



christine: massey &lt;cmssyc@gmail.com&gt;

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**FOI Ont Min Health: studies showing causation of adverse effect by bacteria**

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**christine: massey** <cmssyc@gmail.com>  
To: generalapo@ontario.ca

Tue, Aug 22, 2023 at 1:30 PM

August 22, 2023

5th Floor, 777 Bay Street  
Toronto, Ontario M5G 2C8

Greetings,

I require access to general records, as per FIPPA.

**Description of Requested Records:**

All studies/reports authored by anyone, anywhere, ever, in the possession/custody/control of the Ministry of Health, including the Minister's Office, the Deputy Minister's Office, the Office of Chief Medical Officer of Health, all other offices reporting to the Ministry, and/or the Ministry's agencies such as Ontario Agency for Health Protection and Promotion aka Public Health Ontario, that:

**scientifically prove/provide evidence for causation of any adverse health effect in plants, animals or people by any sort of bacteria, using purified bacterial cultures.**

I am not seeking records that describe attempts to prove causation using unscientific methods. Recall that scientific proof/evidence is not:

opinions,  
speculation,  
review papers, or  
descriptive papers.

Scientific proof/evidence requires use of the scientific method to test falsifiable hypotheses through valid, repeatable controlled experiments where only 1 variable differs between the experimental and control groups.

**Notes:**

If any records match the above description and are currently available to the public elsewhere, please provide enough information about each one so that I may identify and access it with certainty, i.e.: title, author(s), date, journal, location. Please provide URLs where possible.

**Format:**

Searchable pdf documents sent to me via email; please do not ship anything.

**Application Fee:**

\$5 has been sent via Canada Post.

8/22/23, 1:31 PM

Gmail - FOI Ont Min Health: studies showing causation of adverse effect by bacteria

Best wishes,  
by: christine



christine: massey <cmssyc@gmail.com>

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## FOI Ont Min Health: studies showing causation of adverse effect by bacteria

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@MOH-G-GeneralAPO <GeneralAPO@ontario.ca>

Wed, Aug 23, 2023 at 11:46 AM

To: "christine: massey" <cmssyc@gmail.com>, "@MOH-G-GeneralAPO" <GeneralAPO@ontario.ca>

Good Morning, Christine

We require some additional information to create provide a you with a file Number for this records request.

Could you please provide your address and Telephone Number (telephone number is optional).

Could you please confirm your full name is Christine Massey?

We will also require a timeline for search.

Once the payment is received we will initiate the search.

Thank you,

Peggy Bouchard

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**From:** christine: massey <cmssyc@gmail.com>

**Sent:** August 22, 2023 1:30 PM

**To:** @MOH-G-GeneralAPO <GeneralAPO@ontario.ca>

**Subject:** FOI Ont Min Health: studies showing causation of adverse effect by bacteria



christine: massey <cmssyc@gmail.com>

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## FOI Ont Min Health: studies showing causation of adverse effect by bacteria

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**christine: massey** <cmssyc@gmail.com>

Wed, Aug 23, 2023 at 4:49 PM

To: "@MOH-G-GeneralAPO" <GeneralAPO@ontario.ca>

Greetings Peggy,

Certainly, once you cite for me a provision of the legislation that authorizes you to reject the request in the absence of an address or full name, I will be happy to do so.

The timeline is any time until the search is completed.

Best wishes,  
by: christine

[Quoted text hidden]



christine: massey &lt;cmssyc@gmail.com&gt;

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**FOI Ont Min Health: studies showing causation of adverse effect by bacteria**

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**@MOH-G-GeneralAPO** <GeneralAPO@ontario.ca>

Thu, Aug 24, 2023 at 12:15 PM

To: "christine: massey" &lt;cmssyc@gmail.com&gt;, "@MOH-G-GeneralAPO" &lt;GeneralAPO@ontario.ca&gt;

Good Afternoon, Christina

Thank you for the email. The request below is standard information that is mandatory on all our general request forms for records. Please see FIPPA s.65.1(2) for the authority under the act to request Customer Service Information.

It is a reasonable request from an institution to collect data on their customers to be able to open a file in order to effectively provide a service.

The mandatory information, we are request on our general request forms to open a records request is the following:

Last name, First name, City/town, Province, Postal Code, and Email Address

It is also a mandatory field on the request form to provide a 'Time Line' for search. Your request does not provide sufficient detail to search for the records. Please see FIPPA s.24(1)(b).

