

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2025-07

February 20, 2025

CALGARY POLICE SERVICE

Case File Number 036515

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access request to the Calgary Police Service (the Public Body) for his personal information in its databases for the time period between January 1, 2022 and September 10, 2024.

The Public Body did not respond to the access request within 30 days of receiving it as required by section 11 of the FOIP Act. The Applicant requested review by the Commissioner.

The head of the Public Body subsequently responded to the access request.

The Adjudicator confirmed that the head of the Public Body had responded to the Applicant but reminded the head of the Public Body of the duty to respond to the Applicant in a timely manner that the head had failed to meet.

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) for his personal information in its databases for the time period between January 1, 2022, and September 10, 2024.

[para 2] The head of the Public Body did not respond to the access request within 30 days of receiving it or extend the time for responding. On November 20, 2024, the Applicant requested review by the Commissioner of the Public Body's failure to respond to the access request.

[para 3] In the Public Body's inquiry submissions of February 10, 2025, a delegate of the head of the Public Body informed me that the head had responded to the access request and given the Applicant access to the requested records.

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

[para 4] Section 11 of the Act requires the head of 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 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.

The head of the Public Body did not respond to the Applicant within thirty days or extend the time for responding under section 14. The head instead responded during the inquiry. As a result, the head of the Public Body failed to meet the duty imposed by section 11.

III. ORDER

[para 5] I confirm that the head of the Public Body has now responded to the Applicant. I remind the head of the Public Body that there are mandatory duties under section 11 of the FOIP Act that the head failed to meet.

Teresa Cunningham
Adjudicator
/kh