



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

# **ORDER P-1542**

**Appeal P-9700350**

**Ministry of the Attorney General**



80 Bloor Street West,  
Suite 1700,  
Toronto, Ontario  
M5S 2V1

80, rue Bloor ouest  
Bureau 1700  
Toronto (Ontario)  
M5S 2V1

416-326-3333  
1-800-387-0073  
Fax/Télééc: 416-325-9195  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

This sets out my decision with respect to the issues which arise in this matter.

The requester asked the Ministry of the Attorney General (the Ministry) under the Freedom of Information and Protection of Privacy Act (the Act) for access to all material in the Crown Attorney's file at a named city pertaining to an inactive proceeding against a named individual. The Ministry failed to respond within the 30 day period in accordance with section 26 of the Act. The requester appealed on a deemed refusal basis.

The Ministry subsequently issued a decision which stated:

We wish to advise you that the record you have requested is outside the scope of the [Act]. The records are subject to federal legislation which supersedes the Act. You may wish to seek legal advice concerning other potential avenues of access.

The requester then appealed this decision of the Ministry.

Section 52(1) of the Act states:

The Commissioner **may** conduct an inquiry to review the head's decision if,

- (a) the Commissioner has not authorized a mediator to conduct an investigation under section 51; or
- (b) the Commissioner has authorized a mediator to conduct an investigation under section 51 but no settlement has been effected.

I have reviewed the request in this matter and the Ministry's decision letter. I agree with the decision of the Ministry. I find that I have no jurisdiction under the Act to deal with the records sought in this appeal. Therefore, I am not conducting an inquiry into this matter.

Because I have no jurisdiction, I am also unable to address the request for reconsideration of my denial of the requester's interlocutory motion.

Original signed by: \_\_\_\_\_  
Marianne Miller  
Inquiry Officer

\_\_\_\_\_ March 10, 1998