

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2017-66

August 30, 2017

ALBERTA LABOUR

Case File Number 006138

Office URL: www.oipc.ab.ca

Summary: An Applicant made an access request dated January 10, 2017, to Alberta Labour (Public Body). The Public Body acknowledged receipt of the request but has not yet provided a response as required by the *Freedom of Information and Protection of Privacy Act* (the Act).

The Applicant requested a review of the time taken by the Public Body to respond.

The Adjudicator ordered the Public Body to respond to the Applicant's access request as required by 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] An Applicant made an access request dated January 10, 2017, to Alberta Labour (Public Body) under the *Freedom of Information and Protection of Privacy Act* (the Act). The Public Body acknowledged receipt of the request by letter dated January 12, 2017.

[para 2] On July 18, 2017, this Office received the Applicant's request for a review of the Public Body's failure to respond.

II. RECORDS AT ISSUE

[para 3] As the issue in this inquiry relates to the timeliness of the Public Body's response, there are no records at issue.

III. ISSUE

[para 4] The Notice of Inquiry, dated August 8, 2017, states the issue for this inquiry as follows:

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

IV. DISCUSSION OF ISSUE

[para 5] Section 11 of the Act requires a public body to make every reasonable effort to respond to an access request no later than 30 days after receiving the request. 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 failed to meet the requirements of section 11. In its submission it states:

The public body has reviewed the access request and acknowledges that our response to the applicant is past the deadline. There were no intentional delays imposed by the public body; however, delays did occur due to the complex nature of the request, the fact that multiple consultations with other public bodies was required in order to ensure that all responsive records were retrieved and ongoing and extensive program area consultation.

While a combination of staffing shortages and a higher than usual volume of requests has had an impact on all the access, Alberta Labour acknowledges that a response to this FOIP request is significantly past due and that it is an anomaly in that regard.

Currently the access request is with Executive for review and approval. The public body foresees a potential completion in the next few weeks. The public body will update the applicant with regard to the status of this request, and will immediately inform the OIPC of any future delays.

[para 7] The Public Body must make every reasonable effort to respond to an access request in 30 days. It admits that it did not meet this timeline; nor did it extend its timeline under section 14, or seek permission for an extension from this Office (also under section 14).

[para 8] Given the date of the Applicant's access request and other relevant correspondence, and the Public Body's acknowledgement that it did not comply with section 11 of the FOIP Act, I find that the Public Body failed to make every reasonable effort to respond within the timelines provided in the Act.

V. ORDER

[para 9] I make this Order under section 72 of the Act.

[para 10] I find that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act. While it is too late for the Public Body to now comply with that section of the Act, 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 further 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.

Amanda Swanek
Adjudicator