

**NUNAVUT  
INFORMATION AND PRIVACY COMMISSIONER**

Review Recommendation 07-40  
November 29, 2007  
Review File: 07-228-5

**A. BACKGROUND**

By letter dated July 3rd, 2007, the Applicant requested documentation from the Department of Community and Government Services, specifically the following:

- a) a copy of the "transfer letter" which was sent along with my access request of June 7th, 2007 by the Department of Community and Government Services to the Department of Human Resources; and
- b) any documentation (notes, emails, memoranda or anything in written form) relating to Deputy Minister Carmen Levi's communications with Christopher Purse and anyone else in the Government of Nunavut over the period June 7, 2007 to the present, in which [the Applicant] was the topic of the communication

On August 7<sup>th</sup>, 2007, the Applicant requested that I review the public body's "failure to respond" to the second part of the request for information within the 30 day response period provided for in section 8(1) of the Access to Information and Protection of Privacy Act. The Applicant pointed out that if a public body fails to respond to a Request for Information in accordance with section 8, there is a "deemed refusal" to respond, allowing the Applicant to seek a review.

The public body was asked to address the issue of whether or not they had, in fact, responded to the Applicant within 30 days. They provided copies of letters sent to the Applicant on July 5th and July 6th respectively. The July 5th letter was an acknowledgment of the Applicant's request for information and an indication of when

they expected to be able to provide their substantive response to the request. The July 6<sup>th</sup> letter advised the Applicant that a search by the Department of Community and Government Services had failed to reveal any records responsive to the Applicant's requests. This letter also contained an explanation on both parts of the Applicant's request.

With respect to the first item requested, the letter outlined the steps that had been taken in effecting the transfer of the Applicant's request from one department to another and confirmed that there had been no "letter of transfer" prepared in connection with that transfer.

With respect to the second part of the Applicant's request, the letter advised the Applicant that Carmen Levi was no longer the Deputy Minister with the Department of Human Resources in June of 2007 and therefore had no access to any records within the Department of Human Resources and would not have had any reason to communicate with anyone in the Department of Human Resources with respect to the Applicant's situation.

This letter also provided the Applicant with the required information about how the Applicant could seek a review of the response given.

The public body further provided me with copies of tracking printouts from Canada Post's website indicating that the first letter to the Applicant was mailed to him at 1:04 of the afternoon of July 5<sup>th</sup>, 2007 and that the letter was actually delivered to the Applicant in his home community on JULY 16th, 2007. Tracking information provided for the second letter indicates that it was mailed from Iqaluit to the Applicant on JULY 6th , 2007 at 10:15 am, and that it was delivered to the Applicant on July 23rd , 2007.

The Applicant was provided with a copy of the submissions made by the public body and was invited to make any further comment he felt relevant to the issue. No such comments were received.

## **B. ISSUE**

The sole matter at issue at this point is whether the public body met its obligation to respond to the Applicant's Request for Information within 30 days as required by section 8 of the Access to Information and Protection of Privacy Act.

## **C. DISCUSSION**

The public body in this case received the Request for Information from the Applicant on July 3<sup>rd</sup>, 2007. The final response to that request was delivered and in the hands of the Applicant by July 23<sup>rd</sup>, 2007. This is well within the 30 days provided for responding to Access to Information Requests. There was no deemed refusal to produce documents and, therefore, nothing further for me to review.

## **D. RECOMMENDATIONS**

I recommend that no further action be taken with respect to this Request for Information.

Elaine Keenan Bengts  
Information and Privacy Commissioner