

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2018-64

October 11, 2018

ALBERTA STATUS OF WOMEN

Case File Number 009350

Office URL: www.oipc.ab.ca

Summary: On July 6, 2017, the Applicant made a request for access under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to Alberta Status of Women (the Public Body). It requested:

[...] all briefing notes, including attachments, that were created as a result of or in preparation for meetings between the Minister and Deputy Minister.

The Public Body did not respond to the Applicant and the Applicant requested review by the Commissioner.

The Adjudicator directed the Public Body to respond to the Applicant.

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 July 6, 2017, the Applicant made a request for access under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to Alberta Status of Women (the Public Body). It requested:

[...] all briefing notes, including attachments, that were created as a result of or in preparation for meetings between the Minister and Deputy Minister.

The request was for responsive records created between May 24, 2015 and the date the access request was received.

[para 2] On July 28, 2017, the Public Body acknowledged receipt of the access request. It estimated that the fees for processing the access request would be \$2077.50.

[para 3] The Applicant requested a fee waiver on the basis that the records related to a matter of public interest.

[para 4] On September 5, 2017, the Public Body waived 50% of the fees for reasons of fairness.

[para 5] On September 13, 2017, the Public Body extended the time for responding to the Applicant until October 13, 2017.

[para 6] On November 7, 2017, the Public Body informed the Applicant that it had received an additional extension from this office. It explained that the extension was necessary due to the volume of responsive records and the need to consult with another public body. The new date the Public Body anticipated responding by was January 2, 2018.

[para 7] On April 30, 2018, the Public Body stated that it was continuing to work on a response, but that it required further clarification on some of the records.

[para 8] On June 5, 2018, the Public Body apologized for the delay in responding. It explained that the access request had to be reassigned.

[para 9] On July 31, 2018, the Applicant requested review by the Commissioner of the Public Body's failure to respond to the access request.

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

[para 10] Section 11 of the Act requires a public body to make every reasonable effort to respond to an access request no later than 30 days after receiving the request. 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 11] In its submissions for the inquiry, the Public Body acknowledged that it had not complied with section 11 of the FOIP Act.

[para 12] As the Public Body has not responded to the Applicant, I must direct the Public Body to respond to the Applicant.

III. ORDER

[para 13] I make this order under section 72 of the Act.

[para 14] I order the Public Body to respond to the Applicant as required by section 11 of the FOIP Act.

[para 15] I order the Public Body to inform me within 50 days of receiving this order that it has complied with it.

Teresa Cunningham
Adjudicator