

ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER F2023-03

January 19, 2023

ALBERTA ENERGY

Case File Number 027740

Office URL: www.oipc.ab.ca

Summary: An individual (the Applicant) made an access to information request under the *Freedom of Information and Protection of Privacy Act* (the Act) to Alberta Energy (the Public Body). The Public Body extended time to respond to the access request under section 14(1)(b) and obtained a further extension to the deadline to respond from the Information and Privacy Commissioner. The Public Body failed to respond to the access request within the extended time period. The Applicant complained that the Public Body failed to comply with section 11 of the Act (time to respond).

The Public Body admitted that it failed to comply with section 11, but has since responded to the access request. Accordingly, the Adjudicator did not need to order the Public Body to respond to the request.

Statutes Cited: **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25 ss. 11, 14(1)(b), 72.

I. BACKGROUND

[para 1] On December 15, 2021, an individual (the Applicant) made an access to information request under the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25 (the Act) to Alberta Energy (the Public Body) seeking certain information. The Public Body received the access request on December 16, 2021.

[para 2] On January 10, 2022, the Public Body notified the Applicant that it was extending the time limit to respond by 30 days, under section 14(1)(b) of the Act.

[para 3] On March 2, 2022, the Public Body requested a further extension to the time to reply from the Information and Privacy Commissioner (the Commissioner). The Commissioner granted an extension to June 3, 2022.

[para 4] On June 1, 2022, the Public Body submitted a second extension request to the Commissioner, but it was denied.

[para 5] On November 25, 2022, the Public Body responded to the access request. The Applicant confirmed that it received a response.

II. ISSUES

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

III. DISCUSSION OF ISSUES

A. 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] Section 14(1)(b) of the Act, under which the Public Body extended time to respond to the access request, states,

14(1) The head of a public body may extend the time for responding to a request for up to 30 days or, with the Commissioner's permission, for a longer period if

...

(b) a large number of records are requested or must be searched and responding within the period set out in section 11 would unreasonably interfere with the operations of the public body,

[para 8] The Public Body admits that it failed to comply with section 11. I find that is the case. The final extended deadline to respond to the access request was June 3, 2022 and the Public Body did not respond until November 25, 2022.

IV. ORDER

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

[para 10] I find that the Public Body failed to comply with section 11 of the Act. However, since the Public Body has now responded to the access request, there is no need to order it to do so.

John Gabriele
Adjudicator
/bah