



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## **REVIEW REPORT 209-2015 to 213-2015**

### **Ministry of Health**

**February 1, 2016**

**Summary:** The Commissioner found that the Ministry of Health (Health) did not respond to five access to information requests within the legislated timelines. He reviewed Health's step-by-step procedure for responding to requests and made some recommendations including limiting the number of Ministry officials required to sign off on its responses.

### **I BACKGROUND**

[1] At issue in this report are five access to information requests that the Applicant submitted to the Ministry of Health (Health). Health extended the timeline for responding to each of the requests pursuant to subsection 12(1)(a)(i) of *The Freedom of Information and Protection of Privacy Act* (FOIP). Since the Applicant did not receive responses from Health within the legislated timelines, she requested reviews by my office on November 13, 2015.

[2] Below is a table that lists the dates that Health received the request, the dates that Health had advised the Applicant of the extension of time, the due date after the extension, the date of Health's response to the request and the number of days that it took Health to respond.

<b>IPC File Number</b>	<b>Date Health Received Request</b>	<b>Date of Extension</b>	<b>Due Date after extension</b>	<b>Date of Section 7 response</b>	<b>Number of days to respond</b>
209-2015	August 12, 2015	September 1, 2015	October 13, 2015	November 20, 2015	81
210-2015	August 12, 2015	September 1, 2015	October 13, 2015	November 20, 2015	81
211-2015	August 19, 2015	September 18, 2015	October 18, 2015	December 3, 2015	107
212-2015	September 1, 2015	September 10, 2015	October 30, 2015	December 7, 2015	98
213-2015	September 1, 2015	September 10, 2015	October 30, 2015	December 7, 2015	98

## **II DISCUSSION OF THE ISSUES**

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

[3] 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:...

[4] Section 12 of FOIP enables government institutions to extend the 30 days prescribed in subsection 7(2) for a reasonable period not exceeding 30 days.

[5] Based on the table in the background section, Health’s response time to these access requests exceed the legislated timelines.

[6] In 2015, I issued 10 reports addressing 24 access to information requests to which Health had not responded within the legislated timelines. Since February 2015, I have been recommending that Health make changes to its process to be able to meet legislated timelines. I have also recommended that it hold a Kaizan event to help achieve this.

[7] In its submission for the five files addressed in this Report, Health described several Lean techniques it used last fall to address its processes.

- [8] The submission, however, did not describe the specific changes to the process resulting from the Lean techniques. My office asked Health to provide more information as well as the step-by-step guide to its process.
- [9] I recognize that the majority of Health's Lean activities occurred after the Applicant made her requests. However, from review of the materials provided to me by Health, I still have concerns that it has not sufficiently addressed this issue.
- [10] When the Applicant requested these reviews from my office, she indicated that Health kept telling her that the requests were in the "approval stage". During the early resolution phase of this review, before the responses were provided to the Applicant, Health also informed my office that the responses were awaiting approval. My office specifically asked Health to address the approval stage. In response, Health stated:
- Work is currently underway related to redesigning and making changes to the routing slip used during the approval process. Input and ideas to improve were gathered through the lean events from various branches and members of the [Deputy Minister's Office]. The changes are intended to streamline approvers and flow, and improve the consistency of information provided to approvers on the slip. These changes should assist to decrease questions by approvers and thereby decrease the amount of time to move an ATI during the approval process.
- [11] I am concerned that changes to the slip are not enough to solve delay issues caused by the approval process.
- [12] Health provided me with a document entitled *ATI Request Process Work Standard* which describes the step-by-step process its Health Information and Privacy Unit (HIP) follows when responding to access to information requests. Upon review of this document and a sample routing slip provided by Health, it appears that access requests can require as many as eight or more approvers in the current process. This includes the Executive Directors of responsible branches, Health's Communications branch, Assistant Deputy Ministers and employees in the Deputy Minister's Office.

[13] Health also reported that:

At every point in the approval process, a package can be returned to the analyst with questions, requested clarification and additional sensitivities identified. For example, the Deputy Minister's Office may have additional questions or request clarification regarding information contained in a package which could require discussion with a program branch and additional processing of the records. Changes are often made to the packages and depending on the degree of the changes made, a package then may have to be re-routed to individuals that may have already reviewed once before.

[14] Health's submissions have also indicated that the responsive records are added or reduced through the approval process.

[15] During discussions with Health, it indicated that not every request requires such a lengthy approval process, however, it acknowledged that there was no formal criteria for determining who needed to approve each request.

[16] With respect to reviews by my office, no other Ministry has such significant difficulties in reaching legislative timelines. The individuals who work in HIP appear to spend considerable time pushing records through a cumbersome approval process. Their expertise should be the basis for making decisions for access to information requests, not the opinions of other Ministry officials. I am concerned with Health's approval process and I am not convinced it has done enough to address the issue.

[17] I recommend Health change its process so that responses to access to information requests go through a consistent, streamlined process with no more than two or three approvers.

[18] I also have concerns about one file in particular where Health was required to give third party notification. Health did not provide notification until 30 days after the request was received. In response to our queries, Health indicated that it had already planned to tackle this issue in upcoming lean exercises.

### **III FINDING**

[19] I find that Health did not respond to the five access to information requests within the legislated timelines.

### **IV RECOMMENDATIONS**

[20] I recommend Health change its process so that responses to access to information requests go through a consistent, streamlined process with no more than two or three approvers.

[21] I recommend Health continue with its plan to examine its process of responding to access requests that involve third parties.

Dated at Regina, in the Province of Saskatchewan, this 1st day of February, 2016.

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