Should you have any further questions about making a records request with the MOH, please review the information available at : <https://www.ontario.ca/page/how-make-freedom-information-request>

Thank you,

Peggy Bouchard



christine: massey &lt;cmssyc@gmail.com&gt;

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## FOI Ont Min Health: studies showing causation of adverse effect by bacteria

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christine: massey &lt;cmssyc@gmail.com&gt;

Thu, Aug 24, 2023 at 1:15 PM

To: "@MOH-G-GeneralAPO" &lt;GeneralAPO@ontario.ca&gt;

Greetings Peggy,

You seem to have misunderstood my message. I wrote:

*...once you cite for me a **provision of the legislation that authorizes you to reject the request in the absence of an address or full name**, I will be happy to do so.*

You have cited:

*Service provider organizations**65.1 (1) This section applies with respect to a service provider organization as defined in section 17.1 of the Ministry of Government Services Act...*

You already have my given name and email address, and you have not cited a provision of the legislation that authorizes you to reject the request in the absence of an address, "full name", city/town, province or postal code.

Further, FIPPA section 65.1 states:

*Authorization to collect personal information**(3) A service provider organization is authorized to collect personal information **for the purposes of providing a designated service...****Collection of customer service information**(4) Without limiting the generality of subsection (3), a service provider organization is authorized to collect customer service information, **with the consent of the individual to whom the information relates, for the purposes of providing a designated service...***

I do not consent to the collection of my "full name", city/town, province or postal code, nor do you need it in order to process the request, nor am I required to fill in any form.

You have not cited a provision of the legislation that authorizes you to reject the request in the absence of the personal information that you are demanding from me. Therefore I will not provide it, as I do not consider it safe, necessary or reasonable to do so.

The irony is that you are using the Freedom of Information and **Protection of Privacy Act** to coerce people into providing you unnecessary personal information.

Please explain to me exactly what you would do with this information if I were willing to give it to you.

Regarding a timeline, the legislation requires a clear description of the records sought, and I have already provided it to you:

*All studies/reports authored by anyone, anywhere, **ever**, in the possession/custody/control of the Ministry of Health...*

Best wishes,

by: christine

[Quoted text hidden]



christine: massey <cmssyc@gmail.com>

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## FOI Ont Min Health: studies showing causation of adverse effect by bacteria

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@MOH-G-GeneralAPO <GeneralAPO@ontario.ca>

Fri, Aug 25, 2023 at 12:57 PM

To: "christine: massey" <cmssyc@gmail.com>, "@MOH-G-GeneralAPO" <GeneralAPO@ontario.ca>

Good Afternoon, Christine

Thank you for your email.

We will contact you with next steps once your five dollar application fee is received at our office.

Have a good weekend,

[Quoted text hidden]





christine: massey <cmssyc@gmail.com>

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## FOI-A-2023-00182 /PB - Clarification Request

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**Bouchard, Peggy (MOH)** <Peggy.Bouchard@ontario.ca>

Thu, Sep 7, 2023 at 5:23 PM

To: "christine: massey" <cmssyc@gmail.com>

Cc: "Themistokleous, Andrea (She/Her) (MOH)" <Andrea.Themistokleous@ontario.ca>

Our File – Notre référence

A-2023-00182 / PB

Your File – Votre référence

September 7, 2023

Dear Christine:

I am responding to your recent access request made under the *Freedom of Information and Protection of Privacy Act (the Act)*, for the following information:

All studies/reports authored by anyone, anywhere, ever, in the possession/custody/control of the Ministry of Health, including the Minister's Office, the Deputy Minister's Office, the Office of Chief Medical Officer of Health, all other offices reporting to the Ministry, and/or the Ministry's agencies such as Ontario Agency for Health Protection and Promotion aka Public Health Ontario, that:

scientifically prove/provide evidence for causation of any adverse health effect in plants, animals or people by any sort of bacteria, using purified bacterial cultures.

I am not seeking records that describe attempts to prove causation using unscientific methods. Recall that scientific proof/evidence is not:  
opinions,  
speculation,  
review papers, or  
descriptive papers.

Scientific proof/evidence requires use of the scientific method to test falsifiable hypotheses through valid, repeatable controlled experiments where only 1 variable differs between the experimental and control groups.

Notes:

If any records match the above description and are currently available to the public elsewhere, please provide enough information about each one so that I may identify and access it with certainty, i.e.: title, author(s), date, journal, location. Please provide URLs where possible.

Format:

Searchable pdf documents sent to me via email; please do not ship anything.

Your request and your \$5.00 application fee pursuant to section 24 of *the Act* was received by this office for review on September 7, 2023.

Your request does not provide sufficient detail to search for the records. Please provide the following information:

- Please Provide a time line for search, pursuant to section 24 (2) of *the Act*. *Searches date can not be on a future date after clarification is received and accepted.*

Any further costs associated with your request will be charged according to the fees set out in Regulations 460 section 6 of *the Act*. We will inform you about these costs in writing and may ask for a deposit if the fee exceeds \$100.00.

