

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**ORDER F2017-50**

May 25, 2017

**ALBERTA JUSTICE AND SOLICITOR GENERAL**

Case File Number 005214

**Office URL:** [www.oipc.ab.ca](http://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 acknowledged it did not respond to the Applicant within the time frame of section 11 of the Act. The Adjudicator ordered the Public Body to comply with the Act.

**Statutes Cited:** **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 11, 72.

**I. BACKGROUND**

[para 1] On March 6, 2016 the Applicant made an access request to Alberta Justice and Solicitor General (the Public Body) for records containing his personal information in relation to the email account [assist@gov.ab.ca](mailto:assist@gov.ab.ca) and a security bulletin for the period 2011 – 2016 (date of request).

[para 2] The Public Body did not respond to the request.

[para 3] On March 20, 2017, 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**

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

## **III. DISCUSSION OF ISSUE**

[para 4] 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 5] The Applicant's request for access to information was dated March 6, 2016.

[para 6] The Public Body acknowledges that it did not comply with section 11 of the Act.

[para 7] In submissions to this Inquiry, the Public Body states:

The Public Body has made this file a priority and is actively processing it and expects to be able to respond to the Applicant in the near future. As it is late in responding, all fees related to this file will be waived.

[para 8] I find the Public Body has failed to meet its obligations under section 11 of the Act.

## **IV. ORDER**

[para 9] I make this Order under section 72 of the Act.

[para 10] I find the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act.

[para 11] I order the Public Body to respond to the Applicant in accordance with the Public Body's remaining duties under the Act.

[para 12] 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 the Order.

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Neena Ahluwalia Q.C.  
Adjudicator