



REVIEW REPORT 017-2016

Ministry of Health

April 6, 2016

Summary: The Commissioner found that the Ministry of Health (Health) did not respond to an access to information request within the legislated timelines. He made some recommendations including limiting the number of Ministry officials required to sign off on its responses.

I BACKGROUND

[1] The Applicant made an access to information request for certain information to the Ministry of Health (Health) on September 4, 2015. On October 19, 2015, Health extended the timeline for responding to the request pursuant to subsection 12(1)(a)(i) of *The Freedom of Information and Protection of Privacy Act* (FOIP). Since the Applicant did not receive a response from Health within the legislated timelines, she requested a review by my office on February 2, 2016. After receiving notice of the review on February 4, 2016, Health provided a response to the Applicant on the same day.

II DISCUSSION OF THE ISSUES

1. Did Health respond to the Applicant within the legislated timelines?

[2] Subsection 7(2) of FOIP requires government institutions to respond to access to information requests within 30 days after the request is made. Subsection 7(2) provides:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:...

- [3] Section 12 of FOIP enables government institutions to extend the 30 days prescribed in subsection 7(2) for a reasonable period not exceeding 30 days.
- [4] Based on the information, it took Health 153 days to respond to this access to information request. Health's response time to these access requests exceeded the legislated timelines.
- [5] In 2015, I issued 10 reports addressing 24 access to information requests to which Health had not responded within the legislated timelines. Most recently, on February 1, 2016, I released another Report addressing five further access to information requests to which Health did not respond within the legislated timelines.
- [6] When the Applicant requested these reviews from my office, she indicated that Health had indicated to her that the request was in the "approval stage" when she enquired about the status of the request.
- [7] Since February 2015, I have been recommending that Health make changes to its process to be able to meet legislated timelines. More specifically, in February 2016, I recommended that Health change its process so that responses to access to information requests go through a consistent, streamlined process with no more than two or three approvers and continue with its plan to examine its process of responding to access requests that involve third parties.
- [8] After receiving the access request, Health provided the Applicant with a fee estimate on September 14, 2015. The Applicant paid the deposit on October 15, 2015. Health extended the response time on October 19, 2015. Health indicated that it waived the remainder of the fees.
- [9] Health's submission indicated that it has made several improvements to its process through Lean techniques. It also confirmed that it plans to work towards the recommendations I made in my last Report.

III FINDING

[10] I find that Health did not respond to the access to information request within the legislated timelines.

IV RECOMMENDATIONS

[11] I recommend Health change its process so that responses to access to information requests go through a consistent, streamlined process with no more than two or three approvers.

[12] I recommend Health continue with its plan to examine its process of responding to access requests that involve third parties.

Dated at Regina, in the Province of Saskatchewan, this 6th day of April, 2016.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner