

Section 49(1)(d)

Decision by the Information and Privacy Commissioner (IPC)

To: [REDACTED] (Applicant)

To: [REDACTED] (Third Party)

To: Department of Justice (Public Body)

To: Judy Pelchat, Records Manager (Interested Party)

On: Request for Review ATP13-001AR by Third Party, [REDACTED],
regarding Access Request #A-4204

Access to Information and Protection of Privacy Act (ATIPP Act)

On January 31, 2013 I received a letter from the Third Party, [REDACTED] requesting a review of the decision of the Department of Justice ("Justice"), the Public Body, to grant partial access to the records responsive to Access Request #A-4204. The January 31, 2013 receipt date was two days after the January 29, 2013 deadline of 20 days prescribed by section 49(1)(c) of which the Third Party was advised by the ATIPP Office in its letter received by the Third Party on January 9, 2013.

Section 49(1)(d) of the ATIPP Act allows me the discretion to consider a longer period for delivery to me of a request for a review made pursuant to section 48 of the Act, in this case two days beyond the deadline.

In making a decision on this request, I have decided that the following factors should be considered:

- a. Whether the Third Party has given a reasonable explanation for the lateness

The Third Party's letter to me requesting a review of the decision by Justice to grant partial access to the records contains an apology for the delay in submitting the request. It also mentions the required involvement of senior officials of the company in a team approach in assessing the business and technical aspects of the proposed information release. The letter also cites logistical challenges in the scheduling for the team members in completing their

review. The Third Party had already submitted a detailed response to the ATIPP office after having been first notified of the request of its third party information. This level of effort indicates its seriousness in opposing the release of its third party business information.

b. Whether the records have already been released

The ATIPP Office has confirmed that no records have been released.

c. Whether allowing a longer period of time would create any bias to any of the parties

The Applicant was contacted by my office to seek views on the requested extension of time for accepting the request. The Applicant indicated that the Applicant company followed all the rules and thought that other parties should be required to follow them as well. The Applicant also indicated that it had pursued an additional avenue of redress related to the subject matter of its request and speculated that the outcome of the access to information request would assist the company in that redress.

[REDACTED]
[REDACTED] There was no explanation given by the Applicant how this information would assist in its argument for redress being sought or a date by which this information was needed.

The Public Body, Justice, has no objection to allowing the time extension and welcomes a review by the IPC.

Two days is a minor departure from the legislated time lines prescribed by the ATIPP Act of which the parties to this access request would be aware. Having considered all of the above factors and past precedents, I find sufficient reasons for allowing the time extension requested and have decided to accept the request for review by the Third Party.

February 7, 2013

ORIGINAL SIGNED BY

Tim Koepke
Yukon Information and Privacy Commissioner