

ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER F2022-57

November 14, 2022

EDMONTON POLICE SERVICE

Case File Number 027703

Office URL: www.oipc.ab.ca

Summary: On July 5, 2022, an applicant (the Applicant) submitted an access request for certain information under the *Freedom of Information and Protection of Privacy Act* (the Act) to the Edmonton Police Service (the Public Body).

On October 12, 2022, this Office received a request for review from the Applicant. The Applicant indicated that the time limit for responding to the access request under the Act had expired and the Public Body had not provided a response.

The Adjudicator found that the Public Body did not comply with section 11 of the Act; however, as the Public Body responded to the Applicant during the inquiry, there was nothing further for the Adjudicator to order.

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 July 5, 2022, an applicant (the Applicant) submitted an access request via email for certain information under the *Freedom of Information and Protection of Privacy Act* (the Act) to the Edmonton Police Service (the Public Body).

[para 2] On July 14, 2022, the Public Body responded to the Applicant, acknowledging receipt of his access request and informing him that the Act allowed it thirty (30) days to respond to his request.

[para 3] On October 12, 2022, this Office received a request for review from the Applicant. The Applicant indicated that the time limit for responding to the access request under the Act had expired and the Public Body had not provided a response.

[para 4] The Commissioner decided to move the matter directly to inquiry and delegated her authority to conduct the inquiry to me.

II. RECORDS AT ISSUE

[para 5] 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 6] The Notice of Inquiry, dated October 19, 2022, 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 7] 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 8] Section 11 of the Act requires a public body to make every reasonable effort to respond to an access request not later than 30 days after receiving the request, unless the time for responding to the access request is extended under section 14 of the Act, or the public body has transferred the access request under section 15 of the Act.

[para 9] The Applicant submitted his access request to the Public Body on July 5, 2022. On October 12, 2022, the Applicant submitted a request to this Office to review the Public Body's failure to respond to his access request.

[para 10] In its submission dated November 10, 2022, the Public Body advised that since the date the Notice of Inquiry was issued, it had provided its response to the Applicant. It stated that “the applicant has now been provided with all records in the care and control of EPS that were responsive to his request . . .”.

[para 11] The Public Body further stated:

The EPS admits that it did not meet the statutory timelines set out in section 11 of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, F-25 [the *Act*].

The FOIPP Unit has been working very hard to comply with the statutory timelines set out in the *Act*. The FOIPP Unit, however, has been understaffed and is making significant efforts to fulfill a large number of FOIPP requests. The EPS recognizes that it has requirements as a public body pursuant to the *Act* and is allocating more resources to the FOIPP Unit to ensure that it will be better positioned to comply with its requirements under section 11 of the *Act*.

[para 12] The Public Body has acknowledged that it did not comply with section 11 of the Act.

[para 13] I find the Public Body did not comply with section 11 of the Act; however, as the Public Body has advised that it has now responded to the Applicant, there is nothing further for me to order in this inquiry.

V. ORDER

[para 14] I make this Order under section 72 of the Act.

[para 15] 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.

Carmen Mann

Adjudicator

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