**If we do not hear from you within 30 days from the date of this letter, we will consider this request abandoned and this file will be closed.**

If you have any questions, please contact me at 249-288-1132. A-2023-00182 / PB has been assigned to your request. Please use this number in all future communications.

Sincerely,

Peggy Bouchard

A/Consultant

Access, Privacy and Corporate Information Unit

Corporate Management Branch

Ministry of Health

Ministry of Long-Term Care

[Peggy.Bouchard@Ontario.ca](mailto:Peggy.Bouchard@Ontario.ca)

C: 1-249-288-1132

Enclosure

**Summary of Fees for Information Requests under the  
Freedom of Information and Protection of Privacy Act (FIPPA)**

If you request information under FIPPA you may be required to pay certain fees. The rules regarding the payment and amount of fees are set out in the Act and its Regulations. Typical fee charges are summarized below.

## Mandatory Application Fee

A \$5.00 mandatory application fee must accompany a request for either personal information or general records under FIPPA. A request for personal information is a request made by an individual (or another person acting on his/her behalf) for the individual's own information. All other requests for information, whether about a person other than yourself or about a government program or activity are considered "general information requests."

## Fees for General Records Requests

Search time:	\$7.50 per 15 minutes required to search and retrieve records
Record preparation:	\$7.50 per 15 minutes required to prepare records for release (2 min. per page)
Photocopying:	\$0.20 per page
Computer programming:	\$15.00 per 15 minutes if needed to develop a program to retrieve information
Floppy disks:	\$10.00 per disk
Shipping costs:	Actual cost of shipping, and any other costs incurred in responding to a request for access to a record.

## Fees for Personal Information Requests

Photocopying:	\$0.20 per page
Computer programming:	\$15.00 per 15 minutes if needed to develop a program to retrieve information
Floppy disks:	\$10.00 per disk

9/7/23, 7:41 PM

Gmail - FOI-A-2023-00182 /PB - Clarification Request

Shipping costs:  
access to a record.

Actual cost of shipping, and any other costs incurred in responding to a request for



christine: massey <cmssyc@gmail.com>

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## FOI-A-2023-00182 /PB - Clarification Request

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**christine: massey** <cmssyc@gmail.com>

Thu, Sep 7, 2023 at 7:41 PM

To: "Bouchard, Peggy (MOH)" <Peggy.Bouchard@ontario.ca>

Cc: "Themistokleous, Andrea (She/Her) (MOH)" <Andrea.Themistokleous@ontario.ca>

Greetings,

The answer is in the request:

All studies/reports authored by anyone, anywhere, **ever...**

So, any time until the time of the search.

Best wishes,  
Christine

[Quoted text hidden]



christine: massey <cmssyc@gmail.com>

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## Automatic reply: FOI-A-2023-00182 /PB - Clarification Request

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**Themistokleous, Andrea (She/Her) (MOH)** <Andrea.Themistokleous@ontario.ca>  
To: "christine: massey" <cmssyc@gmail.com>

Thu, Sep 7, 2023 at 7:41 PM

\*\*\*Absence Alert\*\*\*

Thank you for your e-mail.

Please note that I am out of office until September 18, 2023.

Please contact: [generalapo@ontario.ca](mailto:generalapo@ontario.ca)

Thank you,

Andrea

**Andrea Themistokleous**

A/Consultant

Access, Privacy and Corporate Information Unit

Corporate Management Branch

Ministry of Health

Ministry of Long-Term Care

E-mail: [andrea.themistokleous@ontario.ca](mailto:andrea.themistokleous@ontario.ca)



christine: massey &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**Bouchard, Peggy (MOH)** <Peggy.Bouchard@ontario.ca>

Mon, Sep 18, 2023 at 4:10 PM

To: "christine: massey" &lt;cmssyc@gmail.com&gt;

Cc: "Themistokleous, Andrea (She/Her) (MOH)" &lt;Andrea.Themistokleous@ontario.ca&gt;, "Babos, John (MOH)" &lt;John.Babos@ontario.ca&gt;

Good afternoon, Christine

Thank you for your response, but the clarification you provided is not sufficient to proceed with your request. The ministry requires a specific timeframe. Please note that the general records retention period for certain business records is current year plus five years. As such, the ministry could do a search for records from September 7, 2017 to September 7, 2023.

In addition, the ministry will focus its search efforts on “studies/reports that include causation of any adverse health effect in plants, animals or people by any sort of bacteria, using purified bacterial cultures” as you noted. Whether the studies meets your perspective on scientific validity will be for you to assess upon receiving any responsive records should they be in the ministry’s custody.

If you would like to receive records from ministry agencies, you would need to submit a Freedom of Information and Protection of Privacy (FIPPA) request to them directly as they are separate institutions from the Ministry of Health.

