



F15-07-MS

Two ministries ask for time extensions, with differing results

An applicant asked a ministry for records related to her job application and the hiring process. The ministry did not respond within the 30 business-day deadline set by s. 7 of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”) and then extended the time limit, citing its authority to do so under s. 10. She complained to us that the extension seemed unjustified.

Section 7(2)(a) provides that a public body is not required to respond within 30 business days if the response time limit is extended under s. 10. Section 10(1)(b) authorizes a public body to extend the time limit for responding for up to 30 business days if a large number of records has been requested and meeting the time limit would unreasonably interfere with the public body’s operations. Section 10(2) also authorizes public bodies to obtain further time extensions with the permission of the Commissioner.

The ministry told us it had extended the time limit by 30 business days because the volume of responsive records was large (285 pages) and its information and privacy analysts were coping with a large number of requests and a heavy caseload. We did not agree that the number of records responsive to the complainant’s request was particularly large and that meeting the statutory time limits would unreasonably interfere with the operations of the ministry, so we found the complaint to be substantiated.

In another case, a different ministry asked us for permission to extend their due date by 60 days under s. 10(2)(a), as the request involved a large number of records and meeting the time limit would unreasonably interfere with ministry operations. The ministry had already taken an initial time extension under s. 10(1)(b). This case involved 4,000 pages of responsive records requiring some challenging decisions regarding severing. This fact, together with evidence the ministry provided us regarding the overall number of requests being dealt at that time and the high caseload of its information and privacy analyst responsible for the request at issue, satisfied us that the requested 60-day extension was justified, and we granted it.