Order F19-46

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

Laylí Antinuk
Adjudicator

December 16, 2019

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Summary: The applicant requested records from the Ministry of Transportation and Infrastructure (Ministry) related to a highway improvement project. The Ministry extended the time for responding to the applicant's request by 20 days, citing its authority to do so under s. 10 of FIPPA. The applicant made a complaint about this time extension to the Office of the Information and Privacy Commissioner. The adjudicator decided that s. 10(1)(c) authorized the Ministry to extend the time limit for responding to the applicant's access request by 20 days in the circumstances. Accordingly, the adjudicator confirmed the Ministry's time limit extension.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, ss. 6(1), 7(1), 10(1), 10(1)(c), 10(1)(d), 58(3)(b), Schedule 1; *Interpretation Act*, s. 29.

INTRODUCTION

[1] An applicant requested records from the Ministry of Transportation and Infrastructure (Ministry) related to a specific aspect of a highway extension project. Instead of responding to this access request within the 30 day time limit set out under s. 7(1) of the *Freedom of Information and Protection of Privacy Act* (FIPPA), the Ministry extended the time for responding by an additional 20 days. The Ministry cited s. 10(1)(c) (consult with third party or other public body) as its authority to take this time extension.

[2] The applicant made a complaint to the Office of the Information and Privacy Commissioner (OIPC) about the Ministry's time extension. Mediation did not resolve the issue and the matter proceeded to inquiry.

ISSUE

[3] In this inquiry, I will decide whether s. 10(1)(c) authorizes the Ministry to take a time extension in the circumstances.

[4] FIPPA does not specify who bears the burden of proof with respect to s. 10 issues. However, previous orders have placed the burden on public bodies to establish that they have complied with s. 10.[1]

DISCUSSION

Background

[5] The Ministry started a project to improve Highway 33 in or around 2009.[2] This project included a plan to widen the highway and reconfigure a specific intersection in Kelowna, BC. The applicant owns property and operates a business at that intersection and the reconfiguration impacted the placement of the property's driveway. This ultimately led the applicant to file a notice of civil claim against the Province in 2013. The notice of civil claim alleges that the Province committed trespass, breach of contract and *de facto* expropriation of property. The litigation between the applicant and the Province remains ongoing with a hearing under the *Expropriation Act* scheduled for October of 2019.

[6] The applicant made an access request for records from the Ministry on August 17, 2019.[3] From then until August 28, the Ministry of Citizens' Services' Information Access Operations (IAO) and the applicant worked together to clarify the access request. IAO processes all access to information requests made to the ministries of the government of BC and acts on behalf of those ministries in respect of such requests.

[7] On September 5, 2019, IAO contacted the Ministry of Attorney General (AG) on behalf of the Ministry for consultation regarding the applicant's access request. A few days later, IAO wrote to the applicant, telling him that the Ministry had extended its time to respond to his access request by 20 days (i.e. to October 30, 2019). In its time extension letter, IAO noted that s. 10 of FIPPA permits the Ministry to extend the time limit for responding to access requests in certain circumstances and said that the applicant's request "requires consultation with a third party or other public body." The letter also states that the Ministry would respond sooner than October 30, 2019 if possible, and informs the

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[1] Order 03-29, 2003 CanLII 49208 (BC IPC) at para. 7.
[2] The information in this paragraph comes from the applicant's submission and the Ministry employee's affidavit at paras. 2, 6, 9-10 and Exhibits A and B.
[3] IAO team lead's affidavit at paras. 3-12 and Exhibit E. All information in this paragraph and the next comes from this source.

applicant about his right to make a complaint about the time extension to the OIPC.[4]

[8] On September 10, 2019, the applicant made a complaint to the OIPC about the time extension, stating his "frustration with the whole process" and requesting that the OIPC look into the matter.[5]

Time for responding to access requests: relevant statutory provisions

[9] FIPPA requires that public bodies make every reasonable effort to respond to access requests without delay and, in general, within 30 business days. However, in certain circumstances, public bodies can extend that time limit for up to an additional 30 days. FIPPA establishes these rules in the following provisions.