However, if the ministry has responsive records in our custody from an agency, we would produce them for your request, but we do not have all the agencies’ records nor do we manage the records holdings of agencies.

If we do not hear from you within 30 days from the date of this letter, we will consider this request abandoned and this file will be closed.



Sincerely,

Peggy Bouchard

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**From:** christine: massey <[cmssyc@gmail.com](mailto:cmssyc@gmail.com)>  
**Sent:** September 7, 2023 7:41 PM  
**To:** Bouchard, Peggy (MOH) <[Peggy.Bouchard@ontario.ca](mailto:Peggy.Bouchard@ontario.ca)>  
**Cc:** Themistokleous, Andrea (She/Her) (MOH) <[Andrea.Themistokleous@ontario.ca](mailto:Andrea.Themistokleous@ontario.ca)>  
**Subject:** Re: FOI-A-2023-00182 /PB - Clarification Request

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

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christine: massey &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**christine: massey** <cmssyc@gmail.com>

Tue, Sep 19, 2023 at 8:49 AM

To: "Bouchard, Peggy (MOH)" &lt;Peggy.Bouchard@ontario.ca&gt;

Cc: "Themistokleous, Andrea (She/Her) (MOH)" &lt;Andrea.Themistokleous@ontario.ca&gt;, "Babos, John (MOH)" &lt;John.Babos@ontario.ca&gt;

Hi Peggy,

Thank you.

My request is not specific to business records. For the timeframe please use January 1, 1923 until the date of the search.

Do not change the parameters of my request without my explicit authorization.

I have restated the request below to reflect the timeframe and remove references to the scientific method and validity, even though these are well established concepts. I've also included a note about forwarding my request, as per section 25 of the legislation, if you cannot find any records.

All studies/reports authored by anyone, anywhere that are in the possession/custody/control of the Ministry of Health, including but not limited to studies/reports in/at the Minister's Office, the Deputy Minister's Office and/or the Office of Chief Medical Officer of Health, that:

prove/provide evidence for causation of any adverse health effect in plants, animals or people by any sort of bacteria, via testing of a falsifiable hypothesis through repeatable controlled experiments using purified bacterial cultures as the independent variable with all other experimental conditions the same in both the experimental and control groups (timeframe: January 1, 1923 until the date of the search).

If no such record is found, the man/woman acting as head shall make all necessary inquiries to determine whether another institution has custody or control of any such record(s), and where the man/woman acting as head determines that another institution has custody or control of the record, they shall within fifteen days after the request is received, (a) forward the request to the other institution; and (b) give written notice to me, as specified in section 25 of FIPPA.

**Notes:**

If any records match the above description and are currently available to the public elsewhere, please provide enough information about each one so that I may identify and access it with certainty, i.e.: title, author(s), date, journal, location. Please provide URLs where possible.

**Format:**

Searchable pdf documents sent to me via email; please do not ship anything.

Best wishes,  
Christine

[Quoted text hidden]



christine: massey &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**Bouchard, Peggy (MOH)** <Peggy.Bouchard@ontario.ca>

Fri, Sep 22, 2023 at 12:53 PM

To: "christine: massey" &lt;cmssyc@gmail.com&gt;

Cc: "Themistokleous, Andrea (She/Her) (MOH)" &lt;Andrea.Themistokleous@ontario.ca&gt;, "Babos, John (MOH)" &lt;John.Babos@ontario.ca&gt;

Good Afternoon, Christine

Thank you for your response, but the clarification you provided is not sufficient to proceed with your request.

As noted in our letter to you on September 7<sup>th</sup>, we requested that you please provide a time line for search, pursuant to section 24 (2) of *the Act*. *Searches date can not be on a future date after clarification is received and accepted.*

The ministry requires a specific timeframe. Please note that the general records retention period for certain business records is current year plus five years. As such, the ministry could do a search for records from September 7, 2017 to September 7, 2023.

The timeline of January 1, 1923 until the date of the search falls outside of the parameters provided to you in this email and our previous communication.

Any further costs associated with your request will be charged according to the fees set out in Regulations 460 section 6 of *the Act*. We will inform you about these costs in writing and may ask for a deposit if the fee exceeds \$100.00.

If we do not hear from you within 30 days from the date of this letter, we will consider this request abandoned and this file will be closed.

If you have any questions, please contact me at 249-288-1132. A-2023-00182 / PB has been assigned to your request. Please use this number in all future communications.

