

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF ██████████ IN RELATION TO
INFORMATION REQUESTED FROM SASKATCHEWAN HEALTH**

1. On May 3rd, 2002 ██████████ (the “Applicant”) completed and forwarded to Saskatchewan Health (the “Respondent”) an Access to Information Request Form. The information requested by the Applicant was described as follows:

“Recommendations on Appointments. Please send me a copy of the information provided or prepared by the dept. showing recommendations on the appointments of members of the new Regional Health Authorities, for each region.”

2. The Senior Policy Analyst, Shelley Ann Gibson, replied to ██████████ on May 28th, 2002, advising him that:

“ the response time of 30 days has been extended another 30 days to July 2, 2002 in accordance with subsection 12(1)(b) of *The Freedom of Information and Protection of Privacy Act*. Section 12(1)(b) states:

21(1) The head of a government institution may extend the period set out in section 7 and 11 for a reasonable period not exceeding 30 days:

(a) where:

(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;

(b) where consultations that are necessary to comply with the application cannot reasonably be completed within the original period;”

3. A Request for Review was completed by the Applicant and forwarded to me on May 29th, 2002. The reason for requesting the review was set out as follows:

“It is my contention that the extension sought is not justified. The department received some 500 applications for appointment to Regional Health Authorities up to January 3, 2002.

Then, on February 28th, 2002, the department announced that 120 people had been selected to sit on the new agencies.

This means that the department was able to examine the applications received and announce appointments in exactly 8 weeks. All of the documentation for this work is on hand.

Yet, the department now says they need 8 weeks to produce this file. This is not a credible position. If the department can deliberate on appointments in less than 8 weeks, it should be possible to provide the documentation on those concluded deliberations in considerably less time.

Further, none of the claimed provisions in the Act apply. There is no "large number of requests". There is but a *single* request. The documents in question may involve more than 120 pages, but that represents what may be a large *file*, not a large number of requests. In any event, reproducing an existing file cannot be viewed as "interfering with the operations of the government institution". The commissioner should know that the policy and planning unit of the department is supported by a large staff and has access to resources of the communications unit for a total of over 100 staff members. As well, it is open to the department to invite the applicant to its premises, to review the file, and thus have minimal impact on the operations of the institution.

As well, section 12(1)(b) of the Act does not apply in that there are no "consultations" involved. The file exists, and it need only be made available or reproduced."

4. On June 4th, 2002, I discussed the matter with Shelley Ann Gibson and Duane Mombourquette, FOI Co-ordinator, and was advised that it took the Department some time to identify the records requested, and it was not until May 29th, 2002 that they actually got the records, and are in the process of reviewing them at this time. They mentioned that this is not the only file they have current. They are presently working on eight files, and there are only two staff members to complete the Requests. The staff are working overtime to complete these Requests, and pointed out that the two staff members working on the FOI files have many other duties to perform in their government positions, along with the FOI files. In any event, they hopefully will have a response to [REDACTED] by June 17th, 2002. Certainly, there will be circumstances where the head of the government institution should be permitted to extend the period for reply set forth in *The Act*. The statutory reasons for extension, as outlined in Section 12 include "a large number of records or necessitates a search through a large number of records", which is the case before me. Also, the fact that there are eight outstanding Requests, and the fact that the parties completing these Requests have other duties, and to complete the

Request within the original period would unreasonably interfere with the operation of the government institution.

5. I, therefore, reach the decision that the Respondent is entitled to extend the time within which to respond to the Applicant, as provided in Section 12(1) of *The Act*.

Dated at the City of Swift Current, in the Province of Saskatchewan, this 5th day of June, 2002.

FRANK A. MacBEAN, Q.C.
Acting Freedom of Information
and Privacy Commissioner
Province of Saskatchewan

