



Practice Note

## Authorization to Disregard Requests

The Commissioner has the power to authorize a public body, custodian or organization to disregard certain access requests or correction requests made to the public body, custodian or organization.

The criteria for authorizing a public body, custodian or organization to disregard a request or requests are set out in section 55(1) of the *Freedom of Information and Protection of Privacy Act* (FOIP Act), section 87(1) of the *Health Information Act* (HIA), and section 37 of the *Personal Information Protection Act* (PIPA). The criteria that must be met under those provisions of the legislation are:

- Because of their repetitious or systematic nature, the requests would unreasonably interfere with the operation of the public body, custodian or organization, or amount to an abuse of the right to make those requests.
- One or more of the requests are frivolous or vexatious.

The following outlines the Commissioner's general practice when considering applications to disregard requests under the FOIP Act, HIA and PIPA:

1. The public body, custodian or organization applying for authorization to disregard a request or requests must provide the Commissioner with a written submission that includes evidence and argument about how the criteria under the legislation are met.<sup>1</sup>
2. When the public body, custodian or organization applies to the Commissioner for authorization, it must at the same time provide a copy of its written submission to the person whose request is affected, and confirm with the Commissioner that it has done so.
3. The Commissioner will allow the person whose request is affected to provide a written submission in reply. The person must provide a copy of the written submission to the Commissioner and at the same time to the public body, custodian or organization.
4. There will be no further opportunity for the parties to provide any additional information to the Commissioner unless the Commissioner requests additional information.
5. The Commissioner will decide whether to authorize the public body, custodian or organization to disregard the request or requests and will issue a written decision, which the Commissioner will provide to the parties. The Commissioner may decide to publish the decision.

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<sup>1</sup> Examples of decisions made by the Commissioner that discuss evidence and arguments are available at [www.ojpc.ab.ca](http://www.ojpc.ab.ca).