



## Information Commissioner's final report

**Institution:** Health Canada

**Date:** 2026-03-27

**OIC file number:** 5825-04233

**Access request number:** A-2025-001153 / EG

### Complaint

The complainant alleged that the extension of time Health Canada took under subsection 9(1) of the *Access to Information Act* to respond to an access request was unreasonable and does not meet the requirements of section 9. The request was for records related to correspondence concerning the health impacts of aircraft noise and air pollution associated with Toronto Pearson International Airport. The allegations fall under paragraphs 30(1)(a) and 30(1)(c) 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 30-day period for responding by meeting the requirements of section 9.

Health Canada received the access request on December 9, 2025. On January 5, 2026, Health Canada notified the complainant that, pursuant to paragraph 9(1)(a), an additional 90 days would be required to complete the processing of the request. If the extension were valid, the time limit for the response would be April 8, 2026.

#### Extensions of time

##### Paragraph 9(1)(a): extension of time due to volume of records

Paragraph 9(1)(a) allows institutions to extend the 30-day period for responding to an access request when they can show the following:

- the request is for a large number of records or requires searching through a large number of records;
- meeting the 30-day time limit would unreasonably interfere with the institution's operations; and
- the extension of time is for a reasonable period, having regard to the circumstances.

## **Did the institution show that it met the requirements of paragraph 9(1)(a)?**

### **Was the access request for a large number of records?**

Health Canada stated that the two Offices of Primary Interest (OPIs) that were tasked to search for records provided 11,000 pages of potentially responsive records to be processed.

Health Canada demonstrated that the request was for a large number of records.

### **Would meeting the 30-day deadline unreasonably interfere with the institution's operations?**

Health Canada noted that its Access to Information and Privacy (ATIP) office must manage competing statutory deadlines and ongoing operational responsibilities.

It explained that the records were received by the ATIP office on January 2, 2026, and that the analyst could not process 11,000 pages within the original 30-day period.

Health Canada showed that searching for and processing this many records and responding to the access request within 30 days—assuming it were even possible—would monopolize resources. Consequently, completing the necessary work would unreasonably interfere with the institution's operations.

### **Is the extension for a reasonable period?**

Under paragraph 9(1)(a), Health Canada extended the timeframe to respond by 90 days. To determine the length of the extension, Health Canada considered the volume of 11,000 pages, the interference with operations and the low complexity of the records, which reduces the time required for analysis.

Health Canada applied sufficient rigour and logic as part of a serious effort to determine the duration of the extension of time, making 90 days reasonable and justified in the circumstances.

The OIC concludes that Health Canada showed that it met all the requirements of paragraph 9(1)(a).

Therefore, the extension is valid and the due date to respond to the access request remains April 8, 2026.

## **Outcome**

The complaint is not well founded.

## **Review by the Federal Court**

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

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Investigations and Governance