

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2019-04

March 7, 2019

EDMONTON POLICE SERVICE

Case File Number 011047

Office URL: www.oipc.ab.ca

Summary: An Applicant made an access request under the *Freedom of Information and Protection of Privacy Act* (the Act) on December 12, 2018, to the Edmonton Police Service (Public Body). The Public Body acknowledged receipt of the request by letter dated December 13, 2018.

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

The Adjudicator found that the Public Body failed to make every reasonable effort to respond within the timelines provided in 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 under the *Freedom of Information and Protection of Privacy Act* (the Act) on December 12, 2018 to the Edmonton Police Service (Public Body). The Public Body acknowledged receipt of the request by letter dated December 13, 2018.

[para 2] On February 12, 2019, this Office received a request for review from the Applicant, as he had not yet received a response by the Public Body as required by the Act.

[para 3] The Public Body did not provide a submission to this inquiry. However, the Public Body did provide a copy of a letter sent to the Applicant, dated March 4, 2019, in which the Public Body responded to the Applicant's request. The Public Body enclosed responsive records with the letter to the Applicant.

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 February 20, 2019, 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 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] Although the Public Body has now responded to the Applicant as required by the Act, section 11 of the Act requires a public body to make every reasonable effort to respond to an access request in 30 days. The Applicant's access request was received by the Public Body on December 12, 2018 and the Public Body did not respond as required by the Act until March 4, 2019. There is no indication that the Public Body extended its time to respond under section 14 of the Act. The Public Body has also not made any submissions to support a finding that it met its duty in section 11.

[para 8] Therefore, I find that the Public Body failed to make every reasonable effort to respond within the timelines set out in section 11 of the Act.

V. ORDER

[para 9] I make this Order under section 72 of the Act.

[para 10] I find that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act. As the Public Body has now responded to the Applicant's access request, it is not necessary for me to order the Public Body to respond to the Applicant under the Act.

Amanda Swanek
Adjudicator