the decision of the Ministry to extend the statutory 30 day time limit.

It was not possible to effect a mediated settlement of the appeal and notice that an inquiry was being conducted to review the decision of the Ministry was sent to the Ministry and the appellant. Representations were received from both parties.

The sole issue in this appeal is whether the extension of the time limits provided by section 26 of the Act was reasonable in the circumstances of this appeal, within the context of section 27(1) of the Act.

Section 27(1)(b) 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,

consultations with a person outside the institution are necessary to comply with the request and cannot reasonably be completed within the time limit.

In his representations, the appellant indicates that because the request relates only to three specific documents which were created some months before the request was made, consultation with the Ministry of the Attorney General is not required.

In its representations, the Ministry states that as the request related to both a public inquiry and to a judicial inquiry conducted with respect to the Literacy Branch which involved the Ministry of the Attorney General, consultations with that Ministry were necessary to properly respond to the request. Further, the Ministry indicated in its representations the reasons why the consultations could not reasonably be completed within the time limit set out in section 26 of the Act.

I am satisfied that consultations with several individuals outside the Ministry are necessary to fully answer the request and that these consultations cannot reasonably be completed within the time limit set out in section 26 of the Act. Having carefully considered all of the information provided to me by the Ministry and the appellant, and all of the circumstances of this appeal, it is my view that the Ministry's decision to extend the time for responding to the appellant's request to January 31, 1994, was reasonable.

ORDER:

I uphold the Ministry's decision to extend the time for responding to the appellant's request to January 31, 1994.

Original signed by: _____
Inquiry Officer

February 24, 1994 _____ Donald Hale