



**Information and Privacy
Commissioner/Ontario**

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

ORDER PO-2785

Appeal PA09-147

Ministry of Aboriginal Affairs



Tribunal Services Department
2 Bloor Street East
Suite 1400
Toronto, Ontario
Canada M4W 1A8

Services de tribunal administratif
2, rue Bloor Est
Bureau 1400
Toronto (Ontario)
Canada M4W 1A8

Tel: 416-326-3333
1-800-387-0073
Fax/Téloc: 416-325-9188
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 March 26, 2009 a request for access to information was sent to the Ministry of Aboriginal Affairs (the Ministry) under the *Act*. The request was for the following,

...I request the following from the current and former Ministers responsible for Aboriginal Affairs, the Parliamentary Assistants to the said Ministers and their respective staffs:

1. Any expenses incurred from December 1, 2007 to March 26, 2009.
This should be interpreted to include but not be limited to hotels, air travel, entertainment, restaurant and ground travel.

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*. The 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.

This office received an appeal from the requester (now the appellant) on May 5, 2009, indicating that she has not received a response to her request from the Ministry. Appeal PA09-147 was opened.

On May 7, 2009, a Notice of Inquiry was sent to the Ministry and the appellant, stating that the appellant had filed an appeal alleging that the Ministry was in a deemed refusal situation. The Notice also advised that if a decision was not issued by May 22, 2009, I would be in a position to issue an order requiring the Ministry to provide a decision letter to the appellant.

DISCUSSION:

On May 11, 2009, I left a voicemail for the Freedom of Information Coordinator (the Coordinator) of the Ministry to call me to discuss this deemed refusal appeal. I did not receive a return call. I called again on May 19, 2009 and spoke with the Coordinator and discussed the status of the Ministry’s response to this request. I was advised that the Ministry was endeavouring to prepare the decision for May 22, 2009, but no firm commitment was provided.

I spoke with the Coordinator again on May 21, 2009 and he confirmed that a decision would not be issued on May 22, 2009, and that he was now endeavouring to issue a decision by May 29, 2009, but no firm commitment was provided.

To date, the Ministry has not issued a decision respecting access to the information responsive to these requests. To ensure that there are no further delays in the processing of these requests, I am ordering the Ministry to issue a decision, respecting access, by June 1, 2009.

ORDER:

1. I order the Ministry to issue a final access decision to the appellant regarding access to the records in accordance with the *Act* without recourse to any time extensions, no later than **June 1, 2009**.

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, no later than **June 1, 2009**. 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: _____
Suzanne Brocklehurst
Intake Analyst

_____ May 25, 2009