> **Duty to assist applicants**
>
> 6 (1) The head of a public body must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
>
> …
>
> **Time limit for responding**
>
> 7 (1) Subject to this section and sections 23 and 24 (1) [notice to third parties], the head of a public body must respond not later than 30 days after receiving a request described in section 5 (1) [how to make an access request].
>
> (2) The head of the public body is not required to comply with subsection (1) if
>
> (a) the time limit is extended under section 10…
>
> …
>
> **Extending the time limit for responding**
>
> 10 (1) The head of a public body may extend the time for responding to a request for up to 30 days if one or more of the following apply:
>
> (a) the applicant does not give enough detail to enable the public body to identify a requested record;
>
> (b) a large number of records are requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the public body;
>
> (c) more time is needed to consult with a third party or other public body before the head can decide whether or not to give the applicant access to a requested record;

[4] The time extension letter is at Exhibit E of the IAO team lead's affidavit.
[5] Applicant's September 10, 2019 complaint to the OIPC.

> (d) the applicant has consented, in the prescribed manner, to the extension.
>
> …
>
> (3) If the time for responding to a request is extended under this section, the head of the public body must tell the applicant
>
> (a) the reason for the extension,
>
> (b) when a response can be expected, and
>
> (c) in the case of an extension under subsection (1)(a) to (c), that the applicant may complain about the extension under section 42(2)(b) or 60(1)(a).
>
> …
>
> **Schedule 1 definitions**
>
> **"day"** does not include a holiday or a Saturday;
>
> **"public body"** means
>
> (a) a ministry of the government of British Columbia,
>
> …
>
> **"third party"**, in relation to a request for access to a record or for correction of personal information, means any person, group of persons or organization other than
>
> (a) the person who made the request, or
>
> (b) a public body;

[10] FIPPA specifies that "day" does not include holidays and Saturdays. The *Interpretation Act* clarifies that holidays include Sundays.[6] Taken together, this means that any reference to days in FIPPA means business days.

Parties' positions

[11] The Ministry submits that it was authorized by s. 10(1)(c) to extend its time for responding to the applicant's access request in order to consult with another public body.[7] It does not say that it consulted with a third party. The Ministry submits that s. 10(1)(c) permits a public body to consult with another public body or a third party on the application of any of the exceptions to disclosure contained in FIPPA or on any other legal basis for withholding records.[8] More specifically, the Ministry says that, in this case, it sought consultation with the AG because of the ongoing litigation between the applicant and the Province related to the subject matter of the applicant's access request.[9] The Ministry notes that the AG has conduct of litigation involving the Province and, accordingly, has an interest

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[6] *Interpretation Act*, RSBC 1996, c 238, s. 29, definition of "holiday".
[7] Ministry's initial submission at para. 2.
[8] *Ibid* at para. 32.
[9] *Ibid* at paras. 40-41.

in any records the disclosure of which could impact a lawsuit involving the Province.[10]

[12] In an affidavit provided by the Ministry, a team lead at IAO states that she decided to consult with the AG's Legal Services Branch lawyers on behalf of the Ministry because she knew the applicant had sued the Province.[11] She describes IAO's general practice whenever dealing with an access request that relates to ongoing litigation. According to her evidence, IAO consults with the AG whenever it receives an access request that relates to ongoing litigation because the AG's lawyers are the appropriate individuals to assess: (a) how disclosing the records would affect the litigation; and (b) the potential application of litigation, legal advice, or settlement privilege to the records. In further explaining the need to consult with the AG whenever there is ongoing litigation related to an access request, she notes that "[i]f the ministry discloses the records without consulting the [AG], it could harm the Province's position in the litigation."[12]

[13] The Ministry submits that, because of the ongoing litigation, IAO acted reasonably in deciding to consult the AG on behalf of the Ministry before making a decision about whether or not to give the applicant access to the requested records.[13]

[14] The applicant opposes the time extension, asserting that none of the circumstances listed in s. 10(1) apply.[14] As I understand it, the essence of the applicant's argument is that the party consulted on his access request (i.e. the AG) does not qualify as a "third party" or appropriate "other public body" for the purposes of s. 10(1)(c). As the applicant sees it, the records he requested relate to his own driveway so the only parties involved are himself and the Ministry. The applicant notes that the AG "is in no way a party to this request." Additionally, the applicant appears to conclude that the Ministry consulted with the AG in this case in order to obtain legal advice. He submits that legal advice cannot be used as a consultation under s. 10(1)(c). Much of the applicant's submission then focusses on who is a third party in this case. However, the Ministry did not take a time extension in order to consult with a third party, so I will not address the applicant's arguments about that.