Sincerely,

Peggy Bouchard

A/Consultant

Access, Privacy and Corporate Information Unit

Corporate Management Branch

Ministry of Health

Ministry of Long-Term Care

Peggy.Bouchard@Ontario.ca



christine: massey <cmssyc@gmail.com>

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## FOI-A-2023-00182 /PB - Clarification Request

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christine: massey <cmssyc@gmail.com>

Fri, Sep 22, 2023 at 2:04 PM

To: "Bouchard, Peggy (MOH)" <Peggy.Bouchard@ontario.ca>

Cc: "Themistokleous, Andrea (She/Her) (MOH)" <Andrea.Themistokleous@ontario.ca>, "Babos, John (MOH)" <John.Babos@ontario.ca>

Hi Peggy,

You indicated that the timeline of January 1, 1923 until the date of the search falls outside of the parameters **for retention of "certain business records"**, but not outside the parameters of the legislation, and it is not outside the parameters of the legislation.

So I will stick with the specific timeline that I specified. If there are no records you can simply state this in accordance with the legislation.

Thank you and have nice day,

Christine

[Quoted text hidden]



christine: massey <cmssyc@gmail.com>

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## FOI-A-2023-00182 /PB - Clarification Request

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christine: massey <cmssyc@gmail.com>

Fri, Sep 22, 2023 at 2:06 PM

To: "Bouchard, Peggy (MOH)" <Peggy.Bouchard@ontario.ca>

Cc: "Themistokleous, Andrea (She/Her) (MOH)" <Andrea.Themistokleous@ontario.ca>, "Babos, John (MOH)" <John.Babos@ontario.ca>

p.s. Do not change the parameters of my request without my explicit authorization.

[Quoted text hidden]



christine: massey &lt;cmssyc@gmail.com&gt;

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## FOI-A-2023-00182 /PB - Clarification Request

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christine: massey <cmssyc@gmail.com>

Fri, Sep 22, 2023 at 2:25 PM

To: "Bouchard, Peggy (MOH)" <Peggy.Bouchard@ontario.ca>

Cc: "Themistokleous, Andrea (She/Her) (MOH)" <Andrea.Themistokleous@ontario.ca>, "Babos, John (MOH)" <John.Babos@ontario.ca>

p.p.s.

In your last email, you wrote:

"we requested that you please provide a time line for search, pursuant to section 24 (2) of the Act. **Searches date can not be on a future date after clarification is received and accepted.**"

Section 24 (2) of the Act reads:

"The Minister shall cause the compilation to be published before the 1st day of January, 1992 and at least once every three years thereafter. R.S.O."

No idea what your point was in citing s 24 (2). Can you cite a provision of the legislation that states that a search date cannot be on a future date after clarification is received and accepted?

Regardless, today I've clarified for you, **again**.

[Quoted text hidden]



Christine, an unincorporated woman &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**Babos, John (MOH)** <John.Babos@ontario.ca>

Wed, Oct 25, 2023 at 7:35 PM

To: "christine: massey" &lt;cmssyc@gmail.com&gt;

Cc: "Bouchard, Peggy (MOH)" &lt;Peggy.Bouchard@ontario.ca&gt;

Thank you again for sharing your thoughts, Christine. I have no further context to share with you regarding the FIPPA legislation. What I shared earlier was factual.

As you are aware, the ministry continues to ask for a reasonable timeframe for this search as 1923 is not reasonable. If you do not wish to clarify the request timeframe, you were provided your appeal rights to the Information and Privacy Commissioner's Office.

If you are not able to provide a clarified request with a reasonable timeframe as requested by the ministry within 30 calendar days, the ministry will regrettably be forced to consider your file abandoned by you and we will be required to close it.

Get [Outlook for iOS](#)

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**From:** christine: massey <cmssyc@gmail.com>**Sent:** Wednesday, October 25, 2023 7:22:58 PM

[Quoted text hidden]

[Quoted text hidden]



Christine, an unincorporated woman &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**christine: massey** <cmssyc@gmail.com>

Wed, Oct 25, 2023 at 8:25 PM

To: "Babos, John (MOH)" &lt;John.Babos@ontario.ca&gt;

Cc: "Bouchard, Peggy (MOH)" &lt;Peggy.Bouchard@ontario.ca&gt;

Greetings John,

The ministry is clearly not in a hurry to respond to this request, because the last communication from the ministry was over a month ago. But now you threaten to pretend that I have abandoned the request?

You claimed that my request lacked "sufficient" detail. "Sufficient" means enough. Yet I did provide a time frame: January 1, 1923 until the date of the search.

You've used the word "clarify". I have no idea what is unclear to you about January 1, 1923 until the date of the search. It seems very clear to me. If you explain what you find unclear about it I'll try to help you.

You say you need a "reasonable" timeframe, but you've not told me what you find "unreasonable" about my timeframe. Am I required to guess?

