



**Information and Privacy
Commissioner/Ontario**

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

ORDER PO-2218

Appeal PA-030389-1

Ministry of Health and Long-Term Care



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télééc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

NATURE OF THE APPEAL:

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

On June 30, 2003, the requester submitted a request to the Ministry of Health and Long-Term Care (the Ministry). On August 31, 2003 the Ministry wrote to the requester confirming that the request was clarified and narrowed to:

- Financial records involving the Ministry of Health and its funding of Royal Crest Lifecare Group for the past ten years.

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 November 25, 2003, the requester (now the appellant) wrote to this office indicating that the Ministry had not replied to his request under the *Act*.

On December 4, 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 December 18, 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 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 **December 31, 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 December 31, 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: _____

Lucy Costa

Intake Analyst

December 19, 2003 _____