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Personal Information Protection Act (PIPA)
PIPA ADVISORY #6
ACCESS REQUESTS UNDER PIPA: TIME LIMITS

This document was prepared to help organizations implement the *Personal Information Protection Act* (“PIPA” or “the Act”). This document is an administrative tool intended to assist in understanding the Act. It is not intended as, nor is it a substitute for, legal advice. For the exact wording and interpretation of PIPA, please read the Act in its entirety. This Advisory is not binding on the Information and Privacy Commissioner of Alberta (OIPC).

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Introduction

The *Personal Information Protection Act* (“PIPA” or “the Act”) provides individuals with a right to access their own personal information contained in a record in an organization’s custody or control.

PIPA requires organizations to respond to requests for access within 45 days of receiving them. Organizations are able to extend this time limit in certain circumstances and some processes, such as providing fee estimates, can interrupt the time limit.

This Advisory is part of a series developed by the OIPC to assist organizations in handling and responding to requests for access. It reviews time limits for responding to requests for access and circumstances under which the time limit can be extended or suspended.

**Responding
within 45 days**

Section 28(1) of the Act states that an organization must respond to a request for access to personal information within 45 days of receiving the written request, unless the time period has been extended under section 31 of the Act.

The time period starts when the applicant’s request is received by the office designated by the organization to respond to access requests. Section 8 of the Regulation requires that if an organization designates an office, it must make public the address of that office. If a request is sent elsewhere in the organization, the receiving office must forward the request to the designated office as quickly as possible.

TIP: The individual designated to handle the request will often be the organization’s designated “privacy officer”.

Example: An organization’s mailroom receives a written access request on September 1; the mail takes two days to deliver the request to the privacy officer (September 3). The response is due October 17.

TIP: Do not underestimate the amount of time and resources that will be needed to respond to a formal access request. It is important to immediately direct all requests for access to personal information to the appropriate person who will be handling the request.

**Extending
the time limit**

Section 31(1) of the Act specifies the circumstances in which an organization may extend the 45 day time limit by up to 30 additional calendar days. These include:

- if the applicant has not provided enough detail to enable the organization to identify the personal information or the record relating to the information
- a large amount of personal information is requested or must be searched
- meeting the time limit would unreasonably interfere with the operations of the organization

- more time is needed to consult with another organization or government agency before making a decision on providing access.

Early in the process of handling a request, the organization should try to assess whether a time extension will be necessary. The following questions may help an organization in deciding whether an extension is required:

- Is more detailed information required to identify the records requested?
- Are there a large number of records responsive to the request, such as hundreds of files that will have to be searched?
- Will it be difficult to locate and retrieve the records?
- Are there external organizations that need to be consulted?

Organizations are able to extend the time limit themselves only once, and should only extend for as long as needed.

Notifying the Applicant

Section 31(2) of the Act requires that if an organization wishes to extend the deadline for responding to a request for access, the organization must inform the applicant of:

- the reason for the extension (as specified in section 31(1) of the Act)
- when the applicant can expect a response from the organization
- that the applicant may ask the Information and Privacy Commissioner to review the organization’s decision to extend the time limit.

TIP: Organizations should document their reasons for extending the time limit in case the applicant asks the Commissioner to review its decision.

Extension granted by the Commissioner

If an organization requires more than an additional 30 days to respond to the applicant’s request for access, it must apply to the Information and Privacy Commissioner for permission to extend the deadline.

The organization should be prepared to justify its request.

The organization must also inform the applicant that it has applied to the Commissioner for an extended time limit.

If the Commissioner refuses the organization's request for an extension, the organization must respond to the request within the original 45 day time limit plus the 30 day extension it may take under the Act.

TIP: Organizations should continue to prepare their response to the applicant in case the Commissioner denies the request for an extension.

Sections 28(3) and (4) of the Act also allow an organization to interrupt the time limit for responding to a request for access in certain circumstances. These are:

- if an organization has asked the Commissioner under section 37 of the Act to authorize the organization to disregard a request for access on the basis that it is repetitious or systematic, frivolous or vexatious
- if the applicant has asked the Commissioner to review a fee estimate provided by the organization, or the organization's decision to refuse to excuse all or part of a fee.

In each case, the 45 day clock is stopped from the day the request is made to the Commissioner, until the day the Commissioner renders a decision. The clock starts again when the Commissioner makes a decision.

TIP: On being advised that the applicant has submitted a request for the Commissioner to review a decision regarding fees, the organization should ask the Commissioner when he received the request. The 45 day time limit is interrupted as of that date.

**Other
resources**

For more information about applying to the Commissioner for permission to disregard a request for access, see PIPA Advisory #3 *Access Requests Under PIPA: Responding to a Request*.

For more information on fees and fee estimates, see PIPA Advisory#5 *Access Requests Under PIPA: Fees*.

For an overview of the Act with examples and tips for incorporating good privacy practices, see [*A Guide for Businesses and Organizations on the Personal Information Protection Act*](#).

[*The Personal Information Protection Act, A Summary for Organizations*](#) summarizes the key obligations of organizations.

[*Ten Steps to Implement PIPA*](#) is a quick reference for organizations preparing for the Act.

Publications are available at the web site of the Office of the Information and Privacy Commissioner (www.oipc.ab.ca).

Publications are also available online at the Alberta Government Services, Access and Privacy Branch website (www.pipa.gov.ab.ca).

Visit the Queen's Printer website to view an online version of the Act (www.qp.gov.ab.ca).