



Information and Privacy
Commissioner/Ontario

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

ORDER PO-1771

Appeal PA-000036-1

Ontario Realty Corporation



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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 Ontario Realty Corporation (the ORC) for access to records relating to the acquisition of a specified property by the ORC and the sale of that property by the ORC. The requester provided details as to what records she was seeking. The request is dated December 10, 1999.

At that time, Management Board Secretariat (MBS) was processing requests under the Act on behalf of the ORC. On December 14, 1999, the Freedom of Information Co-ordinator at MBS acknowledged that the request was received on December 13, 1999. The December 14, 1999 letter also confirmed and clarified certain matters relating to the request.

On January 12, 2000, the ORC issued an interim access decision providing a fee estimate of \$200.00 as well as a decision to extend the time to process the request under section 27 of the Act. The time frame for processing the request was extended 21 days from the date of receipt of the requester's deposit. The decision stated that additional time was required to complete the search for records, the ORC's review of the matter, as well as to consult with organizations outside the ORC. The requester did not appeal the fee estimate or the time extension. The requester submitted the fee deposit by letter dated January 19, 2000. This brought the due date for the decision to on or around February 9, 2000.

The ORC did not issue a final decision letter to the requester in accordance with the time extension it issued under section 27 of the Act. Accordingly, the ORC has placed itself in a "deemed refusal" situation.

The requester (now the appellant) appealed the ORC's deemed refusal to provide access to the records. On March 10, 2000 the ORC and the appellant were each sent a Notice of Inquiry. The Notice stated that the ORC was in a "deemed refusal" situation because a final decision letter had not been issued to the appellant within the required time period. The Notice also indicated that I would attempt to settle the appeal but if a settlement was not reached by March 27, 2000, I would be in a position to issue an order requiring the ORC to issue a decision letter to the appellant.

The ORC has advised that during the course of processing records initially identified in response to the request (Group 1), some additional records were located, requiring consultation (Group 2). The ORC notified the appellant that it had located these additional records. According to the appellant, she advised the ORC that she did not want the processing of Group 1 to be delayed by the processing of Group 2 records. However, given the passage of time, she is now anxious for a decision on both sets of records.

I note that the ORC has already availed itself of a time extension to process this request and that approximately seven weeks have passed beyond the extended due date, without even a decision on the Group 1 records. To ensure that the urgency of this matter is recognized and that there are no further delays in the processing of this request, I am ordering the ORC to issue a final decision on access with respect to the Group 1 records no later than Monday April 3, 2000. I am ordering the ORC to issue a final decision on access with respect to the Group 2 records no later than Tuesday April 11, 2000.

ORDER:

1. I order the ORC to provide the appellant with a decision on access to Group 1 records no later than **April 3, 2000**, without recourse to a time extension.
2. I order the ORC to provide the appellant with a decision on access to Group 2 records no later than **April 11, 2000** without recourse to a time extension.
3. In order to verify compliance with Provisions 1 and 2, I order the ORC to provide me with a copy of the decision letters referred to in Provisions 1 and 2 by **April 3, 2000** and **April 11, 2000** respectively. These 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: _____
Judith Hoffman
Acting Adjudicator

_____ March 30, 2000