

**SASKATCHEWAN
INFORMATION AND PRIVACY COMMISSIONER**

REVIEW REPORT 111/2014

Ministry of Health

Summary: The Applicant submitted an access to information request to the Ministry of Health (Health). She did not receive a response within the legislated timelines so she appealed to the Information and Privacy Commissioner (IPC). Eventually, the Applicant received a response from Health but the IPC found that Health did not respond to the request within the legislated timelines. In the course of the review, Health made a commitment to make changes to its processes in order to improve its response times. The IPC recommended that Health continue to make necessary changes at least until it is able to respond to request within the legislated timelines.

I BACKGROUND

[1] On June 11, 2014, the Ministry of Health (Health) received the following access to information request:

All records between the Ministry of Health and Health Quality Council regarding the transfer of operations of the Provincial Kaizen Promotion Office, including the document entitled "Plan to transition PKPO Operations." Please include any background documents, or emails about the implications of the transition of the office from the Ministry to the HQC, as well as any records of phone calls or discussions between officials of the Ministry, Minister's Office, CEOs and the HQC. Include only final email chains. Only one copy of report required.

[2] In a letter dated October 14, 2014, Health responded to the Applicant's request. The Applicant advised me that her only concern is the number of days it took for Health to provide her with a response.

II RECORDS AT ISSUE

[3] There are no records at issue.

III DISCUSSION OF THE ISSUES

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

[4] 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:...

[5] Subsection 12(1) of FOIP enables government institutions to extend the 30 days for a reasonable period not exceeding 30 days.

[6] 125 days elapsed between the time Health received the access to information request to the time the Applicant received a response from Health. I find that Health did not respond to the Applicant's request within the legislated timelines.

[7] In its submission, Health acknowledged that it did not respond within the legislated timelines. It cited the following reasons for the delay in responding:

1. 28 open access to information requests at the time it received the Applicant's request;
2. Changes in personnel in the Director of the Health Information Privacy Unit;
3. Shortage and absences of Senior Policy Analysts within the Health Information Privacy Unit;
4. Once the Health Information Privacy Unit was fully staffed, a high volume of responses to requests was generated but resulted in a backlog at the approval stage; it took 76 days for this particular access to information request to get through the routing and approval process.

[8] Health, though, asserted that it is committed to improving its response times. It says it is “currently working with internal resources to discover available options for improvement” and that it “will continue to work with these internal resources until a long term solution to these issues can be found”.

[9] On February 11, 2015, my office recommended that it set goals with dates to ensure that it improves its response times within a reasonable period of time.

[10] In response to the recommendation, Health stated the following in its letter dated February 13, 2015:

- Review the approval process to reduce the number of approvals and the time spent in this process.
- Analysts will work with and get approval from responsive branches on their responsive records prior to the entire package being routed.
- Engage the Kaizen Promotion Office (KPO) to ensure we are collecting and utilizing the most appropriate and best data.
- Engage the KPO to analyze pressures and identify areas of improvement.
- Added the Access to Information (ATI) process to the Ministry Wall Walk to enhance accountability within the Health Information Privacy Unit and across the Ministry.
- Engage legal counsel to improve consistent interpretation and application of the law more generally.
- Provide weekly updates to the Executive Director to help identify problems and opportunities for improvement.
- Re-assign resources within the Partnerships and Workforce Planning Branch, on a temporary basis, to assist the Health Information Privacy Unit in addressing the significant, and growing, workload.

[11] Although it did not respond directly to my office’s recommendation to set goals with dates, I commend Health on identifying the above steps it will take to improve its response times.

IV FINDINGS

[12] I find that Health did not respond to the Applicant's request within the legislated timelines.

V RECOMMENDATIONS

[13] I recommend that Health remain committed to the changes it is making to its processes by regularly evaluating whether it is achieving timelier responses. It should continue to make necessary changes at least until it is able to respond to requests within legislated timelines.

Dated at Regina, in the Province of Saskatchewan, this 13th day of February, 2015.

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