



Information Commissioner's final report

Institution: Canadian Radio-Television and Telecommunications Commission

Date: 2022-04-22

OIC file number: 5821-04505

Institution file number: A-2021-00019

Complaint

The complainant alleged that the Canadian Radio-Television and Telecommunications Commission (CRTC) missed the deadline for responding to a request under the *Access to Information Act*.

Investigation

On June 21, 2021, the CRTC received an access to information request relating to specific meetings with Shaw. Based on the date of receipt of the access request, the statutory 30-day deadline to respond was July 21, 2021.

On July 23, 2021, the CRTC extended the time limit to respond by 60 days, pursuant to paragraph 9(1)(c) of the Act, which, if valid, would have extended the due date to September 20, 2021.

The Office of the Information Commissioner (OIC) received the complaint on December 9, 2021.

Subsection 10(3): deemed refusal of access

Under subsection 10(3), when institutions do not respond to an access request within either 30 days or at the end of a period for which they took a valid time extension, they are deemed to have refused access to the requested records.

Is the CRTC in deemed refusal pursuant to subsection 10(3) of the Act?

The time extension was claimed outside of the initial thirty-day deadline, and, thus, is not valid. As such, the CRTC was in deemed refusal under subsection 10(3) of the Act.

The investigation revealed that the delays were due mainly to an extended period of time taken to review responsive records to the request as well as additional time required to seek clarification from a third party consultation.

The CRTC responded to the request on February 4, 2022.

Result

The complaint is well founded.

Section 41 of the Act provides a right to the complainant who receives this report to apply to the Federal Court for a review. The complainant must apply for this review within 35 business days after the date of this report and must serve a copy of the application for review to the relevant parties, as per [section 43](#).



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