Christine

[Quoted text hidden]





christine: massey &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**Babos, John (MOH)** <John.Babos@ontario.ca>  
To: Christine Massey <cmssyc@gmail.com>  
Cc: "Bouchard, Peggy (MOH)" <Peggy.Bouchard@ontario.ca>

Wed, Oct 25, 2023 at 12:22 PM

Good afternoon Christine Massey:

Thank you for your clarification effort, but the ministry requires further clarification to proceed with the records search. The ministry is again requesting that you please provide a reasonable starting date for the search. Peggy shared some context with you concerning the ministry's records retention period as a guide to help you with your clarification effort.

In addition, after having read the complete e-mail string below, once we receive a reasonable search timeframe from you to make your request one that is valid and that we can proceed with, the ministry will focus its search on its own records holdings. Should the ministry have records in response to your request that it can release to you, it will be shared with you in the format we have it in which would be digital or hard copy.

Should the ministry believe another institution may also have responsive records we will share their complete contact information with you.

If you would prefer to speak directly on anything in this e-mail, I'd be pleased set up a call for us to discuss this further.

Thank you,

John

**John Babos**  
**Senior Manager, Access, Privacy and Corporate Information**

10/25/23, 3:17 PM

Gmail - FOI-A-2023-00182 /PB - Clarification Request

**Corporate Management Branch, Corporate Services Division**

**Ministry of Health / Ministry of Long-Term Care**

[Quoted text hidden]



christine: massey &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**christine: massey** <cmssyc@gmail.com>

Wed, Oct 25, 2023 at 3:16 PM

To: "Babos, John (MOH)" &lt;John.Babos@ontario.ca&gt;

Cc: "Bouchard, Peggy (MOH)" &lt;Peggy.Bouchard@ontario.ca&gt;

Greetings John,

Peggy failed to cite any provision of the legislation that disallows my time frame or authorizes an institution to reject or neglect a request based on the time frame I provided. There is no such provision.

I already responded to Peggy's remark about "certain business records".

If you have studies that are only in hard copy, you will need to make copies of them for me, in which case you shall scan them and email them to me per my request, rather than making more hard copies which would waste unwanted paper and cause further delay by sending them via snail mail.

You wrote: "*Should the ministry believe another institution may also have responsive records we will share their complete contact information with you.*" I do not agree to this. I require you to follow the legislation.

Do not change my request in any way without my explicit authorization.

Our communications will be in writing, not over the phone.

The response is already overdue and I will be publishing an article about the response or non-response, as the case may be, within the next week.

Best wishes,  
Christine

[Quoted text hidden]

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 **2023 09 19 i restate request wo ref to science or validity.pdf**  
69K



Christine, an unincorporated woman &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**Babos, John (MOH)** <John.Babos@ontario.ca>  
To: "christine: massey" <cmssyc@gmail.com>  
Cc: "Bouchard, Peggy (MOH)" <Peggy.Bouchard@ontario.ca>

Wed, Oct 25, 2023 at 4:14 PM

Thank you for sharing your thoughts with me, Christine. I will attempt to address some of those thoughts.

The reason the ministry is clarifying the timeframe of your request is because FIPPA requires request wording to provide sufficient detail to undertake a search [FIPPA section 24(1)(b)]. I appreciate that you have a different opinion about the sufficiency of your request, but a reasonable timeframe is a requirement to facilitate a search under the Act.

Concerning your request for electronic copies of materials, the ministry traditionally releases the records in the format the records are stored in. However, if there are a limited number of responsive records, the ministry will consider scanning them. Such a decision will be made later in the process based on search outcome and feasibility.

Concerning other institutions, the language appears to reference request transfers. The ministry can only transfer a FIPPA request fully or partially to another institution if (1) that institution falls under the FIPPA legislation and if (2) it is within a short two-week timeframe after a valid request is received. Once we receive a clarified request from you that the ministry believes it can undertake a reasonable search for the request will be categorized as valid. At that time, if the ministry's search area(s) identifies any other institutions, that FIPPA applies to, that may have records, and there is time remaining to do so, the ministry will transfer this request to them and notify you of this. If at that point we are beyond that two-week timeframe I mentioned, or if the other institution is not under FIPPA, we will share with you the contact information of the other institution for you to follow-up with directly as appropriate. In either scenario, the ministry would still work to complete its search efforts.

We have no concerns continuing with e-mail communications. The offer of a phone call was to see if we can get beyond the impasse we seem to be at during the clarification stage of this request.

I regret that we have not been able to successfully come to a clarified request that the ministry can undertake a search on. I also appreciate the work and analysis you have done of the FIPPA legislation. However, while we may disagree on matters related to your request, that does not mean my office is not following the provisions of the Act as you have alleged in your e-mails. We genuinely wish to get to a reasonable and valid request and facilitate getting you responsive records should the ministry have them. As the e-mails below show, the ministry has been trying to work with you towards achieving this goal since your request was received last month and we will continue to do so.