Analysis and findings

[15] The resolution of this inquiry turns on the interpretation given to the words of s. 10(1)(c). Did the Legislature intend this subsection to allow one ministry to take additional time to consult with another ministry when deciding whether to

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[10] Ministry's initial submission at para. 37.
[11] The information in this paragraph comes from the IAO team lead's affidavit at paras. 14-17.
[12] *Ibid* at para. 15.
[13] Ministry's initial submission at paras. 43-45.
[14] All information in this paragraph comes from the applicant's submission.

give responsive records to an access applicant? As far as I am aware, this is the first time that the OIPC has issued an order addressing this question.

[16] Canadian courts take a modern approach to statutory interpretation. This approach requires that I read the words of FIPPA in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of FIPPA, the purpose of FIPPA, and the intention of the Legislature.[15]

[17] For the reasons that follow, I find that s. 10(1)(c) authorized the Ministry to extend the time for its response by 20 days in order to consult with the AG.[16] As mandated by the modern approach, I will first examine the grammatical and ordinary sense of the words at issue.

Grammatical and ordinary sense

[18] As set out above, s. 10(1)(c) states:

> The head of a public body may extend the time for responding to a request for up to 30 days if… more time is needed to consult with a third party or other public body before the head can decide whether or not to give the applicant access to a requested record.

[19] FIPPA defines "public body" to include "a ministry of the government of British Columbia."[17] This means that both the Ministry and the AG meet the definition. Considering the facts before me in light of this definition and the words in s. 10(1)(c), I find that the Ministry is the public body described in the opening words of the section because it received the access request and extended the time for responding. I also find that the AG clearly fits within the meaning of the phrase "other public body" because it is a public body, distinct and separate from the public body that received the access request.

[20] A "third party" means any person, group, or organization *other than* the applicant and any public body. This means that the applicant, the Ministry and the AG are not third parties under FIPPA. As noted, the Ministry did not claim it took the time extension in order to consult a third party.

[21] FIPPA does not define "consult" but, according to the *Canadian Oxford Dictionary*, the meanings of "consult" include to seek information or advice from (a person, book, watch, etc.), and to take into account or consider (e.g. someone

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[15] *Rizzo & Rizzo Shoes Ltd. (Re)*, 1998 CanLII 837 (SCC) at para. 21.

[16] In making this finding, I recognize that the time extension period has now passed and the public body provided the applicant with its decision about his access request on the October 30, 2019 deadline (Applicant's October 31, 2019 email to the OIPC). However, I do not consider this matter moot because the question before me is whether s. 10(1)(c) authorized the time extension. This is still a live question irrespective of the fact that the time extension period has concluded.

[17] The definition of "public body" also includes other types of public bodies. I have only included the aspect of the definition that applies in this case.

else's interests).[18] Derivatives of the word "consult" appear elsewhere in FIPPA as set out below:

- The commissioner has the power to retain consultants;[19]
- The minister responsible for FIPPA has the power to establish consultative committees to make recommendations about the operation of FIPPA;[20] and
- After consultation with the commissioner, the Lieutenant Governor in Council has the power to make certain types of regulations.[21]

As I see it, in each of its variant uses, "consult" as used in FIPPA implies seeking and receiving advice, information or recommendations. It also implies a cooperative exchange between two distinct bodies or individuals.

[22] The words in s. 10(1)(c) permit, when needed, a public body to exercise discretion to consult with another public body or a third party in order to make a decision about an access request. In my view, it does not prescribe the types or topics of consultation so long as the consultation relates to the application of FIPPA and its exceptions.[22]

[23] In this case, the uncontroverted evidence establishes that the Ministry needed to consult with the AG because the Ministry could harm the Province's position in the litigation involving the applicant if it disclosed the requested records without this consultation. In my view, the grammatical and ordinary meaning of s. 10(1)(c) allows for such a consultation because it was needed before the Ministry could make a decision about the access request. Therefore, the Ministry's reason for taking a time extension fits within the grammatical and ordinary sense of the words in s. 10(1)(c).

