

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2017-27

March 2, 2017

CITY OF EDMONTON

Case File Number 004816

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access request to the City of Edmonton (the Public Body) for the operator’s manual for the “Jenoptik Multaradar CD” pursuant to the *Freedom of Information and Protection of Privacy Act* (the Act). The Public Body responded and confirmed that it had received the access. The Applicant did not receive a response to his access request from the Public Body.

The Adjudicator found that the Public Body did not respond to the Applicant within the time limit 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, and 72.

I. BACKGROUND

[para 1] On October 20, 2016 the Applicant made an access request to the City of Edmonton (the Public Body) for the “Operator’s manual for the Jenoptik Multaradar CD”.

[para 2] The Public Body acknowledged receipt of the request by letter dated October 20, 2016 and informed the Applicant that it would respond by November 21, 2016. On November 17, 2016 the Public Body informed the Applicant that it had issued a section

30 notice to an affected party and would notify the Applicant of its decision regarding his access request by December 19, 2016.

[para 3] On December 22, 2016, the Applicant requested a review of the Public Body's failure to respond to his request. The Commissioner directed that the matter proceed directly to inquiry to ensure a timely response.

[para 4] On February 1, 2017, the Public Body responded to the Applicant's access request, however, the Applicant decided that he still wanted to proceed with this inquiry.

II. ISSUE

[para 5] The Notice of Inquiry dated February 3, 2017 states the issue in this inquiry as follows:

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

III. DISCUSSION OF ISSUE

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

[para 6] 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 7] The Public Body's only submission to me was a copy of the response it provided to the Applicant on February 1, 2017. Although the Public Body has now responded to the Applicant, based on the evidence before me, it did not comply with the requirements of section 11 of the Act. That being said, there is nothing for me to order the Public Body to do as it has now responded to the Applicant's access request.

IV. 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.

Keri H. Ridley
Adjudicator