



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1668

Appeal MA-030211-1

Le Conseil scolaire public de district du Centre-Sud-Ouest



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/Télé: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

NATURE OF THE APPEAL:

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

On February 16, 2003, the requester submitted a request to Le Conseil scolaire public de district du Centre-Sud-Ouest (Le Conseil) for the e-mail accounts of various individuals. Specifically for e-mails including the requester's name. The requester further asked Le Conseil to "Identify all e-mail addresses of these individuals, including those maintained by them or maintained by others for them such as their assistants, and those that are maintained in computer archives or back-ups"

On March 17, 2003, Le Conseil requested clarification of the request.

On March 20, 2003, the requester provided clarification to Le Conseil.

On April 10, 2003, Le Conseil requested further clarification.

On April 17, 2003, the requester provided further clarification

Section 19 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 22(4) of the *Act*. That provision states:

A head who fails to give the notice required under section 19 or subsection 21(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.

Le Conseil did not issue a decision within the 30 days, nor did it request a time extension to process the request under section 20(1) of the *Act*. Accordingly, the Ministry placed itself in a "deemed refusal" situation pursuant to section 22(4) of the *Act*.

On June 3, 2003 the requester (now the appellant) wrote to the Information and Privacy Commissioner/Ontario (IPC) indicating Le Conseil had not responded to his request under the *Act*.

On June 12, 2003, a Notice of Inquiry was issued to both the appellant and Le Conseil stating that Le Conseil was in a deemed refusal situation. The Notice also advised that if a decision was not issued by June 26, 2003, I would be in a position to issue an order requiring Le Conseil to provide a decision letter to the appellant.

On June 12, 2003, I left a message for the Freedom of Information and Privacy Co-ordinator (FOIC) at Le Conseil.

On June 18, 2003, the FOIC returned my call and indicated she was hoping to have a decision out by the June 26, 2003 deadline.

On July 2, 2003, I spoke with the FOIC and was informed a decision had not been issued. In addition, she could not provide a definitive answer regarding when a decision would be issued.

On July 3, 2003 I spoke with the appellant, who rejects any further delay on Le Conseil's part to respond to his request.

ORDER:

1. I order Le Conseil 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 **July 15, 2003**.

2. In order to verify compliance with Provision 1 of this Order, I order Le Conseil to provide me with a copy of the decision letter referred to in Provision 1 by **July 15, 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

July 7, 2003 _____