[24] On its own, however, the grammatical and ordinary sense of the words used in s. 10(1)(c) is not determinative. The Supreme Court of Canada has long rejected a literal approach to statutory interpretation:

> This Court has stated on numerous occasions that the grammatical and ordinary sense of a section is not determinative and does not constitute the end of the inquiry. The Court is obliged to consider the total context of the

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[18] *Canadian Oxford Dictionary*, 2nd ed., (Ontario: Oxford University Press Canada, 2004) sub verbo "consult".
[19] Section 41(2).
[20] Section 67.
[21] Section 76(2.1).
[22] A consultation about FIPPA's application and exceptions may include consideration of other statutes. For example, some other legislation contains provisions related to the disclosure of information, such as the *Health Professions Act*, RSBC 1996 c. 183 (see s. 26.2); the *Evidence Act*, RSBC 1996 c. 124 (see s. 51(5)-(6.1)); the *Youth Criminal Justice Act*, SC 2002 c. 1 (see s. 110); and the *Child, Family and Community Service Act*, RSBC 1996 c. 46 (see s. 77).

> provisions to be interpreted, no matter how plain the disposition may seem upon initial reading.[23]

I must, therefore, consider s. 10(1)(c) in its entire context. Accordingly, I will now examine the purpose and scheme of the legislation and the legislative intent.

Entire context

[25] A consideration of the entire context involves examining the history of the provision at issue, its place in the overall scheme of FIPPA, the purpose of FIPPA itself, and the Legislature's intent both in enacting FIPPA as a whole, and in enacting s. 10(1)(c) in particular.[24]

[26] Since the beginning of FIPPA's enactment, public bodies have had the discretion under s. 10 to extend the 30 day time limit for responding to access requests by up to an additional 30 days in certain circumstances. Of particular note for present purposes, those circumstances have always included an allowance for more time in order to consult a third party or other public body before deciding whether or not to give an applicant access to a requested record. This is not the case for all aspects of s. 10(1). In fact, the Legislature has amended s. 10 on a few occasions, removing one circumstance and adding another.[25] However, the ability of a public body to take additional time in order to consult a third party or other public body has remained constant throughout.

[27] Since enactment, the Legislature has only made one change to s. 10(1)(c) itself. Originally, s. 10(1)(c) contained a cross-reference to two FIPPA exceptions (as underlined below):[26]

> … more time is needed to consult with a third party or other public body before the head can decide whether or not to give the applicant access to a requested record (see sections 21 and 22)…

Sections 21 and 22 are mandatory exceptions to the right of access. Section 21 requires public bodies to withhold information if disclosure could reasonably be expected to harm a third party's business interests. Section 22 requires public bodies to withhold information if disclosure would constitute an unreasonable invasion of a third party's personal privacy.

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[23] *Atco Gas & Pipelines Ltd. v. Alberta (Energy & Utilities Board)*, 2006 SCC 4 at para. 48.
[24] *Chieu v. Canada (Minister of Citizenship and Immigration)*, 2002 SCC 3 at para. 34.
[25] For example, s. 10(1)(d) used to allow a public body to extend the time for responding if a third party asked for a review under s. 52(2) or 62(2). This was repealed in 2002. For several years after that, s. 10(1) only contained three circumstances in which public bodies could extend the time for responding to access requests. Then, in 2011, the Legislature added the current version of s. 10(1)(d) which allows for time extensions if the applicant has consented.
[26] *Freedom of Information and Protection of Privacy Act*, SBC 1992, c 61. Archived version available online at http://www.bclaws.ca/civix/content/92consol16/92consol16/1936140499/2029047279/726940277/?xsl=/templates/browse.xsl.

[28] In 1993, the year after enacting FIPPA but prior to bringing it into force, the Legislature removed the reference to ss. 21 and 22.[27] In my view, this amendment served to broaden the meaning of s. 10(1)(c). In its original form, the section appeared narrower than it does today because it referred to only two of the eleven[28] FIPPA exceptions. By removing the reference to specific FIPPA exceptions, the Legislature broadened s. 10(1)(c) to ensure that it would allow for consultations on any of the exceptions to access contained in FIPPA.

