

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2017-34

March 17, 2017

ALBERTA JUSTICE AND SOLICITOR GENERAL

Case File Number 004873

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access request to Alberta Justice and Solicitor General (the Public Body) pursuant to the *Freedom of Information and Protection of Privacy Act* (the Act). The Public Body acknowledged it did not respond to the Applicant within the time frame of section 11 of the Act. The Adjudicator ordered the Public Body to comply with the Act.

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

I. BACKGROUND

[para 1] This inquiry arises from a request for records made by the Applicant to Alberta Justice and Solicitor General (the Public Body). The Applicant states that the Public Body has not responded to the access request. The Applicant has therefore requested review by the Commissioner of the Public Body's compliance with section 11 of the Act.

II. ISSUE

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

III. DISCUSSION OF ISSUE

[para 2] 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 3] The Public Body received the request on October 21, 2016. The Applicant requested access to the following records:

"copies of any and all documents prepared for or created subsequent to the Aug. 11, 2016 meeting with the federal government's Task Force on Marijuana Legalization and Regulation. Further, I would like any position papers - including but not limited to financial analysis, social and law enforcement impacts, advice to officials and submissions to the aforementioned task force - prepared or collected by Alberta Justice and Solicitor General in relation to federal legalization of marijuana. Please extend this request to include any documents prepared by other provincial government departments - such as health and finance - and submitted to Alberta Justice and Solicitor General" for the time period of June 30, 2016 to October 20, 2016.

[para 4] The Public Body, by letter dated November 21, 2016, acknowledged receiving the request for access to records and pursuant to section 14(1)(b) of the Act, extended the deadline to respond to December 20, 2016. The Public Body has not responded to the Applicant's request.

[para 5] The Public Body acknowledges that it did not comply with section 11 of the Act. In submissions to this Inquiry, the Public Body states this file has been made a priority and is actively processing it.

[para 6] It further states as it is late in responding to the Applicant, the Public Body will waive all fees related to the access request.

[para 7] I find the Public Body has failed to meet its obligations under section 11 of the Act.

IV. ORDER

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

[para 9] I find 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 Public Body's remaining duties under 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, it has complied with the Order.

Neena Ahluwalia Q.C.
Adjudicator