

# **ORDER PO-2192**

**Appeal PA-030331-1**

**Ministry of Community, Family and Children's  
Services**

## **NATURE OF THE APPEAL:**

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

On August 14, 2003, the requester submitted a request to the Ministry of Community, Family and Children's Services (the Ministry).

The request was for:

- All records located in the Minister's Office and the Communication and Marketing Branch and Legal Services in the Deputy Minister's Office related to Ottawa Valley Autistic Homes (OVAH) from April 24<sup>th</sup> 2003 to the date of the request; and
- All records located in the Eastern Regional Office (Ottawa) related to Ottawa Valley Autistic Homes (OVAH) from April 24<sup>th</sup> to the date of the request.

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.

On September 22, 2003, the requester (now the appellant) wrote to this office indicating that the Ministry had not replied to her request under the *Act*.

On September 29, 2003, this office sent a Notice of Inquiry 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 October 14, 2003, I would be in a position to issue an order requiring the Ministry to provide a decision letter to the appellant.

I contacted the Ministry twice regarding the status of a decision letter. The Ministry could not provide a definitive answer regarding when a decision letter would be issued. 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 final 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 October 24, 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 October 24, 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  
Intake Analyst

\_\_\_\_\_ October 17, 2003