



REVIEW REPORT 287-2016

Town of Kindersley

February 23, 2017

Summary:

The Applicant submitted an access to information request to the Town of Kindersley (the Town). The Applicant contacted the office of the Information and Privacy Commissioner (IPC) when he did not receive a response. Soon after contacting the IPC, the Applicant received a response. The Applicant was dissatisfied with the response. The IPC undertook a review. The IPC found the Town did not respond within the legislated timeline. However, the IPC found that the Town fulfilled the best practice of assisting the Applicant by making efforts to clarify the Applicant's access to information request.

I BACKGROUND

[1] On June 30, 2016, the Town of Kindersley (the Town) received the following access to information request:

1. Correspondence, letters, e-mail, faxes, applications, standard forms originating at the town of Kindersley, and to the town of Kindersley relating to sign applications made on May 23, 2016 by [name of Applicant]
2. Internal decision notes, memoranda, and generally the record in your files relating to approvals for plans, and subdivisions, and development plan relating to sign applications made on May 23, 2016 by [name of Applicant]
3. A copy of chief administrator officer files, Planning Department files, Economic development files, inspection files, council resolutions and correspondence, relating to sign applications made on May 23, 2016 by [name of Applicant]
4. A copy of any correspondence, letters, emails, faxes, applications, standard forms in the possession of the town of Kindersley relating to sign applications made on May 23, 2016 by [name of Applicant]

[2] The Town sent a letter dated August 2, 2016. It is a letter that indicated that the Town's Land Use Planner would be an "integral part" of processing the access to information request but that she was away from the office until Thursday of that week. The Town expressed its intention to continue processing the access to information request once the Land Use Planner returned to the office. It also sought clarification from the Applicant as to what records he was seeking. The Town said that the records identified as responsive to his request are records that the Applicant already has. For example, the responsive records include the sign applications submitted by the Applicant to the Town and emails that were exchanged between the Applicant and the Land Use Planner.

[3] On October 28, 2016, the Town received another access to information request from the Applicant. This second access to information request was identical to the access to information request received from the Applicant on June 30, 2016.

[4] On December 6, 2016, the Applicant requested a review by my office.

[5] Through my office's early resolution process, the Town agreed it would send a response to the Applicant. As a result, the Town sent a letter dated December 20, 2016 to the Applicant.

[6] On December 29, 2016, the Applicant indicated he was dissatisfied with the time it took the Town to respond. He requested my office review the Town's response time.

[7] On December 29, 2016, my office notified the Town and the Applicant that it would be undertaking a review of the Town's response time.

II RECORDS AT ISSUE

[8] My office's review is focused on the time it took the Town to respond to the Applicant's access to information request. Therefore, there are no records at issue.

III DISCUSSION OF THE ISSUES

[9] The Town is a “local authority” pursuant to subsection 2(f)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

1. Did the Town respond to the Applicant’s access to information request within the legislated timeline?

[10] Subsection 7(2) of LA FOIP requires local authorities to respond to access to information requests within 30 days after the request is made.

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

[11] In its submission, the Town admitted that it did not respond within the legislated timeline. Since it received the access to information request on June 30, 2016, then it should have responded by July 30, 2016. The Town responded to the Applicant’s access to information request on December 20, 2016.

[12] I find that the Town did not respond to the Applicant’s request within the legislated timeline.

[13] In the course of this review, my office recommended that the Town review its procedures to determine if it can respond to access to information requests within the legislated timeline. In a letter dated February 7, 2017 to my office, the Town agreed to comply with my office’s recommendation.

[14] I also note that the Town sent a letter dated August 2, 2016 to the Applicant. It was a letter explaining the records it did have and it sought confirmation or clarification from the Applicant as to what records he wanted. While this letter should have been sent to the Applicant earlier in the processing of the access to information request, I acknowledge the value of the Town’s efforts to meet the best practice of assisting the Applicant. My

office encourages local authorities to keep in close, direct contact with applicants while processing access to information requests in order to:

- a. clarify and narrow, if possible, the request to avoid unnecessary work;
- b. determine if the request can be accommodated informally outside of the formal process provided by LA FOIP; and
- c. keep the applicant up-to-date in terms of time extensions, fees, exemptions, etc.

[15] Similar to local authorities' efforts to meet the best practice of assisting the Applicant, applicants should respond to correspondence from local authorities so they can get the records they are seeking. Not responding to correspondence may contribute to delays in obtaining the records they are seeking.

[16] In this case, instead of responding to the Town's August 2, 2016 letter, the Applicant submitted a separate but identical access to information request on October 28, 2016. In the future, if the Town sends correspondence to the Applicant for clarification of the access to information request, then the Applicant should respond to the correspondence.

IV FINDING

[17] I find that the Town did not respond to the Applicant's request within the legislated timeline.

V RECOMMENDATIONS

[18] I recommend that the Town follow through with its review of its procedures so it can respond to access to information requests within the legislated timeline as described in paragraph [13].

[19] I recommend that, in the future, the Applicant respond to the Town if or when the Town is seeking clarification of his access to information requests.

Dated at Regina, in the Province of Saskatchewan, this 23rd day of February, 2017.

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