



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

ORDER M-261

Appeal M-9400047

Municipality of Metropolitan Toronto



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ORDER

The Municipality of Metropolitan Toronto (the Municipality) received a request pursuant to the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to copies of "work orders" for repairs undertaken to correct steering problems on ambulances operated by the Municipality's Department of Ambulance Services from 1987 to the present date. The Municipality responded to the request pursuant to section 20(1)(a) of the Act by extending the time limit of 30 days provided by section 19 of the Act by an additional 60 days. Written notice of the extension was provided to the requester in accordance with section 20(2) of the Act.

The requester appealed the Municipality's decision to extend the time for responding to the request to the Commissioner's office. Notice that an inquiry was being conducted to review the decision of the Municipality was sent to the appellant and the Municipality. Prior to the submission of its representations, the Municipality informed the appellant that it would require an additional 30 days, rather than 60 days, to respond to his request. Representations were received from both parties.

The sole issue in this appeal is whether the 30 day extension of the time limits provided by section 19 of the Act was reasonable in the circumstances of this appeal, in the context of section 20(1) of the Act.

In its decision letter, the Municipality indicated that its claim for a time extension is authorized by section 20(1)(a) of the Act, which states that:

A head may extend the time limit set out in section 19 for a period of time that is reasonable in the circumstances, if,

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; or

In his representations, the appellant indicates that, to the best of his knowledge, the search to be conducted for records responsive to his request could be accomplished by any knowledgeable staff person within the Ambulance Service. In his opinion, the records to be searched consist of the service records of the 126 ambulances operated by the Municipality, which should be filed either by vehicle or by the year in which the work was performed. It is the appellant's view that the Municipality could have responded to his request within the time limit provided by section 19 of the Act without unreasonably interfering with its operations.

In its representations, the Municipality submits that meeting the time limit required by section 19 of the Act would have unreasonably interfered with its operations. The records to be searched consist of the contents of some 300 files, each of these files being two to three inches thick. Because of the nature of the request, a person familiar with mechanical language and the operations of the ambulance garage is required to complete the search. The Municipality further indicates that staff shortages caused by holidays, Social

Contract days as well as an unusually large work load due to abnormally cold weather, have made it impossible to conduct an adequate search in the time limits provided by section 19 of the Act.

I have carefully reviewed the representations received from the parties. I am satisfied that the appellant's request necessitates a complex, time-consuming search which must be undertaken by an individual experienced in the maintenance and servicing of motor vehicles. I am also satisfied that, in the circumstances, meeting the time limit imposed by section 19 of the Act would have unreasonably interfered with the operations of the ambulance service. Accordingly, I find that the 30 day extension of the Municipality is reasonable in the circumstances of this appeal.

ORDER:

I uphold the Municipality's decision.

Original signed by:
Donald Hale
Inquiry Officer

February 7, 1994