

# ALBERTA

## OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

### ORDER F2016-04

February 29, 2016

## ALBERTA JUSTICE AND SOLICITOR GENERAL

Case File Number 001898

**Office URL:** [www.oipc.ab.ca](http://www.oipc.ab.ca)

**Summary:** The Applicant made an access request pursuant to the *Freedom of Information and Protection of Privacy Act* (the Act). The Public Body did not respond to the Applicant within the time limits set out in section 11 of the Act; therefore, the Adjudicator ordered them to do so.

**Statutes Cited:** **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 11, 14, and 72.

### **I. BACKGROUND**

[para 1] This inquiry arises from a request for records made by the Applicant to the Public Body on May 17, 2015. The Applicant complains that the Public Body has not responded to the access request. The Applicant requested review by the Commissioner of the Public Body's lack of response to the access request.

[para 2] On February 1, 2016, the Office of the Information and Privacy Commissioner issued a Notice of Inquiry. I received submissions from the Public Body.

### **II. RECORDS AT ISSUE**

[para 3] As the only issue in this inquiry is the time limit for responding to the Applicant's access request, there are no records directly at issue.

### III. ISSUE

[para 4] The Notice of Inquiry dated February 1, 2016 states the issue in this inquiry as follows:

Did the Public Body comply with section 11 of the Act (time limit for responding)?

### IV. DISCUSSION OF ISSUE

**Did the Public Body comply with section 11 of the Act (time limit for responding)?**

[para 5] Section 11 of the Act states:

*11(1) The head of a public body must make every reasonable effort to respond to a request not later than 30 days after receiving it unless*

*(a) that time limit is extended under section 14, or*

*(b) the request has been transferred under section 15 to another public body.*

*(2) The failure of the head to respond to a request within the 30-day period or any extended period is to be treated as a decision to refuse access to the record.*

[para 6] The Public Body admits that it has not yet responded to the Applicant's access request and did not seek a time extension under section 14 of the Act. It states that it has a backlog of files waiting to be processed but it hopes to rectify this situation by hiring new staff. With regard to this particular access request, the Public Body advises that it has been given priority and will be dealt with in the near future.

[para 7] While I understand the constraints the Public Body is facing, the Act sets out time lines that must be adhered to. The Public Body has failed to meet its obligations under section 11 of the Act.

### V. ORDER

[para 8] I make this Order under section 72 of the Act.

[para 9] I find that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act.

[para 10] I order the Public Body to respond to the Applicant in accordance with the Act.

[para 11] I order the Public Body to notify me in writing, within 50 days of being given a copy of this Order, that it has complied with the Order.

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Keri H. Ridley  
Adjudicator