



**Information and Privacy
Commissioner/Ontario**

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

ORDER PO-2421

Appeal PA-050250-1

Financial Services Commission of Ontario



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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 December 16, 2004, the requester made the following request to the Financial Services Commission of Ontario (FSCO):

Communications FSC officials identified below exchanged with identified below insurance companies or their trade association (Insurance Bureau of Canada) representatives, on the following auto insurance issues: deductibles, insurance threshold levels, hidden commission fees, insurance company profits/losses, insurance premium increases/decreases customized insurance policies, designated assessment centres.

Preparatory FSC notes for meetings with insurance company or their trade association (Insurance Bureau of Canada) held with either their inside and outside representatives, the agendas for such meetings and FSC meeting notes.

Other records released on these above subjects under FOI, please provide as well.

On January 13, 2005, in order to minimize any chargeable fees, the requestor clarified his request.

Section 26 of the *Act* requires a 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 February 23, 2005, FSCO issued an interim access decision and fee estimate.

In response to this interim decision the requestor advised FSCO of a further clarification on March 5, 2005.

On March 31, 2005, further to the requestor's clarification, and a second interim decision with fee estimate was issued.

The requestor responded to the second interim decision by eliminating part of his request on April 20, 2005.

On May 2, 2005, FSCO issued a third interim access decision and fee estimate of \$1,027.60. The interim decision requested acceptance of the fee and set out the deposit required. The requestor paid \$911.00 as a deposit on May 11, 2005.

By way of letter, on May 25, 2005, FSCO advised that it was extending the time for responding to the request under section 27 of the *Act*, by 15 days to June 14, 2005.

On June 14, 2005, FSCO advised the requestor that upon review of the records, it was noted that the request may affect the interest of a third party. The third party was notified, pursuant to section 28(4) of the *Act*. As a result, the institution advised that a decision on whether the records will be disclosed would be made by July 14, 2005.

On September 23, 2005, the requestor (now the appellant) wrote to this office indicating that FSCO had not issued a final decision with respect to the requested records.

On September 27, 2005, this office sent a Notice of Inquiry to both the appellant and FSCO stating that FSCO was in a deemed refusal situation. The Notice also advised that if a decision was not issued by October 12, 2005, I would be in a position to issue an order requiring FSCO to provide a decision letter to the appellant.

I contacted FSCO regarding the status of a decision letter. FSCO could not provide a definitive answer regarding when a decision letter would be issued. To date, FSCO 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 FSCO to issue a decision regarding access

ORDER:

1. I order FSCO 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 25, 2005**.
2. In order to verify compliance with Provision 1 of this Order, I order FSCO to provide me with a copy of the decision letter referred to in Provision 1 by **October 25, 2005**. This should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 2 Bloor Street East, Suite 1400, Toronto, Ontario, M4W 1A8.

Original Signed By: _____
Lucy Costa
Intake Analyst

October 18, 2005