

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

ORDER PO-4691

Appeal PA25-00096

Ministry of the Solicitor General

July 30, 2025

Summary: A public interest group asked the Ministry of the Solicitor General for records relating to the transfer of animals kept at a marine-themed animal park in Ontario. After receiving no response to their request, they appealed. The decision-maker finds that the ministry has not issued a final decision, and the request is deemed to have been refused. The ministry is ordered to issue a final decision by August 14, 2025.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.3, as amended, sections 26 and 29.

BACKGROUND:

[1] On December 16, 2024, a public interest group asked the Ministry of the Solicitor General (the ministry) for access under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to records relating to the pending, planned, or contemplated transfer or disposition of animals kept at a marine-themed animal park in Ontario.

[2] On February 12, 2025, the appellant appealed to the Information and Privacy Commissioner of Ontario (IPC) because the ministry failed to issue a decision within 30 days of the access request. File PA25-00096 was opened.

[3] On May 28, 2025, I asked the ministry whether a decision had been issued in response to the request. The ministry did not respond.

[4] On June 12, 2025, I asked the ministry whether a decision had been issued in response to the request. I did not receive a response from the ministry.

[5] On June 26, 2025, I decided to conduct an expedited inquiry and issued a Notice of Expedited Inquiry, encouraging the ministry to issue a final decision by July 10, 2025. A final decision was not issued by this date.

[6] Considering the above, and to ensure there are no further delays in processing this access request, I will order the ministry to issue a final access decision to the appellant.

DISCUSSION:

[7] Section 26 of the Act states:

Where a person requests access to a record, the head of the institution to which the request is made or if a request is forwarded or transferred under section 25, the head of the institution to which it is forwarded or transferred, shall, subject to sections 27, 28 and 57, within thirty days after the request is received,

(a) give written notice to the person who made the request as to whether or not access to the record or a part thereof will be given; and

(b) if access is to be given, give the person who made the request access to the record or part thereof, and where necessary for the purpose cause the record to be produced.

[8] The circumstances giving rise to a deemed refusal are set out in section 29(4) of the *Act*. This section states:

A head who fails to give 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.

[9] Where a time extension is not issued, it is expected that, prior to the expiry of the 30-day time limit in section 26 of the *Act*, subject to sections 28 and 57 of the *Act*, written notice will be given to the requester as to whether access to the record or a part thereof will be given and for access to the record to then be given to the requester. This is referred to as a final access decision. If a final access decision is not issued prior to the expiry of the 30-day time limit, the institution would be in a "deemed refusal" pursuant to section 29(4) of the *Act*.

[10] The appellant requested records on December 16, 2024. As of today, the ministry

has not issued its final access decision, despite the filing of an appeal by the appellant and the issuance of a Notice of Expedited Inquiry by the IPC, encouraging it to do so by July 10, 2025. As a final access decision was not issued to the appellant within 30 days of the access request, the ministry is deemed to have refused the access request.

[11] Therefore, I find the ministry to be in a deemed refusal situation pursuant to section 29(4) of the *Act*.

[12] To ensure that there are no further delays, I will order the ministry to issue a final access decision to the appellant.

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 a time extension, by **August 14, 2025**.
2. To verify compliance, the ministry shall provide me with a copy by email of the decision referred to in provision 1 by August 14, 2025.

Original Signed by: _____

Kelley Sherwood
Case Lead

July 30, 2025