

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2018-04

January 24, 2018

ALBERTA TREASURY BOARD AND FINANCE

Case File Number 007325

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access request to Alberta Treasury Board and Finance (the Public Body) and another public body pursuant to the *Freedom of Information and Protection of Privacy Act* (the Act) which stated:

I want to access my employment file and all information pertaining to pay and benefits.

The request was made for the period 1999 to current date.

The Adjudicator found that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act but has since responded. Therefore, the Adjudicator did not order 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, and 72.

I. BACKGROUND

[para 1] On July 24, 2017, the Applicant made an access request to Alberta Treasury Board and Finance (the Public Body) and another public body pursuant to the *Freedom of Information and Protection of Privacy Act* (the Act) which stated:

I want to access my employment file and all information pertaining to pay and benefits.

[para 2] The request was made for the period 1999 to current date.

[para 3] In an email which accompanied the Applicant's access request she mentioned that she wanted her request passed on to someone covering for the recipient of the email. The Public Body believed that this meant that the Applicant would be pursuing the information she sought through an alternative access procedure that was outside of the Act. The Public Body advised the Applicant of this alternative access procedure in an email to her on July 25, 2017. On July 26, 2017, the Public Body acknowledged receipt of the request and stated that it would make every reasonable effort to respond to the Applicant's request by August 23, 2017.

[para 4] On October 2, 2017, the Applicant requested a review of the Public Body's failure to respond to her request. On December 20, 2017, the Office of the Information and Privacy Commissioner issued a Notice of Inquiry. I received submissions from the Public Body in which it noted that it responded to the Applicant's access request on January 10, 2018 and that the Applicant picked up these records on January 15, 2018.

II. ISSUE

[para 5] The Notice of Inquiry dated December 20, 2017 states the issue in this inquiry as follows:

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

III. DISCUSSION OF ISSUE

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

[para 6] 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 acknowledges that it has missed the deadline imposed by section 11 but states that it has provided the Applicant with a response. Although the Public Body has breached section 11 of the Act, since it has already responded to the Applicant's access request, there is nothing more I can order it to do.

IV. ORDER

[para 8] I make this Order under section 72 of the Act.

[para 9] I find that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act.

Keri H. Ridley
Adjudicator