



Information  
Commissioner  
of Canada

Commissaire  
à l'information  
du Canada

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September 8, 2005

**Our file:** 46077/001  
**Institution's file:** A-2004-00429

Mr. John Cummins  
M.P. - Delta-Richmond East  
Room 548, Confederation Bldg  
House of Commons  
Ottawa ON K1A 0A6

Dear Mr. Cummins:

I write to report the results of our investigation of your complaint, made under the **Access to Information Act** (the Act), against Fisheries and Oceans Canada (F&O). Your request sought records held in the Pacific Region involving the House of Commons Fisheries Committee hearings on the 2004 Fraser River sockeye disaster, held in Vancouver on December 2, 3 and 4, 2004.

On March 24, 2005, F&O notified you that, pursuant to 9(1)(a) of the Act, they would require additional 90 days beyond the original 30 days to complete the processing of your request. On April 15, 2005, you complained about F&O's response.

As you are aware, paragraph 9(1)(a) of the Act allows the head of a government institution to extend the time limit if the request is for a large number of records or necessitates a search through a large number of records, and meeting the original time limit would unreasonably interfere with the operations of the government institution. Our investigation determined that the criteria for such an extension were not met.

Although the processing of your request involved a relatively large volume of records (1,054 pages), F&O failed to provide me with evidence of interference with the operations of the institution that would have supported the need for an extension. As a result, in my view, the 90-day extension is invalid and the department placed itself in a deemed-refusal situation pursuant to subsection 10(3) of the Act.

Despite the lengthy extension claimed by F&O, the department failed to meet its extension deadline – June 14, 2005. The delay was the result of several months of inactivity in the department's Access to Information and Privacy Office, followed by a lengthy review and approval process.

In my view, there was no lawful justification for the poor service that you received and I will so inform F&O. However, since the department provided you with a response on August 26, 2005, I will record your complaint about the time extension as resolved.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John M. Reid" with a stylized flourish at the end.

The Hon. John M. Reid, P.C.