



Information and Privacy
Commissioner/Ontario

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

ORDER P-958

Appeal P-9500294

Ministry of the Solicitor General and Correctional Services



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NATURE OF THE APPEAL:

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The requester asked the Ministry of the Solicitor General and Correctional Services (the Ministry) for a copy of records pertaining to the Coroner's Council's preliminary investigation into the requester's complaint filed with the Council in 1994. The request was made on **May 1, 1995**.

The Ministry did not respond within the 30 days prescribed by the Act and did not request a time extension to process the request under section 27(1) of the Act. The Ministry thus placed itself in a "deemed refusal" situation pursuant to section 29(4) of the Act. The requester appealed the Ministry's deemed refusal to provide access.

In the Confirmation of Appeal letter which was sent out to the Ministry, the Ministry was asked to provide the Office of the Information and Privacy Commissioner/Ontario (IPC) with an unsevered copy of the records pertaining to the appeal and a severed copy where severances had been made, as well as a decision letter. The notice specified that the records in question and the decision letter were to be received by the IPC no later than June 14, 1995.

On numerous occasions, the Appeals Officer assigned to this case telephoned the Ministry to determine why the records and the decision letter had not been provided by the stipulated date. The Appeals Officer advised the Ministry of its obligation under the Act, and endeavoured to have the Ministry issue the necessary decision letter. To this date, the Ministry has not issued a decision letter.

The issuance of a decision letter is critical both to the integrity of the access process and the timely processing of an appeal. In this particular case, both the appellant and this office are unaware of the position of the Ministry with respect to access to the information requested. In addition, until the appellant receives a decision on these records, he cannot make an informed decision on whether to continue with the appeal.

Accordingly, I am ordering the Ministry to issue a decision letter with respect to the appellant's request for records.

ORDER:

1. I order the Ministry to provide the appellant with a decision on access to the records requested by the appellant on May 1, 1995, within fifteen (15) days of the date of this order, without recourse to a time extension.

2. In order to verify compliance with Provision 1 of this order, I order the Ministry to provide me with a copy of the decision letter referred to in Provision 1 within twenty (20) days of the date of this order. This should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario, M5S 2V1.

Original signed by: _____

Laurel Cropley
Inquiry Officer

July 20, 1995