

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2017-06

January 25, 2017

ALBERTA JUSTICE AND SOLICITOR GENERAL

Case File Number 004555

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access request to Alberta Justice and Solicitor General (the Public Body) pursuant to the *Freedom of Information and Protection of Privacy Act* (the Act). The Public Body responded and confirmed that it had received the access request and would attempt to process the request in the time allotted by the Act. The Applicant did not receive a response to his access request from the Public Body.

The Adjudicator found that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act. Therefore, the Adjudicator ordered them to do so.

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 August 5, 2015 the Applicant made an access request to Alberta Justice and Solicitor General (the Public Body) for information about him that exists within the email inboxes, Government of Alberta messenger service, pagers and cell phones of eight individuals identified in the request for the time period 2013 to the date of the request (August 5, 2015).

[para 2] The Public Body acknowledged receipt of the request by letter dated August 6, 2015. The Public Body informed that Applicant it would make every reasonable effort to respond by September 4, 2015 and that its response time may exceed the 30 day requirement due to a high volume of requests at its office.

[para 3] On August 28, 2015, the Public Body wrote to the Applicant stating it required a time extension of 30 days to respond to the request and would make every reasonable effort to respond by October 5, 2015. The Applicant did not receive a response to the request.

[para 4] On February 4, 2016, the Applicant requested a review of the Public Body's failure to respond to his request. The Commissioner directed the matter proceed directly to inquiry to ensure a timely response.

II. ISSUE

[para 5] The Notice of Inquiry dated December 22, 2016 states the issue in this inquiry as follows:

Did the Public Body comply with section 11 of the Act (time limit for responding)?

III. DISCUSSION OF ISSUE

Did the Public Body comply with section 11 of the Act (time limit for responding)?

[para 6] 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 acknowledges that it has missed the deadline imposed by section 11. It states it has made this file a priority and expects to have a response to the Applicant in the near future and will waive all fees related to this file. Therefore, I find that the Public Body has breached section 11 of the Act.

IV. ORDER

[para 8] I make this Order under section 72 of the Act.

[para 9] I find that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act. While it is too late for the Public Body to now comply with that section of the Act, I order the Public Body to respond to the Applicant in accordance with the Public Body's remaining duties under the Act.

[para 10] I order the Public Body to notify me in writing, within 50 days of being given a copy of this Order, that it has complied with it.

Keri H. Ridley
Adjudicator