

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2018-66

October 26, 2018

TOWN OF PEACE RIVER

Case File Number 009655

Office URL: www.oipc.ab.ca

Summary: An Applicant made an access request dated March 23, 2018, to the Town of Peace River (the Public Body). The Public Body has not yet provided a response as required by the *Freedom of Information and Protection of Privacy Act* (the Act).

The Applicant requested a review of the time taken by the Public Body to respond.

The Adjudicator ordered the Public Body to respond to the Applicant's access request as required by 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] An Applicant made an access request dated March 23, 2018, to the Town of Peace River (the Public Body) under the *Freedom of Information and Protection of Privacy Act* (the Act).

[para 2] A courier receipt provided by the Applicant shows that the request was received by the Public Body on March 27, 2018.

[para 3] On April 16, 2018, this office received the Applicant's request for a review of the Public Body's failure to respond.

II. RECORDS AT ISSUE

[para 4] As the issue in this inquiry relates to the timeliness of the Public Body's response, there are no records at issue.

III. ISSUE

[para 5] The Notice of Inquiry, dated September 28, 2018, states the issue for this inquiry as follows:

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

IV. DISCUSSION OF ISSUE

[para 6] 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 7] The Public Body did not make a submission to this inquiry, though it was confirmed that the Public Body did receive the Notice of Inquiry.

[para 8] The Public Body must make every reasonable effort to respond to an access request in 30 days. Given the date of the Applicant's request, the Applicant appears to have requested a review of the Public Body's failure to respond to its request before the 30-day time limit in section 11 passed. However, that 30-day period has now long passed.

[para 9] Given the above, I find that the Public Body failed to make every reasonable effort to respond within the timelines provided in the Act.

V. ORDER

[para 10] I make this Order under section 72 of the Act.

[para 11] 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 12] I further 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.

Amanda Swanek
Adjudicator