

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**ORDER F2022-63**

December 20, 2022

**ENVIRONMENT AND PROTECTED AREAS**

Case File Numbers 027757

**Office URL:** [www.oipc.ab.ca](http://www.oipc.ab.ca)

**Summary:** Environment and Protected Areas received the Applicant's access request on October 4, 2021. The request was for all records, including but not limited to emails, memos, drawings, reports and Briefing Notes (including Drafts) related to the Saddle Hills Target Sports Association proposed Shooting Range, including any correspondence, electronic or otherwise, related to the Saddle Hills Target Sport Association.

The Public Body did not respond to the access request. The Applicant requested that the Commissioner review the Public Body's failure to respond.

The Adjudicator directed the Public Body to respond to the access request.

**Statutes Cited:** **AB:** *Freedom of Information and Protection of Privacy Act* R.S.A. 2000, c. F-25 ss. 11, 72

**1. BACKGROUND**

[para 1] Environment and Protected Areas received the Applicant's access request on October 4, 2021. The request was for all records, including but not limited to emails, memos, drawings, reports and Briefing Notes (including Drafts) related to the Saddle Hills Target Sports Association proposed Shooting Range, including any correspondence, electronic or otherwise, related to the Saddle Hills Target Sport Association.

[para 2] The Public Body calculated the fees at \$478.44 and required that the Applicant pay a 50% deposit. Once it received the deposit, it informed the Applicant that it would respond to the access request by November 22, 2021. The Public Body subsequently extended the time for responding to the access request until December 20, 2021.

[para 3] The Public Body then requested permission from the Commissioner to extend the time for responding to the access request until June 8, 2022. It received permission and then informed the Applicant that it would make all reasonable efforts to respond by June 8, 2022.

[para 4] The Public Body did not respond to the access request.

[para 5] On June 21, 2022, the Applicant requested review by the Commissioner of the Public Body's failure to respond to the access request.

## II. ISSUE

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

[para 6] Section 11 of the FOIP Act imposes a duty on public bodies to respond to access requests within 30 days of receiving them. It states, in part:

*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.*

[...]

[para 7] The Public Body acknowledged in its submissions that it has not responded to the Applicant as required by the FOIP Act. The Public Body was unable to provide a time frame for responding:

This file is currently in the approval stage with delegated decision makers and the advisor will prepare a response to the applicant as soon as the decision is finalized. It is expected that this step will take considerable time to complete due to the high volume of approximately 500 pages of responsive records.

[para 8] As the Public Body has not responded to the Applicant and has not provided a time frame in which it anticipates responding to the Applicant, I must direct it to respond to the Applicant.

### **III. ORDER**

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

[para 10] I order the Public Body to respond to the Applicant within 50 days of receiving this order and to inform me when it has done so.

---

Teresa Cunningham  
Adjudicator