

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2018-23

May 30, 2018

EDMONTON POLICE SERVICE

Case File Number 008567

Office URL: www.oipc.ab.ca

Summary: On February 19, 2018, the Applicant made an access request to the Edmonton Police Service (the Public Body) pursuant to the *Freedom of Information and Protection of Privacy Act* (the Act) that stated the following:

I would like to request my Edmonton Police Audit Log of who & when my information was accessed. Dates Jan 1st 2000 to Present. In any & all information systems available to EPS.

After the Notice of Inquiry on this file was issued, the Public Body responded to the Applicant's access request.

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.

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 February 19, 2018, the Applicant made an access request to the Edmonton Police Service (the Public Body) pursuant to the *Freedom of Information and Protection of Privacy Act* (the Act) that stated the following:

I would like to request my Edmonton Police Audit Log of who & when my information was accessed. Dates Jan 1st 2000 to Present. In any & all information systems available to EPS.

[para 2] According to the Applicant, he attempted to follow up on his access request by phone on three occasions, leaving two messages and speaking to someone one time.

[para 3] On May 4, 2018, the Applicant requested a review of the Public Body's failure to respond to the request. On May 8, 2018, the Office of the Information and Privacy Commissioner issued a Notice of Inquiry. The Public Body responded to the Applicant's access request on May 10, 2018. It apologized for the delay, citing a large volume of requests as the reason for it.

[para 4] Given that there was a response from the Public Body, I asked the Applicant if he wished to proceed with this inquiry. He indicated that he did.

II. ISSUE

[para 5] The Notice of Inquiry dated May 8, 2018 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 did not meet the time limit for responding to the Applicant's access request as outlined in section 11 of the Act. Section 11 of the Act sets out a statutory obligation which has not been met. Therefore, I find that the Public Body has breached section 11 of the Act. However, because the Public Body has already

responded to the Applicant's access request, there is nothing further I can order and so I will not order the Public Body to do anything further.

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