



REVIEW REPORT 036-2018

Ministry of Health

November 1, 2018

Summary: The Applicant submitted an access to information request to the Ministry of Health (Health). After receiving no response, the Applicant made a request for review to the Information and Privacy Commissioner (Commissioner). The Commissioner found that Health had not met the legislative timelines for the Applicant's access to information request. The Commissioner recommend that Health provide as many resources as necessary to the Health Information and Privacy Unit so that it can respond to access to information requests within the legislated timelines set out in *The Freedom of Information and Protection of Privacy Act* (FOIP).

I BACKGROUND

- [1] On November 21, 2017, the Ministry of Health (Health) received an access to information request from the Applicant.
- [2] On February 26, 2018, when the Applicant had not yet received the records from Health, she requested a review by my office.
- [3] On March 2, 2018, my office notified Health and the Applicant of my office's intent to conduct a review and invited all parties to provide submissions. My office received a submission from Health on March 16, 2018.
- [4] On April 23, 2018, Health responded to the Applicant's access to information request.

II DISCUSSION OF THE ISSUES

1. Does the Commissioner have jurisdiction?

[5] Health is a “government institution” pursuant to subsection 2(1)(d)(i) of *The Freedom of Information and Protection of Privacy Act* (FOIP). Thus, the Commissioner has jurisdiction to conduct this review.

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

[6] Subsection 7(2) of FOIP provides that the “head shall give written notice to the applicant within 30 days after the application is made:”

[7] In its submission, Health explained that it failed to meet the timeline because of staffing shortages and increasing workloads at the time the access to information request was received. Further, Health acknowledges that not providing responses within the legislated time frame is equivalent to refusing access to information under FOIP. However, it wished to affirm that it was processing all requests as quickly and efficiently as possible without disrupting all other services it provides.

[8] While I understand the difficulty that staffing shortages can create, my office has issued 16 review reports since 2014 where Health did not meet the legislated timelines (Review Reports 090-2014, 091-2014, 110-2014, 111-2014, 112-2014, 113-2014, 128-2014, 129-2014, 114-2014, 115-2014, 063-2015 to 077-2015, 112-2015, 209-2015 to 213-2015, 016-2017, 017-2016, 326-2017 to 332-2017).

[9] I recommend that Health provide as many resources as necessary to the Health Information and Privacy Unit so that it can respond to access to information requests within the legislated timelines set out in FOIP.

III FINDING

[10] I find that Health has not met the legislative timelines for the Applicant's access to information request.

IV RECOMMENDATION

[11] I recommend that Health provide as many resources as necessary to the Health Information and Privacy Unit so that it can respond to access to information requests within the legislated timelines set out in FOIP.

Dated at Regina, in the Province of Saskatchewan, this 1st day of November, 2018.

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