

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**ORDER F2025-05**

February 14, 2025

**CALGARY POLICE SERVICE**

Case File Number 036504

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

**Summary:** An Applicant made an access request to the Calgary Police Service (the Public Body) under the *Freedom of Information and Protection of Privacy Act* (FOIP Act), on May 23, 2024.

By November 2, 2024, the Public Body had not responded to the Applicant's request and the Applicant requested a review of the Public Body's failure to respond.

The Adjudicator ordered the Public Body to respond to the Applicant's access request as required by 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] The Applicant made an access request to the Calgary Police Service (the Public Body) under the *Freedom of Information and Protection of Privacy Act* (FOIP Act), dated May 23, 2024.

[para 2] On November 2, 2024, the Applicant submitted a request to this office to review the Public Body's failure to respond to the request. The Commissioner decided to hold an inquiry on this matter.

## II. RECORDS AT ISSUE

[para 3] 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 4] The Notice of Inquiry, dated January 22, 2025, 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 5] Section 11 of the Act requires a public body to make every reasonable effort to respond to an access request no later than 30 days after receiving the request. Section 11 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 Public Body must make every reasonable effort to respond to an access request in 30 days, subject to time extensions under section 14. In this case, the Applicant's request was dated May 23, 2024.

[para 7] The Public Body's submission to this inquiry states:

This access request is in the final review stage and the records will be provided to the Applicant by end of day Friday February 14, 2025.

[para 8] The Public Body did not acknowledge that it exceeded the timelines in section 11 of the Act to respond to the Applicant, or provide any reason for the delay in responding to the Applicant.

[para 9] Given the date of the Applicant's access request and the information before me, I find that the Public Body failed to make every reasonable effort to respond within the timelines provided in the Act.

[para 10] The remedy in circumstances in which a public body has failed to respond to an applicant, is to order the public body to respond in accordance with its remaining

duties under the Act. The Public Body's submission indicates that it intends to respond to the Applicant by the date of this Order. As I do not know whether the Public Body has done so, I must nevertheless order the Public Body to respond to the Applicant.

**V. ORDER**

[para 11] I make this Order under section 72 of the Act.

[para 12] I find that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act. While it is too late for the Public Body to now comply with that section of the Act, I order the Public Body to respond to the Applicant in accordance with the Public Body's remaining obligations under the Act. If the Public Body has already responded to the Applicant as required by the Act, I ask it to inform me that it has done so.

[para 13] I further order the Public Body to notify me in writing, within 50 days of being given a copy of this Order, that it has complied with the Order.

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Amanda Swanek  
Adjudicator