



REVIEW REPORT 171-2016

Northern Village of Pinehouse

August 2, 2016

Summary:

Despite efforts by the Commissioner's office, the Northern Village of Pinehouse (the Village) 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 May 24, 2016, the Applicant sent an access to information request to the Northern Village of Pinehouse (the Village) via Canada Post. Tracking information indicated that the Village received the package on June 1, 2016. The access request was for information about remuneration received by a specific individual and an audited financial statement of the Village for 2014.
- [2] On July 4, 2016, my office received a request for review from the Applicant. He indicated that he had not received a response from the Village which he had submitted 40 days earlier.

[3] My office had 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. We 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 an access to information request is made:

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 it receives 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 access to information requests, it has not done so. My office has recently issued eight other review reports involving the Village. It did not cooperate with my office by providing responses to our requests. I find this to be a deemed refusal to provide access to the requested record.
- [8] This office has also issued two earlier reports with the Village in which we received limited cooperation. Because the Village is incorporated under a provincial statute and the Ministry of Government Relations works with cities, towns and villages to ensure compliance with the statute, provincial laws and best practices, I will be writing the Ministry of Government Relations and asking them to intervene and provide assistance to the Village in understanding its provincial obligations and the need for it to comply with LA FOIP.
- [9] The Village is a member of the Saskatchewan Urban Municipality Association. I will be writing that Association to request they consider providing assistance to the Village in understanding its obligations under LA FOIP.

III FINDING

- [10] 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.

IV RECOMMENDATION

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

Dated at Regina, in the Province of Saskatchewan, this 2nd day of August, 2016.

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