



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1605

Appeal MA-020395-1

City of Toronto



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NATURE OF THE APPEAL:

On November 15, 2002, the City of Toronto (the City) received a request under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for access to all records relating to the evaluation of proposals submitted by two named companies in response to the Request for Proposals to Restore, Develop and Operate Toronto Union Station, City of Toronto, RFP 9155-01-7571. The request specifically included the exact scores awarded by individual members of the selection committee and/or the evaluation committee for each individual category of evaluation of the proposals.

The City did not issue a decision letter to the requester as required by sections 19 and 22 of the *Act* within the 30 days prescribed by the *Act*, nor did the City extend the time to process the request under section 20(1) of the *Act*. Accordingly, the City placed itself in a "deemed refusal" situation pursuant to section 22(4) of the *Act*. The requester (now the appellant) appealed the City's deemed refusal to provide access to the records.

On December 30, 2002, the Office of the Information and Privacy Commissioner/Ontario issued a Notice of Inquiry notifying the City that an appeal had been opened. The Notice indicated that attempts would be made to mediate the matter, and if settlement was not reached by January 14, 2003, an order would be issued requiring the City to issue a decision letter to the appellant.

I contacted the City on two occasions, most recently on January 15, 2003. The City informed me that it expected a decision to be issued on January 21 or January 22, 2003.

I received a call from the City on January 21, 2003 informing me that a decision would not be issued on that or the following day as expected. Furthermore, although responsive records had been collected, the City could not provide a date by which a decision would be issued. Accordingly, I am issuing this order.

ORDER:

1. I order the City to issue an access decision to the appellant, in accordance with the *Act* and without recourse to a time extension, no later than **January 28, 2003**.
2. In order to verify compliance with Provision 1, I order the City to provide me with a copy of the decision letter referred to in Provision 1 by **February 5, 2003**. 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: _____
Alex Kulynych
Acting Adjudicator

January 21, 2003
