

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2018-63

October 11, 2018

COMMUNITY AND SOCIAL SERVICES

Case File Number 009349

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 Community and Social Services (the Public Body). It requested:

[...] a copy of briefing materials provided to the Minister for a meeting between the Minister and Deputy Minister. Briefing materials include attachments, which are limited to the following: the actual briefing note, presentations, memorandums, and reports related to the briefing note.

The time frame for the requested records was May 24, 2015 – January 18, 2017.

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 Community and Social Services (the Public Body). It requested:

[...] a copy of briefing materials provided to the Minister for a meeting between the Minister and Deputy Minister. Briefing materials include attachments, which are limited to the following: the actual briefing note, presentations, memorandums, and reports related to the briefing note.

[para 2] The time frame for the requested records was May 24, 2015 – January 18, 2017.

[para 3] The Public Body acknowledged receipt of the request on July 14, 2017. The Public Body also confirmed that the Applicant had clarified aspects of the request since making it. The Public Body stated that it would respond on or before August 4, 2017, if it did not require an extension.

[para 4] On July 21, 2017, the Public Body provided a fee estimate to the Applicant. It estimated that the fees for processing the access request would come to \$8490.75.

[para 5] The Applicant requested a fee waiver in the public interest.

[para 6] On September 5, 2017, the Public Body agreed to waive 50% of the fees, but on the basis of fairness, rather than the public interest.

[para 7] On September 13, 2017, the Public Body informed the Applicant that it had extended the time for responding and would respond on or before October 20, 2017.

[para 8] On November 7, 2017, in response to an update request from the Applicant, the Public Body informed the Applicant that it had applied to this office for an extension to the time for responding.

[para 9] On November 20, 2017, the Public Body informed the Applicant that it had received an extension from this office and that the new date on which it would respond was February 20, 2018. It explained that the extension was necessary due to the volume of records requested and the need to consult with another public body.

[para 10] On March 13, 2018, the Public Body informed the Applicant that it had received an additional extension from this office and that the new date for responding would be April 10, 2018. It explained that the extension was necessary due to the volume of records requested and the need to consult with another public body.

[para 11] On April 30, 2018, the Public Body emailed the Applicant to inform it that it was still processing the request and was consulting with various program areas.

[para 12] On May 1, 2018, the Public Body reassigned the access request.

[para 13] On June 5, 2018, the Public Body explained to the Applicant that the access request would be reassigned and that further consultation was required with program areas.

[para 14] On July 3, 2018, in response to a query from the Applicant, the Public Body explained that the access request had been reassigned and that it was still in the process of consultation.

[para 15] On July 31, 2018, the Applicant requested review by the Commissioner of the Public Body's failure to respond to the Applicant's access request.

[para 16] On August 1, 2018, the Public Body reassigned the access request.

[para 17] The Commissioner decided that the matter would proceed directly to inquiry.

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

[para 18] 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 19] In its submissions for the inquiry, the Public Body acknowledged that it had not complied with section 11 of the FOIP Act.

[para 20] As the Public Body has not responded to the Applicant, I must direct the Public Body to respond to the Applicant.

III. ORDER

[para 21] I make this order under section 72 of the Act.

[para 22] I order the Public Body to respond to the Applicant as required by section 11 of the FOIP Act.

[para 23] I order the Public Body to inform me within 50 days of receiving this order that it has complied with it.

Teresa Cunningham
Adjudicator