



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

ORDER MO-2482

Appeal MA09-390

Toronto Community Housing Corporation



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 *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*).

On July 28, 2009 the requester submitted a request for access information to the Toronto Community Housing Corporation (TCHC) under the *Act*. The requester requested access to the Staff Manual for TCHC property management staff.

On August 11, 2009 the TCHC sent the requester a letter acknowledging receipt of her request. The letter from the TCHC stated, in part, the following:

A review of our records will be conducted and we will be replying to your request within the next few weeks.

On September 24, 2009 the requester sent an e-mail to the TCHC requesting a response to her request.

On September 25, 2009 the TCHC's Freedom of Information and Privacy Co-ordinator sent an e-mail to the requester indicating that she would be sending her the materials by October 5, 2009.

On October 7, 2009, and again on October 29, 2009, the requester sent e-mails to the Co-ordinator inquiring as to the status of a response and the information she requested.

On November 10, 2009 this office received an appeal from the requester (now the appellant) on indicating that she has not received a response to her request from the TCHC. Appeal PA09-390 was opened.

On November 17, 2009 this office sent a Notice of Inquiry to both the appellant and the TCHC that stated the TCHC is in a deemed refusal position. The Notice further stated that if a final decision was not issued by December 1, 2009 I would be in a position to issue an order requiring the TCHC to provide its decision to the appellant.

On December 7, 2009 I contacted the appellant and inquired as to whether she had received a response to her request. She indicated that she had not.

I then contacted the TCHC and inquired as to whether a decision had been issued. The TCHC's Freedom of Information and Privacy Co-ordinator (Co-ordinator) confirmed that a decision had not been issued. She indicated that she was endeavouring to issue a decision by the end of the day, December 9, 2009.

I called the appellant and advised her of my conversation with the Co-ordinator. The appellant indicated that she was not prepared to wait any longer for the TCHC to issue a decision.

DISCUSSION:

Section 19 of the *Act* requires the TCHC to issue a decision within 30 days of receipt of a request. If a decision is not issued within that time period, the TCHC is in a "deemed refusal" position 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.

To date the TCHC has not issued a decision respecting access to the information responsive to the request. To ensure that there are no further delays in the processing of this request, I am ordering the TCHC to issue a final access decision to the appellant, without recourse to any further time extensions.

ORDER:

1. I order the TCHC 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 14, 2009.
2. In order to verify compliance with Provision 1 of this Order, I order the TCHC to provide me with a copy of the decision letter referred to in Provision 1 by December 14, 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: _____
Lucille Sorin
Analyst

_____ December 8, 2009