

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**ORDER F2024-26**

July 31, 2024

**CALGARY POLICE SERVICE**

Case File Number 034650

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

**Summary:** The Applicant requested personal information from the Calgary Police Service (the Public Body) on three occasions. The Public Body did not respond to the access requests. 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 January 16, 2024 and January 17, 2024 the Applicant made requests for access under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to the Calgary Police Service (the Public Body). He requested his personal information from its files at various points in time.

[para 2] On March 20, 2024, the Applicant requested review by the Commissioner of the Public Body's failure to respond to the access requests.

[para 3] The Commissioner decided to hold an inquiry and delegated the authority to conduct it to me.

[para 4] Although invited to do so, the Public Body did not provide submissions for the inquiry.

## **II. DID THE PUBLIC BODY COMPLY WITH SECTION 11 OF THE FOIP ACT (TIME LIMIT FOR RESPONDING)?**

[para 5] Section 11 of the FOIP Act imposes a duty on public bodies to respond to access requests. It 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 6] The foregoing provision requires a public body to make every reasonable effort to respond to an Applicant within 30 days of receiving an access request. If a public body does not extend the time for responding under section 14, or transfer the request under section 15, an applicant may request review by the Commissioner if the public body does not respond within the 30-day period following receipt of the access request. A public body bears the burden of establishing that it took reasonable steps to respond within 30 days.

[para 7] As the Public Body did not provide submissions for the inquiry, the Applicant's access requests, the Public Body's acknowledgment of the requests, and the Applicant's request that the Commissioner review the Public Body's failure to respond to the access requests constitute the only evidence before me. Accordingly, I find that the Public Body did not respond to the Applicant within the 30-day period as required by section 11 of the FOIP Act and has still not done so. As a result, I must direct it to respond to the Applicant.

## **III. ORDER**

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

[para 9] I order the Public Body to respond to the Applicant within the terms of the FOIP Act with regard to each access request.

[para 10] I order the Public Body to inform me within fifty days of receiving this order that it has complied with it.

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Teresa Cunningham  
Adjudicator  
/bah