However, if you do not wish to make further clarifying efforts based on the request of our ministry, and you remain unsatisfied with our engagement efforts with you, you may make a complaint and contact the Information and Privacy Commissioner at [2 Bloor Street East, Suite 1400, Toronto ON M4W 1A8](#). Should you do so, please provide the Commissioner's Office with:

1. The request file number: A-2023-00182 / PB
2. A copy of this e-mail string.
3. A copy of your original request wording.
4. A cheque or money order in the amount of \$25.00 payable to the Minister of Finance.

I hope we can work together to clarify your request and begin our search as soon as possible. I remain available to connect with you on this.

Thank you,

John

[Quoted text hidden]



Christine, an unincorporated woman &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**christine: massey** <cmssyc@gmail.com>

Wed, Oct 25, 2023 at 7:22 PM

To: "Babos, John (MOH)" &lt;John.Babos@ontario.ca&gt;

Cc: "Bouchard, Peggy (MOH)" &lt;Peggy.Bouchard@ontario.ca&gt;

Greetings John,

I'm only asking you to do what is stated in the legislation. I can't do anything about the fact that 15 days have already passed, and I don't see it stated anywhere that if 15 days have already passed you can simply skip forwarding or transferring requests as appropriate.

**Request to be forwarded**

25 (1) Where an institution receives a request for access to a record that the institution does not have in its custody or under its control, the head shall make all necessary inquiries to determine whether another institution has custody or control of the record, and where the head determines that another institution has custody or control of the record, the head shall within fifteen days after the request is received,

(a) forward the request to the other institution; and

(b) give written notice to the person who made the request that it has been forwarded to the other institution.

**Transfer of request**

(2) Where an institution receives a request for access to a record and the head considers that another institution has a greater interest in the record, the head may transfer the request and, if necessary, the record to the other institution, within fifteen days after the request is received, in which case the head transferring the request shall give written notice of the transfer to the person who made the request.

You've cited FIPPA section 24(1)(b) re sufficient detail.

**Request**

24 (1) A person seeking access to a record shall,

(b) provide sufficient detail to enable an experienced employee of the institution, upon a reasonable effort, to identify the record;

The task of searching for records from 1923 is no different than searching for records from 2023. And Peggy has hinted that there are no records at all older than 5 years. If that's the case, then you already know in advance that you won't be able to find any prior to 2018 and performing a search with a timeframe beginning in 1923 is equivalent to performing a search with a timeframe beginning in 2018.

Regardless, I was asked for a timeframe and I provided one. So I don't see a problem re sufficiency of detail. Perhaps there is some other issue that is troubling you?

If the ministry has a tradition of wasting paper and postage, I need you to break tradition for this request. Especially considering that mailing hard copies would require you to have my address and I prefer to keep my personal information private, per the "protection of privacy" spirit.

Your email today was the first that I've heard from the ministry in over a month. The last communication was on September 22, 2023.

Best wishes,

10/25/23, 7:23 PM

Gmail - FOI-A-2023-00182 /PB - Clarification Request

Christine

[Quoted text hidden]



Christine, an unincorporated woman <cmssyc@gmail.com>

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## FOI-A-2023-00182 /PB - Clarification Request

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**Babos, John (MOH)** <John.Babos@ontario.ca>  
To: "christine: massey" <cmssyc@gmail.com>  
Cc: "Bouchard, Peggy (MOH)" <Peggy.Bouchard@ontario.ca>

Thu, Oct 26, 2023 at 1:36 PM

Good afternoon Christine:

Thank you for your follow-up inquiry. Regarding what would be a more reasonable timeframe for a search, Peggy's e-mail from Friday, September 22, 2023 (12:53 PM) references the ministry's general records retention. A search time frame around that, even 5-8 years or so, would be a more reasonable search timeframe.

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Christine, an unincorporated woman &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**Christine, an unincorporated woman** <cmssyc@gmail.com>

Thu, Oct 26, 2023 at 2:04 PM

To: "Babos, John (MOH)" &lt;John.Babos@ontario.ca&gt;

Cc: "Bouchard, Peggy (MOH)" &lt;Peggy.Bouchard@ontario.ca&gt;

Greetings John,

Peggy's email of September 22, 2023 was specific to "certain business records" - which my request was not, as I have pointed out repeatedly.

I quote:

"Please note that the general records retention period for **certain business records** is current year plus five years."

Also, there is no onus on me to make my request reflect whatever strange practices of "the ministry" might have. I seek any records of the last hundred years, not the last 5 or 6 years.

Perhaps "the ministry" is concerned that it will be embarrassing to be exposed for having no science from the last hundred years showing the alleged pathogenicity of any bacteria. If so, that is unfortunate, but I am not an employee of the ministry and it is not my responsibility to manage its reputation by concealing its failings with a narrowed request.

