



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER PO-2150**

**Appeal PA-030170-1**

**Ministry of Health and Long-Term Care**



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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 March 24, 2003, the requester submitted a request to the Ministry of Health and Long-Term Care (the Ministry) for "...access to the in-force inter-provincial/territorial reciprocal billing arrangements signed by Ontario."

Section 26 of the *Act* requires the Ministry to issue a decision within 30 days of receipt of a request. If a decision is not issued within that time period, the Ministry 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.

The Ministry did not issue a decision within the 30 days, nor did it request a time extension to process the request under section 27(1) of the *Act*. Accordingly, the Ministry placed itself in a "deemed refusal" situation pursuant to section 29(4) of the *Act*.

On May 12, 2003 the requester (now the appellant) wrote to the Information and Privacy Commissioner/Ontario (IPC) indicating the Ministry had not responded to his request under the *Act*.

On May 15, 2003, a Notice of Inquiry was issued to both the appellant and the Ministry stating that the Ministry was in a deemed refusal situation. The Notice also advised that if a decision was not issued by May 30, 2003, I would be in a position to issue an order requiring the Ministry to provide a decision letter to the appellant.

On May 16, 2003, I spoke with a Program Advisor in the Freedom of Information Unit at the Ministry of Health and Long-Term Care who indicated he was hoping to have a decision out by the May 30, 2003 deadline.

On May 29, 2003, the Program Advisor contacted me and indicated a decision could not be issued by the due date set in the Notice of Inquiry and requested a two-week extension.

The appellant rejected any further delay on the Ministry's part to respond to his request.

## **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 **June 10, 2003**.

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 **June 10, 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: \_\_\_\_\_  
Enza Ragone  
Acting Adjudicator

\_\_\_\_\_ June 3, 2003