



REVIEW REPORT 106-2016

Northern Village of Pinehouse

June 3, 2016

Summary: Despite efforts by the Commissioner's office, the Northern Village of Pinehouse did not provide a response to the Applicant's access to information request. The Village did not comply with subsection 7(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The Commissioner determined this was a deemed refusal and recommended that the Village provide a section 7 response to the Applicant in accordance with LA FOIP.

I BACKGROUND

[1] On March 16, 2016, Canada Post delivered an access to information request to the Northern Village of Pinehouse. The Applicant requested the following:

On the Village of Pinehouse website <http://www.pinehouselake.com/#section-contacts> [name] is listed as the Corporate Engagement Officer and [name] as the Social Development Officer. I am requesting information about the full amount of salaries and bonuses paid to both these employees in 2014 and 2015, plus copies of any expense claims for which they were reimbursed in the same two fiscal years.

[2] On May 5, 2016, my office received a request for review from the Applicant. He indicated that she had not received a response from the Village which she had submitted 51 days earlier.

[3] My office had a very little success previously persuading the Village to respond and/or comply with email correspondence, telephone messages, and letters with regard to Review Reports 036-2016, 037-2016 and 040-2016. As such, we deviated from our usual notification procedure and immediately commenced this review on the basis that the Village was not responding within the timeframes set forth in section 7 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

II DISCUSSION OF THE ISSUES

1. Did the Village comply with section 7 of LA FOIP?

[4] Section 5 of LA FOIP states that an individual has a right to access records in the possession or under the control of a local authority, if he/she makes an access to information request:

5 Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a local authority.

[5] Subsection 7(1) of LA FOIP instructs a local authority on what to do if they receive an access to information request:

7(1) Where an application is made pursuant to this Act for access to a record, the head of the local authority to which the application is made shall:

(a) consider the application and give written notice to the applicant of the head's decision with respect to the application in accordance with subsection (2); or

(b) transfer the application to another local authority or to a government institution in accordance with section 11.

[6] Subsection 7(5) of LA FOIP states:

7(5) A head who fails to give notice pursuant to subsection (2) is deemed to have given notice, on the last day of the period set out in that subsection, of a decision to refuse to give access to the record.

[7] Despite considerable effort from my office to assist the Village to respond to the Applicant's access to information request, it has not done so. My office currently has six other reviews underway with the Village. It has not yet cooperated with my office by providing responses to our requests. I find this to be a deemed refusal to provide access to the requested record.

IV FINDINGS

[8] I find that the Village did not comply with section 7 of LA FOIP and there has been a refusal to provide access to the records requested.

V RECOMMENDATIONS

[9] I recommend that the Village release responsive records to the Applicant.

Dated at Regina, in the Province of Saskatchewan, this 3rd day of June, 2016.

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