[29] The Hansard debate respecting the 1993 amendment of s. 10(1)(c) supports my interpretation. In explaining the change, the Attorney General at that time clarified:

> The amendment removes the restrictive references, sections 21 and 22. It clarifies that the time limit may be extended for consultations with third parties. An example of a third party is another government under section 16. More time is available, in a broader way, than it would have been if we hadn't made this change.[29]

[30] From this history, I glean two things about s. 10(1)(c). First, the Legislature has consistently intended for public bodies to have the discretion to take additional time in order to consider the interests and seek the advice or input of third parties or other public bodies before making a decision about providing access to records. Second, the Legislature had no intention to restrict this discretion to consultation on specific exceptions to disclosure. In other words, the history of s. 10(1)(c) supports its ordinary meaning – namely, that s. 10(1)(c) gives a public body the discretion to take additional time if it needs to consult with another public body or third party about whether or not any of the exceptions to access contained in FIPPA apply to the requested information or whether there is any other legal basis for withholding the information.[30]

[31] How then does this discretionary power fit within the scheme of FIPPA in light of its purposes? One of the primary purposes of FIPPA is to make public bodies more accountable to the public by, among other things, giving the public a right of access to information with certain limited exceptions.[31] Part 2 of FIPPA sets out the public's information access rights. This part of FIPPA contains the public body's duty to respond to applicants without delay and includes the 30 day

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[27] Bill 62, *Freedom of Information and Protection of Privacy Amendment Act*, 2nd Session, 35th Parl, British Columbia, 1993, s. 3.
[28] There are now 12 exceptions, see ss. 12 – 22.1 of FIPPA. However, as originally enacted, FIPPA contained 11 exceptions to the right of access.
[29] "Bill 62, Freedom of Information and Protection of Privacy Amendment Act", 2nd reading, *Debates of the Legislative Assembly*, 12, No. 19 (27 July 1003) at 9283 (Hon. C. Gabelmann). Accessed online at https://www.leg.bc.ca/documents-data/debate-transcripts/35th-parliament/2nd-session/19930727pm-Hansard-v12n19#bill62-C.
[30] *Supra* note 22.
[31] Section 2.

time limit and time extension rules. Part 2 also contains the limited exceptions to the right of access that either allow or require public bodies to withhold certain types of information when responding to access requests.

[32] The scheme and purpose of FIPPA work in tandem to balance the public's right of access against the public bodies' obligations to, for example, protect public safety and personal privacy or prevent harm. The Supreme Court of Canada describes this delicate balance in the following terms:

> Access to information legislation serves an important public interest: accountability of government to the citizenry. An open and democratic society requires public access to government information to enable public debate on the conduct of government institutions.
>
> However, as with all rights recognized in law, the right of access to information is not unbounded. All Canadian access to information statutes balance access to government information with the protection of other interests that would be adversely affected by otherwise unbridled disclosure of such information.[32]

[33] In general, public bodies must respond to those who exercise their access rights within 30 days. Public bodies also have a duty to make every reasonable effort to respond to access applicants without delay.[33] This duty and the need for a general 30 day time limit are vital to the operation of the Act. FIPPA cannot succeed in making public bodies more accountable if citizens cannot exercise their access rights in a timely fashion.

[34] However, the Legislature clearly intended to give public bodies the discretion to take up to an additional 30 days to respond to access requests in certain circumstances. This limited time extension power makes sense when one considers the balancing of rights and obligations that public bodies must engage in when they receive access requests. By enacting s. 10(1)(c), the Legislature has acknowledged that: (a) a public body may need to consult with another public body or a third party in order to determine whether or not to give an applicant access to requested records; and (b) it may not be possible to complete this type of consultation within the 30 day time limit set out in s. 7.

[35] In other words, in s. 10(1)(c), the Legislature acknowledges that the general 30 day time limit may not give a public body enough time to deal with the complexity of some access requests that, for instance, involve records that other public bodies or third parties may have their own independent interest in. This case provides such an example because the request at issue relates to active litigation between the Province and the applicant. The AG has conduct of litigation on behalf of the Province, so it has the responsibility to protect the Province's interests in all litigation. Given this, the AG has an interest in any

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[32] *John Doe v. Ontario (Finance)*, 2014 SCC 36 at paras. 1-2.
[33] Section 6(1).

records that, if disclosed, could impact a lawsuit involving the Province. Therefore, the Ministry decided it needed to consult with the AG before making a decision about how to respond to this more complex access request.

