



Office of the
Information and Privacy
Commissioner of Alberta

March 11, 2010

University of Alberta conducted adequate search for records

An inquiry by the Office of the Information and Privacy Commissioner into an access request to the University of Alberta has determined the University conducted an adequate search for records but did not meet its duty to assist an Applicant.

The Applicant requested email communications containing his personal information between a professor who was a member of the Social Sciences and Humanities Research Council Selection Committee No. 15 and other members of a SSHRC committee. The University responded, stating that a search had failed to retrieve responsive records.

The Applicant asked the Information and Privacy Commissioner to review the response on the basis the University had not conducted an adequate search. The University challenged the jurisdiction of the Adjudicator to conduct an inquiry on the basis that it considered the decision of the Commissioner to extend the time for completing the inquiry to be a nullity as it considered his reasons for extending the time to be improper. The University also argued that it did not have custody or control of records prepared by faculty members as part of their SSHRC committee responsibilities.

Adjudicator Teresa Cunningham determined that the appropriate forum for a challenge to jurisdiction of this kind was the Court of Queens Bench and that the challenge was out of time, in any event.

She then decided that the University would have custody of any responsive records that were located on its server. She determined that the University had conducted an adequate search for records, including any responsive backup records, but she also found the University did not meet its duty to assist the applicant because it did not explain its search process adequately. However, because the University offered a detailed explanation of its search process as part of its inquiry submission, she decided not to order the University to prepare a new response to the Applicant.

For a copy of Order F2009-023, please visit our website at www.oipc.ab.ca

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Contact:

Wayne Wood
Communications Director





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Office of the Information & Privacy Commissioner
(780) 644-4015



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