Hence, I am still not aware of anything unreasonable about my timeframe, and in fact you have indicated that my timeframe *is* reasonable.

"A search time frame around that, even 5-8 years or so, would be a **more reasonable** search timeframe."

I leave you with section 4 (2.1):

Responsibility of government institutions

(2.1) The head of a government institution shall, without regard to the identity of a person making a request for access to a record under the control of the institution, **make every reasonable effort to assist** the person in connection with the request, **respond to the request accurately and completely** and, subject to the regulations, **provide timely access to the record in the format requested**.

Christine

[Quoted text hidden]



Christine, an unincorporated woman <cmssyc@gmail.com>

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## FOI-A-2023-00182 /PB - Clarification Request

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**Babos, John (MOH)** <John.Babos@ontario.ca>

Thu, Oct 26, 2023 at 2:08 PM

To: "Christine, an unincorporated woman" <cmssyc@gmail.com>

Cc: "Bouchard, Peggy (MOH)" <Peggy.Bouchard@ontario.ca>

Hello Christine:

Thank your speedy response. As I noted, Peggy's earlier e-mail did speak to general records retention period to inform the search timeframe clarification in addition to other matters. A timeframe of 5-8 years would be reasonable for search.

John

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**From:** Christine, an unincorporated woman <cmssyc@gmail.com>

**Sent:** Thursday, October 26, 2023 2:04:49 PM

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Christine, an unincorporated woman &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**Christine, an unincorporated woman** <cmssyc@gmail.com>  
To: "Babos, John (MOH)" <John.Babos@ontario.ca>  
Cc: "Bouchard, Peggy (MOH)" <Peggy.Bouchard@ontario.ca>

Thu, Oct 26, 2023 at 2:19 PM

Greetings John,

Here are the contents of Peggy's email:

*Thank you for your response, but the clarification you provided is not sufficient to proceed with your request. As noted in our letter to you on September 7<sup>th</sup>, we requested that you please provide a time line for search, pursuant to section 24 (2) of the Act.*

- I have provided one.

*Searches date can not be on a future date after clarification is received and accepted.*

- Peggy was unable to cite a provision of the legislation to back up this claim.

*The ministry requires a specific timeframe.*

- I have provided one.

*Please note that the general records retention period **for certain business records** is current year plus five years.*

- Irrelevant to my request as it is not specific to "certain business records".

*As such, the ministry could do a search for records from September 7, 2017 to September 7, 2023.*

- You could, but that's not what I've requested.

*The timeline of January 1, 1923 until the date of the search falls outside of the parameters provided to you in this email and our previous communication.*

- If you can cite a provision of the legislation that authorizes you to reject/neglect a request because it doesn't conform to the parameters in Peggy's emails, please do.

*Any further costs associated with your request will be charged according to the fees set out in Regulations 460 section 6 of the Act. We will inform you about these costs in writing and may ask for a deposit if the fee exceeds \$100.00.*

*If we do not hear from you within 30 days from the date of this letter, we will consider this request abandoned and this file will be closed.*

*If you have any questions, please contact me at 249-288-1132. A-2023-00182 / PB has been assigned to your request. Please use this number in all future communications.*

- Irrelevant to the issue at hand.

Again, you have already indicated that my timeframe *is* reasonable.

"A search time frame around that, even 5-8 years or so, would be a **more reasonable** search timeframe."

These exchanges are wasting a lot of my time and energy and I'm starting to feel harassed.

Christine

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Christine, an unincorporated woman &lt;cmssyc@gmail.com&gt;

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**FOI-A-2023-00182 /PB - Clarification Request**

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**Babos, John (MOH)** <John.Babos@ontario.ca>

Thu, Oct 26, 2023 at 2:49 PM

To: "Christine, an unincorporated woman" &lt;cmssyc@gmail.com&gt;

Cc: "Bouchard, Peggy (MOH)" &lt;Peggy.Bouchard@ontario.ca&gt;

Hello Christine:

We continue to try to work with you towards a clarified timeframe that is reasonable. A search back to 1923 is not reasonable. As I have shared with you, a 5-8 year timeframe is reasonable. If you accept that timeframe, we will proceed with the search.

I believe that our e-mails are unfortunately becoming circular. I regret that these exchanges are making you feel uncomfortable. Going forward, to help alleviate that feeling, I will only respond to e-mails that directly address a new reasonable timeframe for search as that is what is being sought through these clarification e-mails.

Should you require it, you have been provided with your appeal rights with the Information and Privacy Commissioner's office.

Thank you,  
John

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**From:** Christine, an unincorporated woman <cmssyc@gmail.com>**Sent:** Thursday, October 26, 2023 2:19:30 PM

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