

**SASKATCHEWAN  
INFORMATION AND PRIVACY COMMISSIONER**

**REVIEW REPORT 112/2014**

**Ministry of Health**

**Summary:** The Applicant submitted an access to information request to the Ministry of Health (Health) but did not receive a response within the legislated timelines. She appealed to the Information and Privacy Commissioner (IPC). 162 days after Health received the request, the Applicant received a response from Health. The Commissioner recommended that Health make the necessary changes to its processes so it can respond to access to information requests within the legislated timelines.

**I BACKGROUND**

[1] On July 8, 2014, the Ministry of Health (Health) received the following access to information request:

A copy of the file (including paperwork, correspondence, notes and decision items related to) FOI request HE38-14G

[2] In a letter dated September 24, 2014, the Applicant wrote to my office advising she had not received a response from Health. Therefore, in a letter dated October 16, 2014, my office notified Health of a review and asked that Health respond to the Applicant by October 31, 2014.

[3] Health responded to the Applicant in a letter dated October 31, 2014.

[4] The Applicant indicated she was not satisfied with Health's response. In particular, her concern was that Health did not respond to her within the legislated timelines. As such, on December 8, 2014, my office requested that Health provide a submission to explain why Health failed to respond to the access to information request within the legislated timelines.

[5] As of February 5, 2015, my office had not received a submission from Health. As such, I proceeded with completing this Review Report.

## **II RECORDS AT ISSUE**

[6] There are no records at issue.

## **III DISCUSSION OF THE ISSUES**

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

[7] 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:...

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

[9] 162 days elapsed between the time Health received the access to information request to the time that the Applicant received a response from Health. I find that Health did not respond to the Applicant within the legislated timelines.

[10] In the draft review report, my office recommended that Health make necessary changes to its processes so that Health can respond to access to information requests in the future within the legislated timelines.

[11] In response, Health stated the following in its letter dated February 17, 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.
- Include the Deputy Minister's Office in the search effort when it is reasonable to expect that records may be contained within that office.

[12] I commend Health on identifying the above steps it will take to improve its response times.

#### **IV FINDINGS**

[13] I find that Health did not respond to the Applicant within the legislated timelines.

**V RECOMMENDATIONS**

[14] I recommend that Health make necessary changes to its processes by regularly evaluating whether it is achieving timely 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 24th day of February, 2015.

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