



Information Commissioner's final report

Institution: Public Health Agency of Canada

Date: 2022-09-06

OIC file number: 5821-07110

Institution file number: PHAC-A-2021-000374

Complaint

The complainant alleged that Public Health Agency of Canada (PHAC) did not respond to an access request for records related to the ivermectin with respect to SARS-CoV2 and COVID-19, within the 30-day time limit set out in section 7 of the *Access to Information Act*. The complaint falls within paragraph 30(1)(a) of the Act.

Investigation

Time limits for responding to access requests

Section 7 requires institutions to respond to access requests within 30 days unless they have transferred a request to another institution or validly extended the time they have to respond by meeting the requirements of section 9. When an institution does not respond to a request by the 30-day or extended deadline, it is deemed to have refused access to the requested records under subsection 10(3).

Nevertheless, the institution is still required to provide a response to the access request.

What is a response?

The response must be in writing and indicate whether the institution is giving access to any or part of the requested records.

- When the response indicates that the institution has **given access** to the records or part of them, the institution must provide access to those records.
- When the response indicates that the institution has **denied access** to the records or part of them, the institution must explain that the records do not exist or that the institution has exempted them, or part of them, under a specific provision, which the institution must name.

In specific circumstances, the institution may refuse to confirm or deny in its response whether records exist under subsection 10(2).

Did the institution respond within the time limits?

PHAC received the access request on September 27, 2021, but neither extended the time it had to respond to the request under subsection 9(1) nor transferred the request. This means that the 30-day time limit under section 7 still applied, making the due date to respond to the request October 27, 2021.

PHAC did not respond to the access request by this date. The Office of the Information Commissioner concludes, therefore, that PHAC did not meet its obligation to respond within the 30-day period. PHAC is deemed to have refused access to the requested records under subsection 10(3).

PHAC responded to the access request on August 9, 2022.

Result

The complaint is well founded.

When a complaint falls within the scope of paragraph 30(1)(a), (b), (c), (d), (d.1) or (e) of the Act, the complainant and institution have the right to apply to the Federal Court for a review. They must apply for this review within 35 business days after the date of this report and serve a copy of the application for review to the relevant parties, as per section 43.



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