



REVIEW REPORT 162-2015

Saskatchewan Government Insurance

September 25, 2015

Summary:

The Applicant submitted an access to information request to Saskatchewan Government Insurance (SGI). He submitted a request for review to the Information and Privacy Commissioner (IPC) when he did not receive a response from SGI. The IPC found that SGI had complied with subsections 12(1)(a)(i) and 12(2) of *The Freedom of Information and Protection of Privacy Act* (FOIP) but that SGI did not respond to the Applicant's request pursuant to subsection 12(3) of FOIP. The IPC recommend that SGI make every effort to respond to the Applicant's request as soon as possible. He also recommend that if SGI continues to receive a high number of requests, that SGI make the necessary changes to its processes and to its resources so that it can respond to access to information requests within the legislated timelines.

I BACKGROUND

- [1] On May 22, 2015, Saskatchewan Government Insurance (SGI) received an access to information request from the Applicant.
- [2] On June 22, 2015, SGI sent a letter to the Applicant advising him that it would be extending the 30 day timeline to respond for an additional 30 days pursuant to subsection 12(1)(a)(i) of *The Freedom of Information and Protection of Privacy Act* (FOIP).
- [3] On July 21, 2015, SGI sent another letter to the Applicant advising him that it was unable to provide him with the requested records by July 22, 2015 citing the large number of pages of records responsive to his request. It said it would do its best to provide records to him "as soon as possible".

[4] On August 11, 2015, my office received a request for review from the Applicant.

[5] On August 18, 2015, my office notified both the Applicant and SGI that it would be undertaking a review.

II RECORDS AT ISSUE

[6] At issue is the length of time for SGI to respond to the Applicant's access to information request.

III DISCUSSION OF THE ISSUES

[7] SGI qualifies as a government institution pursuant to subsection 2(1)(d)(i) of FOIP.

1. Did SGI properly extend the timeline set out in subsection 7(2) of FOIP pursuant to subsection 12(1) of FOIP?

[8] 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) of FOIP provides:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:...

[9] Subsection 12(1) of FOIP enables government institutions to extend the timeline set out in subsection 7(2) of FOIP for a reasonable period not exceeding 30 days:

12(1) The head of a government institution may extend the period set out in section 7 or 11 for a reasonable period not exceeding 30 days:

(a) where:

(i) the application is for access to a large number of records or necessitates a search through a large number of records; or

(ii) there is a large number of requests;

and completing the work within the original period would unreasonably interfere with the operations of the government institution;

[10] Subsection 12(2) of FOIP requires that the government institution to give notice of the extension to the Applicant within 30 days after the access to information request is received.

[11] In its submission, SGI notes that there are 5400 pages of records that need to be reviewed for the Applicant's request. Due to this large number of records, I find that it is reasonable for SGI to have extended the 30 day timeline set out in subsection 7(2) of FOIP by a period not exceeding 30 days pursuant to subsection 12(1)(a)(i) of FOIP.

[12] I also find that SGI's letter dated June 22, 2015 was sent to the Applicant within the time period set out in subsection 12(2) of FOIP.

2. Did SGI respond to the Applicant's access to information request pursuant to subsection 12(3) of FOIP?

[13] As noted in the background section, SGI sent a letter dated July 21, 2015 informing the Applicant that it would not be able to respond to his access to information request by July 22, 2015 (as it had advised him in its June 22, 2015 letter).

[14] Subsection 12(3) of FOIP provides that a government institution must respond to the access to information request within the period of extension:

12(3) Within the period of extension, the head shall give written notice to the applicant in accordance with section 7.

[15] In its submission, SGI noted the following reasons why it was not able to respond with the period of extension:

1. The large number of records responsive to the Applicant's request;
2. That it was currently processing 33 access to information requests;
3. That it has received an unexpected amount of access to information requests since May 2015;
4. That it experienced an unexpected shortage of staff resources.

[16] Also, in its submission, SGI advised my office that it would make every effort to respond to the Applicant's request by September 30, 2015.

[17] Although I understand the challenges faced by SGI, I find that SGI has not responded to the Applicant's request pursuant to subsection 12(3) of FOIP.

[18] I recommend that SGI respond to the Applicant's request as soon as possible. I note SGI's goal of responding to the Applicant's request by September 30, 2015. I encourage SGI to make every effort to respond prior to that date.

[19] This issue of SGI not responding to an access to information request within the legislated timelines appears to be a one-off issue, and is not persistent. SGI provided my office with the number of requests it has received over the past year to contrast the number of requests this year so far. This data is depicted below. Based on past data, SGI could not have anticipated the high number of requests it has received this year. In fact, SGI clarified that of the 109 access to information requests it has received so far in 2015, it received 83 of them between May 1, 2015 and August 20, 2015.

Year	Number of Requests
2011	37
2012	69
2013	63
2014	60
2015	109

[20] It is impossible to tell if SGI will continue to receive a high number of requests. However, if SGI continues to receive a high number of requests, I recommend that SGI make the necessary changes to its processes and to its resources so that it can respond to access to information requests within the legislated timelines.

IV FINDINGS

- [21] I find that it is reasonable for SGI to have extended the 30 day timeline set out in subsection 7(2) of FOIP by a period not exceeding 30 days pursuant to subsection 12(1)(a)(i) of FOIP.
- [22] I also find that SGI's letter dated June 22, 2015 was sent to the Applicant within the time period set out in subsection 12(2) of FOIP.
- [23] I find that SGI has not responded to the Applicant's request pursuant to subsection 12(3) of FOIP.

V RECOMMENDATIONS

- [24] I recommend that SGI respond to the Applicant's request as soon as possible. I note SGI's goal of responding to the Applicant's request by September 30, 2015. I encourage SGI to make every effort to respond prior to that date.
- [25] I recommend that, if SGI continues to receive a high number of requests, SGI make the necessary changes to its processes and to its resources so that it can respond to access to information requests within the legislated timelines.

Dated at Regina, in the Province of Saskatchewan, this 25th day of September, 2015.

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