



# Information Commissioner's final report

**Institution:** Health Canada

**Date:** 2026-06-03

**OIC file number:** 5825-03705

**Access request number:** A-2025-000298

## Complaint

The complainant alleged that Health Canada did not respond to an access request within the 30-day period set out in section 7 of the *Access to Information Act*. The request was for records from specific dates related to the Greater Toronto Airports Authority or Toronto Pearson International Airport. The allegation falls under paragraph 30(1)(a) 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. When an institution does not respond to a request within the 30-day or extended period, it is deemed to have refused access to the requested records under subsection 10(3).

Nevertheless, the institution is still required to provide a response to the access request.

### What is a response?

The response must be in writing and indicate whether the institution is giving access to any or part of the requested records.

- When the response indicates that the institution has **given access** to the records or part of them, the institution must provide access to those records.
- When the response indicates that the institution has **denied access** to the records or part of them, the institution must explain that the records do not exist or

that the institution has exempted them, or part of them, under a specific provision, which the institution must name.

In specific circumstances, the institution may refuse to confirm or deny in its response whether records exist under subsection 10(2).

### **Did the institution respond within the time limits?**

Health Canada received the access request on June 6, 2025, but neither extended the period within which it had to respond to the request under subsection 9(1) nor transferred the request. This means that the 30-day period under section 7 still applied.

Health Canada did not respond to the access request by this date. I conclude, therefore, that Health Canada did not meet its obligation to respond within the 30-day period. Health Canada is deemed to have refused access to the requested records under subsection 10(3).

The investigation revealed that the Office of Primary Interest tasked, Healthy Environments and Consumer Safety Branch, provided 17,187 pages of potentially responsive records to Health Canada's Access to Information and Privacy (ATIP) office on July 10, 2025. On April 13, 2026, Health Canada informed the Office of the Information Commissioner (OIC) that the review of the records had not yet begun.

Health Canada advised that the transition to the new ATIPXpress software began on April 9, 2026, and that, while triage of the records had been completed in the previous processing software (Laserfiche), the records will need to be re-triaged in ATIPXpress prior to any consultations being conducted. Additionally, Health Canada explained that its analysts had been instructed to refrain from importing records into Laserfiche if the file was not expected to be completed by April 1, 2026.

I find the nine-month delay in beginning the review of the records unacceptable.

While I recognize the importance of modernizing ATIP software, it is crucial that implementation does not unduly affect the requester's right to a timely response. Institutions should ensure new ATIP processing software and tools are thoroughly tested and provide the necessary functions in order to facilitate timely access, and that timely support services are available to ATIP staff.

Health Canada informed the OIC that the records require consultation with its Legal Services for 12 pages of potential Cabinet confidences and would also require consultations with Other Government Departments (OGDs) as well as with several third parties.

Health Canada advised that consultations had not yet begun and that two of the OGDs to be consulted for thousands of pages, Transport Canada and Environment and Climate Change Canada, anticipated six months and a minimum of 150 business days, respectively, to complete their consultation.

Considering the subject matter of the request, I am satisfied that the third-party consultations are necessary if Health Canada intends to disclose information relating to the third parties.

Sections 27 and 28 of the Act set out a legislated process for institutions to give third parties the opportunity to provide representations as to why records should not be disclosed.

Health Canada has a statutory obligation to ensure that access requests are responded to in accordance with the requirements of the Act on records that are under its control. While recognizing that in some circumstances, it may be appropriate for an institution to consult another one for the purpose of responding to a request, the institution in receipt of the request bears the ultimate responsibility in ensuring that the consultation process does not unduly delay access

Health Canada noted that it requires up to six additional months to undertake the approval process.

Health Canada indicated that it plans to respond to the access request by March 2028.

I find the proposed date of March 2028 and the time required for final approval to be unreasonable, given the length of time that the response to the access request has been outstanding without significant progress. Health Canada must respond to the request within the shortest amount of time possible. Any response must necessarily be compliant with Health Canada's other obligations under the Act, including the obligation to respond to the request accurately, completely and in a timely manner.

Taking into account the work that remains outstanding, including a reasonable amount of time to review the high volume of records, and time to complete necessary consultations, I conclude that it is appropriate for Health Canada to provide a response to the request by September 6, 2027, and that Health Canada cannot complete this work in a materially lesser amount of time.

## **Outcome**

The complaint is well founded.

## **Order**

I order the Minister of Health to provide a complete response to the access request no later than September 6, 2027.

## **Initial report and notice from institution**

On May 13, 2026, I issued my initial report to the Minister of Health setting out my order.

On May 25, 2026, the Executive Director of Access to Information and Privacy gave me notice that Health Canada would be implementing my order and advised that, while it acknowledges the importance of timely responses, increased complaint volumes and the transition to a new case management system required a temporary prioritization approach, including the deferral of more complex files. Health Canada further advised that it would prioritize the processing of this request in order to meet the order date.

## **Review by 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. When the Information Commissioner makes an order(s), the institution also has the right to apply for a review. Whoever applies for a review must do so within 35 business days after the date of this report and serve a copy of the application for review to the relevant parties, as per section 43. If no one applies for a review by this deadline, the order(s) takes effect on the 36th business day after the date of this report.



Caroline Maynard  
Information Commissioner of Canada