

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2017-35

March 21, 2017

ALBERTA JUSTICE AND SOLICITOR GENERAL

Case File Number 004938

Office URL: 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 November 18, 2016, the Applicant made a request to Alberta Justice and Solicitor General (the Public Body) for records involving himself, his wife and two children and 18 named individuals for the period August 2, 2014 to November 18, 2016.

[para 2] The Public Body acknowledged receipt of the request by letter dated November 23, 2016 and informed the Applicant that it would make every reasonable effort to respond by December 19, 2016. The Public Body did not respond to the request.

[para 3] On January 24, 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 Public Body, by letter dated November 23, 2016, acknowledged receiving the request for access to records. In the same letter, the Public Body also stated it would make every reasonable effort to respond to the request by December 19, 2016. The Public Body has not responded to the Applicant's request.

[para 6] The Public Body acknowledges that it did not comply with section 11 of the Act. In submissions to this Inquiry, the Public Body states this file has been made a priority and is actively processing it.

[para 7] It further states as it is late in responding to the Applicant, the Public Body will waive all fees related to the access request.

[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, it has complied with the Order.

Neena Ahluwalia Q.C.
Adjudicator