

**SASKATCHEWAN  
INFORMATION AND PRIVACY COMMISSIONER**

**REVIEW REPORT 115/2014**

**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) and eventually 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 January 13, 2014, the Ministry of Health (Health) received an access to information request. Health and the Applicant clarified the request through email on January 16, 2014 to the following:

Executive summary reports, or in their absence available briefing notes, concerning the current state of health region infrastructure needs in each of the province's health region. Infrastructure needs refers to the need for capital replacements, repairs, and new facilities. Please provide only the most recent report or briefing note available, dating back to January 1, 2013 at earliest.

[2] Nearly nine months later, Health responded to the Applicant's request in a letter dated October 7, 2014. Health advised the Applicant there were 41 pages of responsive records but portions of the records were being withheld under subsections 13(2), 16(1)(a), 16(1)(b), 17(1)(a), 17(1)(g), 19(1)(e), and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

[3] The Applicant was not satisfied with Health's response and requested a review by my office. One of her concerns included the length of time it took for Health to provide her with a response. My office notified Health of the review and requested a submission by November 5, 2014.

[4] As of February 5, 2015, my office had not received a submission from Health. As a result, my office proceeded with the review.

## **II RECORDS AT ISSUE**

[5] Health provided my office with an Index of Records (Index) on November 27, 2014. I shared it with the Applicant. During the course of this review, the Applicant advised me that after she reviewed the Index, the redactions seem appropriate to her. Her only remaining concern was the length of time it took for her to receive a response.

## **III DISCUSSION OF THE ISSUES**

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

[6] 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:...

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

[8] Health clarified the access to information request on January 16, 2014. Health provided a response on October 7, 2014. It took Health 264 days to respond to the Applicant's request.

[9] On February 5, 2015, my office recommended that Health make necessary changes to its processes so that it can respond to access to information requests in the future within the legislated timelines.

[10] In response to the recommendation, Health stated it will do the following to improve its response times 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.
- Include the Deputy Minister`s Office in the search effort when it is reasonable to expect that records may be contained within that office.

[11] 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 make the changes 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 18th day of February, 2015.

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