

ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER F2018-40

September 6, 2018

ALBERTA HEALTH SERVICES

Case File Number 009112

Office URL: www.oipc.ab.ca

Summary: An Applicant made an access request dated March 5, 2018, to Alberta Health Services (the Public Body). The Public Body acknowledged receipt of the request by letter dated March 8, 2018.

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 March 5, 2018 to Alberta Health Services (the 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 March 8, 2018. It informed the Applicant that it would respond to the request by April 4, 2018 or advise the Applicant if an extension to that date is required.

[para 2] The Public Body advised the Applicant on April 3, 2018 that it was extending its response date to May 4, 2018. The Applicant provided a copy of an email dated April

17, 2018 from the Public Body to the Applicant, advising that it would not be able to meet its May 4, 2018 deadline.

[para 3] On July 3, 2018, this office received the Applicant's request for a review of the Public Body's failure to respond.

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 July 18, 2018, 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 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 7] The Public Body's submission states that it responded to the Applicant on July 24, 2018. The Public Body also acknowledges that it did not meet the timelines set out in section 11 of the Act.

[para 8] 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 March 5, 2018; the Public Body did not provide a response under the Act until July 24, 2018.

[para 9] Given the Public Body's acknowledgement of its failure to meet the timelines in the Act, and the relevant dates of the request and response, 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 10] I make this Order under section 72 of the Act.

[para 11] 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