



**Information and Privacy
Commissioner/Ontario**

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

ORDER PO-1938

Appeal PA-010244-1

Ministry of the Environment



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NATURE OF THE APPEAL:

On May 16, 2001, the requester submitted a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to the Ministry of the Environment (the Ministry) for access to any field orders issued by the Ministry to a named company from January 1996 to the present, and any other related reports or correspondence.

Sections 26 and 29 of the *Act* require the Ministry to issue a decision within 30 days of receiving the request. The Ministry did not issue a decision within 30 days of receiving the request and accordingly, placed itself in a “deemed refusal” situation pursuant to section 29(4) of the *Act*.

On July 4, 2001, the requester (now the appellant) filed an appeal of the Ministry’s “deemed refusal” to provide access to the records.

On July 23, 2001, this Office sent a Notice of Inquiry to both the appellant and the Ministry stating that the Ministry is in a “deemed refusal” situation because it did not issue a decision letter within the prescribed 30-day time frame. The notice also advised that if this matter was not settled by August 7, 2001, the Mediator, in her capacity as Acting-Adjudicator, may issue an order requiring the Ministry to issue a decision letter to the appellant.

On August 1, 2001, the Ministry advised that it was aiming to issue the decision letter by August 3, 2001. A decision letter was not issued by August 3, 2001 and on August 7, 2001 I contacted the Ministry regarding the status of the decision letter. The Ministry informed me that they would not be meeting the August 7, 2001 deadline and that they were now aiming to issue a decision letter by August 10, 2001 but would not commit to that date.

I conveyed to the appellant the fact that the Ministry was making efforts to issue a decision letter by August 10, 2001 but without giving any firm commitment. The appellant advised me that he was willing to wait for a decision letter for two more days until August 9, 2001. On August 8 and 9 I contacted the Ministry’s Freedom of Information and Privacy Co-ordinator and left messages enquiring about the status of the decision letter. My calls were not returned.

To date, the Ministry has not issued a decision regarding access to the information responsive to this request. To ensure that there are no further delays in processing this request, I am ordering the Ministry to issue a decision regarding access.

ORDER:

1. I order the Ministry to issue a decision letter to the appellant regarding access to the records in accordance with the *Act* and without recourse to a time extension, no later than August 14, 2001.
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 by August 14, 2001. 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: _____
Maria Tzimas
Acting-Adjudicator

_____ August 10, 2001