

ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER F2024-30

September 17, 2024

CITY OF EDMONTON

Case File Number 035589

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access request dated February 22, 2024 to the City of Edmonton (the Public Body). The Public Body did not respond to the Applicant as required by section 11 of the FOIP Act.

The Adjudicator ordered 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, 14, 72

I. BACKGROUND

[para 1] The Applicant made an access request dated February 22, 2024 to the City of Edmonton (the Public Body). The Applicant requested:

All records about the property at [...] NW, Edmonton (Plan 3737AI; Blk 13; Lot 9) including but not limited to:

1. all 311 call logs;
2. all communication notes;
3. all emails;
4. all inter-departmental emails;
5. communication logs and records;
6. all Inspection reports;
7. all Investigation reports;
8. all field notes;

9. all diagrams;
 10. all findings;
 11. all photographs;
 12. all plans; and
 13. any and all possible records.
- Time Frame: September 1, 2016 to February 29, 2024

[para 2] The Applicant received some records in response to her access request on July 5, 2024. The remaining records were not provided to her, although the Public Body acknowledged that there were additional records it had not yet provided.

[para 3] On August 12, 2024, the Applicant requested review by the Commissioner of the Public Body's failure to respond to the request. The Commissioner decided to hold an inquiry into the matter and delegated the authority to conduct the inquiry to me.

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

[para 4] Section 11 of the FOIP Act imposes time limits for responding 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 5] In its submissions, the Public Body provided the history of its handling of the Applicant's access request. The Public Body decided to extend the time for responding to the Applicant by 100 days, with the permission of the Commissioner, as permitted by section 14 of the FOIP Act, but did not respond to the Applicant's request at the conclusion of the 100-day period. When it sought further permission to extend the time for responding, the Commissioner refused.

[para 6] Although the access request was made on February 22, 2024, the Applicant continues to wait for access to the requested records. The Public Body has not yet fulfilled its duty to respond to the Applicant and has failed to meet its duty to the Applicant as set out in section 11 of the FOIP Act. I must therefore order the Public Body to respond to the Applicant's access request.

III. ORDER

[para 7] I make this Order under section 72 of the Act. I order the Public Body to meet its duty under section 11 of the FOIP Act by responding to the access request.

[para 8] I order the Public Body to inform me within 50 days of receiving this order that it has complied with it.

Teresa Cunningham
Adjudicator
/bah