



Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

ORDER MO-1713

Appeal MA-030340-1

City of Toronto



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NATURE OF THE APPEAL:

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

On March 19, 2003, the requester submitted a request to the City of Toronto (the City) for access to:

- a complete list of applicants for a Private Parking Enforcement Agency licence including the status of each application and/or licence; and
- information regarding individuals and businesses charged with any contravention of the City of Toronto Private Parking Enforcement By-law Number 574-2000 since it came into effect January 1, 2003.

On September 30, 2003, the requester appealed because the City had not provided a decision within the 30 day time limit.

On October 22, 2003, the City issued a partial decision providing information for one part of the request, and indicated "A decision on the first part of your request will be made as soon as the records are received.

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.

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

DISCUSSION:

On November 14, 2003, the requester (now the appellant) wrote to the Information and Privacy Commissioner/Ontario (IPC) explaining he wished to appeal the part of the decision he had received and indicating he had yet to receive the remainder of the records requested.

On November 19, 2003, I contacted the Acting Manager, Public Access about the status of the decision on the outstanding portion of the request.

The Acting Manager, Public Access looked into the matter and indicated the records had not been received and could not provide a definitive answer regarding when a decision would be issued for the first part of the request.

ORDER:

1. I order the City to issue a decision letter to the appellant regarding access to the records relating to the outstanding portion of the request in accordance with the *Act* and without recourse to a time extension, no later than **November 28, 2003**.
2. In order to verify compliance with Provision 1 of this Order, I order the City to provide me with a copy of the decision letter referred to in Provision 1 by **November 28, 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

November 21, 2003