

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**ORDER F2017-78**

October 26, 2017

**ALBERTA JUSTICE AND SOLICITOR GENERAL**

Case File Number 006430

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

**Summary:** An Applicant made an access request under the *Freedom of Information and Protection of Privacy Act* (the Act) to Alberta Justice and Solicitor General (the Public Body), which was received by the Public Body on November 17, 2016. The Applicant received confirmation of the receipt of his request by letter dated November 21, 2016.

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

The Adjudicator found that the Public Body failed to make every reasonable effort to respond within the timelines provided in 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 under the *Freedom of Information and Protection of Privacy Act* (the Act) to Alberta Justice and Solicitor General (the Public Body), which was received by the Public Body on November 17, 2016. The Applicant received confirmation of the receipt of his request by letter dated November 21, 2016.

[para 2] On September 6, 2017, this Office received a request for review from the Applicant, as he had not yet received a response by the Public Body as required by the Act.

[para 3] In its submission to the inquiry, the Public Body stated that it responded to the Applicant's request on October 5, 2017. A copy of this response was provided with the Public Body's submission.

## **II. RECORDS AT ISSUE**

[para 4] 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 5] The Notice of Inquiry, dated September 14, 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 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 Applicant's access request is dated November 14, 2016 and the Public Body received it on November 17, 2016. The Public Body's letter acknowledging receipt of the request stated that the Public Body "will make every reasonable effort to respond by December 19, 2016. However, due to a high volume of requests at this office, our response time may exceed the 30 day requirement."

[para 8] In its submission to the inquiry the Public Body acknowledged that it failed to meet the timelines set out in the FOIP Act. The submission included a copy of the October 5, 2017 letter sent by the Public Body to the Applicant, in which the Public Body responded to the Applicant's request; responsive records were attached to the Applicant's copy of that letter.

[para 9] Although the Public Body has now responded to the Applicant as required by the Act, section 11 of the Act requires a public body to make every reasonable effort to respond to an access request in 30 days. The Public Body's response to the Applicant came almost 10 months after the Public Body's deadline. In its submission, the Public Body acknowledges that it did not comply with the timelines imposed by the Act.

[para 10] Therefore, I find that the Public Body failed to make every reasonable effort to respond within the timelines set out in section 11 of the Act.

**V. ORDER**

[para 11] I make this Order under section 72 of the Act.

[para 12] I find that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act. As the Public Body has now responded to the Applicant's access request, it is not necessary for me to order the Public Body to respond to the Applicant under the Act.

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Amanda Swanek  
Adjudicator