



Office of the
Information and Privacy
Commissioner of Alberta

April 6, 2010

Adjudicator determines Edmonton Police Service must reply to access request

An Adjudicator with the Office of the Information and Privacy Commissioner has determined that the Edmonton Police Service must respond to an access request and that it cannot rely on a section of the *Freedom of Information and Protection of Privacy Act* (FOIP) to refuse to confirm or deny the existence of responsive records.

An individual asked the Public Body for a copy of a third party's alleged access request, but EPS refused to confirm or deny the existence of responsive records, on the basis that disclosing the existence or non-existence of the information would be an unreasonable invasion of the third party's personal privacy.

Following an inquiry into the matter, Adjudicator Wade Riordan Raaflaub determined that the Applicant had a sufficient interest in knowing whether or not the third party made an access request, as the Applicant had made a privacy complaint to the Commissioner that his own personal information had been improperly disclosed by the Public Body.

He ordered the Public Body to respond to the access request without relying on section 12(2) of the Act.

For a copy of Order F2009-029, please visit our website at www.oipc.ab.ca

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