



Office of the
Information
Commissioner
of Canada

Commissariat
à l'information
du Canada

112 Kent Street
Ottawa, Ontario
K1A 1H3
Tel.: 613-995-2410
Fax: 613-947-7294
1-800-267-0441

112, rue Kent
Ottawa (Ontario)
K1A 1H3
Tél.: 613-995-2410
Télééc.: 613-947-7294
1-800-267-0441

PROTECTED

JAN 27 2010

Our file: 3209-00604/0001
Institution's file: 106-03-2009-23

Mr. Derek Fildebrandt
National Research Director
Canadian Taxpayers Federation
Varett Building
Suite 512- 130 Albert St
Ottawa ON K1P 5G4

Dear Mr. Fildebrandt:

The purpose of this letter is to report to you the results of our investigation of your complaint, made under the *Access to Information Act* (the Act), against the Canadian Human Rights Commission (CHRC). On August 25, 2009, you submitted an access to information request to CHRC for "...all receipts and documents pertaining to Jennifer Lynch, Q. C, Chief Commissioner regarding her flight to Kuala Lumpur in July-August 2008 and her flight to Geneva dated April 2008...".

CHRC received your request on August 28, 2009, making September 28 the statutory due date for a timely response.

On September 21, within the time to do so, CHRC claimed the need for a time extension of 30 days in order to process your request, citing paragraphs 9(1)(a) and 9(1)(b) of the Act. This made October 27, the revised due date. On September 23 you complained about this time extension.

Paragraph 9(1)(a)

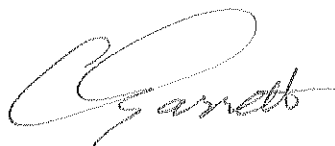
Paragraph 9(1)(a) of the Act allows the head of a government institution to extend the time limit set out in section 7 or subsection 8(1) in respect of a request under this Act for a reasonable period of time, having regard to the circumstances – if the request is for a large number of records, or necessitates 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 found that the original time estimate for reviewing the records was based on a volume of records of approximating 202 pages in total. As the current figure does not meet the criterion of a "large volume" of records and both criteria must be met, we therefore find the extension claimed under paragraph 9(1)(a) to be not valid, thus the original deadline of September 28, 2009 is maintained. As you know, CHRC did not respond within that deadline and, as such, placed itself in a position of deemed refusal.

It is worth noting that our investigation determined that CHRC is currently operating under a critical staffing shortfall, with only the Coordinator available to receive access and privacy requests, and provide analysis and processing of all relevant records subject to said requests. Though this is not a legal justification for the delay, it does provide context for the delays you experienced.

Our records show that CHRC sent you a response on October 15. Consequently, we now consider your complaint resolved.

Yours sincerely,

A handwritten signature in black ink, appearing to read "C. Garrett", written in a cursive style.

Carmen Garrett
Chief of Operations, Early Resolution
Complaints Resolution and Compliance

c.c.: ATIP Coordinator
Canadian Human Rights Commission