

**SASKATCHEWAN  
INFORMATION AND PRIVACY COMMISSIONER**

**REVIEW REPORT 114-2014**

**Ministry of Health**

**Summary:** The Applicant submitted three separate access to information requests to the Ministry of Health (Health). It took Health 170 days to respond to her first access to information request, and it took Health 113 days to respond to her third request. The Applicant's second request was dealt within a separate Review Report. The Commissioner found that Health did not respond to the first and third access to information requests within the legislated timelines. Health asserted that it has made changes to its processes and will continue to strive to respond to access to information requests to meet legislated timelines. The Commissioner recommended that Health remain committed to its efforts to respond to access to information requests within the legislated timelines.

**I BACKGROUND**

[1] In November 2013, the Ministry of Health (Health) received an access to information request from the Applicant. It was not until January 14, 2014 that the request was clarified between Health and the Applicant to the following:

A copy of the most recent collated assessment report created for Saskatoon Health Region from the VFA Database. It is understood that the report is part of a larger data set (perhaps provincially) but am only interested in the SHR's portion of the assessment I am aware that a hard copy of the assessment report exists and has been circulated in SHR.

[2] Health sent a written response dated July 3, 2014 to the Applicant. However, presumably before receiving the written response, the Applicant asserts that she received a telephone call on July 4, 2014 where Health advised her that the requested records would be posted on Health's website within hours of the telephone call. She states that the records that

were posted were not the records she sought. She was frustrated at the length of time it took for Health to respond and how she did not receive the records she sought.

[3] On July 8, 2014, she submitted a second access to information request to Health for records about the processing her request from November 2013. (This request was reported on in Review Report 112/2014.) To support her concerns regarding this current review, the Applicant provided my office with a copy of the records she received for her second request regarding how Health managed her initial request.

[4] Then the Applicant submitted a third access to information request on July 10, 2014 to Health. This request was similar to the initial request but not identical:

All written records (including correspondence, reports, briefing notes, and meeting notes) from October 1, 2013 to the present between the DMO and Executive Council and Communications Staff and Executive Council concerning the 2013 Health Facilities Assessment report conducted by Vanderwild Facility Assessors (VFA). Please include records of phone calls.

[5] Since she did not receive a response from Health, the Applicant wrote my office a letter dated September 25, 2014. My office notified Health of a review in a letter dated October 16, 2014, asking that Health respond to the Applicant no later than October 31, 2014.

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

[7] While she says eventually got the records she sought, the Applicant advised my office she was not satisfied with Health's response. Her concerns were 1) that Health did not respond to her requests within the legislated timelines, and 2) that she is not satisfied with how Health processed her requests.

[8] As of February 10, 2015, my office had not received a submission from Health. As such, it proceeded with the review.

## **II RECORDS AT ISSUE**

[9] Since the Applicant's concerns are related to Health's handling of the access to information request and not to the records themselves, there are no records at issue.

### **III DISCUSSION OF THE ISSUES**

#### **1. Was the length of time it took Health to respond to the Applicant's access to information requests in compliance with FOIP?**

##### **a. Applicant's initial request**

[10] When I review the materials provided to my office, I note that Health received the request on November 18, 2013. However, it was not until January 14, 2014 that Health and the Applicant clarified the request through email exchanges.

[11] Health's written response was July 3, 2014. It took Health 170 days to respond to the Applicant's initial request.

[12] I find that the length of time it took Health to respond to the Applicant's initial request was not in compliance with FOIP.

##### **b. Applicant's second request**

[13] The Applicant's second request was dealt with in Review Report in 112/2014 so there is no need to discuss it in this Review Report.

##### **c. Applicant's third request**

[14] The Applicant's third request is at issue in this particular Review Report because she appealed it to my office.

[15] 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:...

- [16] Subsection 12(1) of FOIP enables government institutions to extend the 30 days for a reasonable period not exceeding 30 days.
- [17] The Applicant appealed to my office regarding her third access to information request. Health received the Applicant's third request on July 10, 2014 but did not respond to the Applicant until October 31, 2014. It took 113 days for Health to respond to the Applicant's third request.
- [18] I find that the length of time it took Health to respond to the Applicant's third request was not in compliance with FOIP.
- [19] My office recommended to Health that it make necessary changes to its processes so that it responds to access to information requests within legislated timelines. In a letter dated April 16, 2015, Health agreed to comply with the recommendation. It said that it had created and approved a Standard Work process for all its access to information requests which includes tools to assist branches within its ministry to search for responsive records, and to document their search efforts. It pointed to the improvements it has made to its processes which are listed in Review Report 112/2014. Finally, Health said it will continue to strive toward meeting the legislated timelines.

#### **IV FINDINGS**

- [20] I find that the length of time it took Health to respond to the Applicant was not in compliance with FOIP.

#### **V RECOMMENDATIONS**

- [21] I recommend that Health remain committed to its efforts to respond to access to information requests within the legislated timelines.

Dated at Regina, in the Province of Saskatchewan, this 17th day of April, 2015.

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