[36] All this said, the discretionary time extension power in s. 10(1)(c) is not absolute and public bodies must not take 30 day time extensions to consult automatically as a matter of course. As indicated in the wording of s. 10(1)(c) itself, public bodies may extend the time for responding to an access request "for *up to* 30 days."[34] Additionally, if the OIPC receives a complaint about a time extension taken by a public body under s. 10(1), the commissioner has the power to reduce the length of the time extension under s. 58(3)(b).

[37] Taking all this into account, public bodies considering time extensions under s. 10(1) must not automatically take the maximum of 30 days allowed under the section. Rather, based on the complexity of the matter, public bodies must take the *minimum* amount of time needed in the circumstances so as to comply with their duty to respond to access applicants without delay. In other words, public bodies must always make every reasonable effort to respond without delay as required by the Act, including when exercising their s. 10(1) discretionary powers.

[38] In summary, s. 10(1)(c) gives a public body the discretion to take a time extension if it needs to consult with any other public body or third party before making an access decision and cannot do so within the general 30 day time period. A public body may need to engage in a s. 10(1)(c) consultation if an access request involves records that other public bodies or third parties have an interest in such as, for example, the AG's interest in any records that, if disclosed, may impact the Province's position in an active lawsuit. A public body exercising its discretion under s. 10(1)(c) must take only the minimum amount of time necessary in order to engage in any needed consultations and s. 10(1)(c) consultations should not be taken as a matter of course.

Test for time extensions under s. 10(1)(c)

[39] As I see it, given the results of my analysis above, the test for whether a public body has properly exercised its discretion under s. 10(1)(c) requires an affirmative answer to all three of the following questions:

1. Did the public body consult with a "third party" or "other public body" as these terms are defined in FIPPA?

[34] My emphasis.

2. Was that consultation needed before the public body could decide whether or not to give an applicant access to a requested record?[35]

3. Was the period of time taken for the extension reasonable in the circumstances?[36]

If a public body establishes that the answer to these three questions is yes, then that public body is authorized to take a time extension in the circumstances. In my view, this test fits within the words of the section read in their entire context, in their grammatical and ordinary sense harmoniously with the scheme of the Act, the purpose of the Act and the intention of the Legislature.

Application to the facts

[40] Applying this test to the present inquiry, I answer all three questions affirmatively.

[41] First, I find that the Ministry consulted with the AG which, by definition, is a public body and therefore an "other public body" as required by the words of s. 10(1)(c). Specifically, the AG is the public body that has an interest in any records that could impact a lawsuit involving the Province if disclosed.

[42] Second, I find the consultation appropriate in the circumstances. The uncontested evidence establishes that the AG has conduct of all litigation against the Province. The Ministry's submissions and affidavit evidence persuade me that it needed to consult with the AG in this case because the applicant has sued the Province. The litigation relates to the applicant's property and so does his access request. Additionally, the litigation between the applicant and the Province remains active, which raises potential concerns about litigation privilege and the kinds of records that should be released given the Province's interests in the litigation. As such, I find it reasonable that the Ministry decided it needed to consult the AG before responding to the applicant.

[43] Third, I note that the Ministry did not automatically take the 30 day maximum allowed under s. 10(1)(c) but instead took a 20 day extension. The Ministry also committed to responding to the applicant sooner if possible. In this case, I am satisfied that the 20 day time limit was reasonable in the circumstances given the nature of the litigation between the applicant and the Province.

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[35] For similar reasoning, see Order PO-3151, 2013 CanLII 2338 (ON IPC) at para. 16 and Order PO-1876, 2001 CanLII 26077 (ON IPC) at para.16. These orders deal with s. 27(1)(b) of Ontario's *Freedom of Information and Protection of Privacy Act* which contains Ontario's equivalent to s. 10(1)(c).

[36] For similar reasoning, see Order F2005-012, 2006 CanLII 80874 (AB OIPC) at paras. 43-44. This Order deals with s. 14(1)(c) of Alberta's *Freedom of Information and Protection of Privacy Act* which mirrors s. 10(1)(c).

[44] For all these reasons, I find that the Ministry was authorized by s. 10(1)(c) to take a 20 day time extension in this case.

CONCLUSION

[45] For the reasons given above, under s. 58(3)(b) of FIPPA, I confirm the Ministry's extension of a time limit under s. 10(1)(c).

December 16, 2019

ORIGINAL SIGNED BY

Laylí Antinuk, Adjudicator

OIPC File No.: F19-80398