

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2017-80

October 27, 2017

EDMONTON POLICE SERVICE

Case File Number 006532

Office URL: www.oipc.ab.ca

Summary: An Applicant made an access request dated June 17, 2017, to the Edmonton Police Service (the Public Body). The Public Body received the request on June 21, 2017. It acknowledged receipt of the request by letter dated June 26, 2017.

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 dated June 17, 2017 to the Edmonton Police Service (the Public Body) under the *Freedom of Information and Protection of Privacy Act* (the Act). The Public Body received the request on June 21, 2017 and acknowledged receipt of the request by letter dated June 26, 2017.

[para 2] On July 26, 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 September 28, 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's submission states that it responded to the Applicant on October 4, 2017; the Public Body attached a copy of that response with its submission.

[para 7] 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 Applicant's access request is dated June 17, 2017 and was received on June 21, 2017; the Public Body did not provide a response under the Act until October 4, 2017. The Public Body did not provide any arguments or explanations in relation to its obligation to respond within the timelines of section 11 and its failure to do so.

[para 8] 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 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. 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.

Amanda Swanek
Adjudicator