



Information Commissioner's final report

Institution: Canadian Radio-Television and Telecommunications Commission

Date: 2022-04-22

OIC file number: 5821-04506

Institution file number: A-2021-00020

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 23, 2021, the CRTC received an access to information request relating to communications and specific meetings with Telus. Based on the date of receipt of the access request, the statutory 30-day deadline to respond was July 23, 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, extending the due date to September 21, 2021. An interim release was sent to the complainant on September 22, 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 CRTC in deemed refusal pursuant to subsection 10(3) of the Act?

The time extension was claimed within the initial thirty-day deadline, however, while the CRTC successfully demonstrated that an extension under 9(1)(c) could be justified, the CRTC

failed to respond to the request not only by the statutory due date, but also by their own extended due date. 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 needed to review the responsive records as well as additional time required to seek clarification from a third party consultation.

The CRTC responded to the request on February 3, 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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