

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2019-01

January 24, 2019

CITY OF CALGARY

Case File Number 009037

Office URL: www.oipc.ab.ca

Summary: The Applicant made a request for access under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to the City of Calgary (the Public Body).

The Public Body did not respond to the Applicant. On June 5, 2018, the Applicant requested review by the Commissioner of the Public Body's failure to respond to the access request.

As the Public Body informed the Adjudicator at the inquiry that it had not yet responded to the Applicant, the Adjudicator directed the Public Body to respond.

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 22, 2018, the Applicant made a request for access under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to the Public Body.

[para 2] The Public Body did not respond to the access request and the Applicant requested review by the Commissioner of the Public Body's failure to respond.

[para 3] The Commissioner decided to move the matter directly to inquiry and delegated her authority to conduct the inquiry to me.

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

[para 4] 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 5] In its submissions for the inquiry, the Public Body acknowledged that it had not complied with section 11 of the FOIP Act.

[para 6] As the Public Body has not responded to the access request, I must make an order directing the Public Body to respond to the Applicant. The Public Body will have fifty days from the receipt of the order to respond to the Applicant.

III. ORDER

[para 7] I make this Order under section 72 of the Act.

[para 8] 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 9] 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 it.

Teresa Cunningham
Adjudicator