



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER PO-2124**

**Appeal PA-030057-1**

**Criminal Injuries Compensation Board**



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## **NATURE OF THE APPEAL:**

This is an appeal under the *Freedom of Information and Protection of Privacy Act* (the *Act*).

On January 16, 2003, the requester submitted a request to the Criminal Injuries Compensation Board (the Board). Pursuant to Regulation 460 under the *Act*, the designated head of the Board is the Attorney General. A reworded request was submitted on January 20, 2003.

The request was for copies of all “denied decisions” made under the authority of the Compensation for Victims of Crime Act, R.S.O. 1990, Chapter C.24, by the Ontario Criminal Injuries Compensation Board, on claims submitted by an adult female, her representative or her dependents during the years 2002, 2001 and 2000, that relate to sexual or domestic violence. The requester indicated that if the documents were not available for 2002, 2001 and 2000, then she would like the three most current years available.

The requester also indicated that she is completing a Master of Arts degree, cited section 21 (1)(e) of the *Act* relating to research agreements, and emphasized that the records are central to her thesis.

As well, the requester requested that the cost incurred in making and mailing these records be waived.

Section 26 of the *Act* requires the Board to issue a decision within 30 days of receipt of a request. If a decision is not issued within that time period, the Board is in a “deemed refusal” situation pursuant to subsection 29(4) of the *Act*. That provision states:

A head who fails to give the notice required under section 26 or subsection 28(7) concerning a record shall be deemed to have given notice of refusal to give access to the record on the last day of the period during which notice should have been given.

On February 12, 2003, the requester (now the appellant) wrote to this office indicating that although the Board had informally responded to her request, the Board had not replied to her request under the *Act*.

I contacted the Freedom of Information and Protection of Privacy Co-ordinator (the Co-ordinator), for the Ministry of Attorney General, with respect to this matter. In speaking with the Co-ordinator it was determined that the Board did not send a copy of the request to the head, the Attorney General and, therefore, the request was not processed under the *Act*. The Co-ordinator was unable to provide me with a definitive date as to when a decision would be issued.

## **ORDER:**

1. I order the Board 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 March 14, 2003.
  
2. In order to verify compliance with Provision 1 of this Order, I order the Board to provide me with a copy of the decision letter referred to in Provision 1 by March 14, 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: \_\_\_\_\_  
Lucille Sorin  
Acting-Adjudicator

\_\_\_\_\_ March 7, 2003