

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER FOIP2025-24

July 8, 2025

CITY OF EDMONTON

Case File Number 039265

Office URL: www.oipc.ab.ca

Summary: The Applicant made a request for access under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to the City of Edmonton (the Public Body) on January 18, 2024. On January 8, 2025, the Applicant requested review by the Commissioner of the head of the Public Body's failure to respond to the access request.

The head of the Public Body responded to the Applicant on June 24, 2025.

The Adjudicator recommended that the head of the Public Body review the Public Body's systems for tracking responses to access requests to determine whether steps could be taken to avoid a similar failure to respond to an applicant in the future.

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 a request for access under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to the City of Edmonton (the Public Body) on January 18, 2024. On January 8, 2025, the Applicant requested review by the Commissioner of the head of the Public Body's failure to respond to the access request.

[para 2] The Commissioner agreed to conduct an inquiry and delegated her authority to conduct it to me.

[para 3] The head of the Public Body responded to the Applicant on June 24, 2025.

II. ISSUE: Did the head of the Public Body meet the duty to respond to the Applicant under section 11 (time for responding) of the FOIP Act?

[para 4] Section 11 of the FOIP Act requires public bodies to respond to access requests within 30 days, unless the public body has extended the time for responding under section 14 of the FOIP Act.

[para 5] The head of the Public Body provided the following account of the Public Body's efforts to respond to the access request:

On January 18, 2024, the Applicant duly submitted the application fee of \$25 for the Request, and the Public Body received the same.

On January 22, 2024, the Public Body sent a letter to the Applicant via email acknowledging the access request and advising of a due date of February 20, 2024 for the Request.

On February 21, 2024, the Applicant sent an email to the Public Body requesting an update on the status of the Request.

On February 23, 2024, the Public Body sent a reply email to the Applicant advising that processing of the Request was underway, apologizing for the delay, and advising that the Applicant had a right to request that the Office of the Information and Privacy Commissioner (the "OIPC") conduct a review regarding the delay.

On May 16, 2024, the Applicant sent a further email to the Public Body requesting a status update on the Request. The Public Body did not reply directly to this email message.

On April 24, 2025, the Public Body sent an email to the Applicant advising that the Request had been reassigned to a different Public Body staff member, that third party consultations were anticipated to begin by May 9, 2025, and apologising for the delay. In this email, the Public Body also advised that the Applicant had a right to request that the OIPC conduct a review regarding the delay.

On May 9, 2025, the Public Body sent a letter to the Applicant via email, advising that records included in the Request contained information that may affect the interests of third parties, and that the Public Body was in the process of contacting those third parties in accordance with Section 30 of the FOIP Act. The Public Body also advised that it would notify the Applicant by June 9, 2025 of the Public Body's decision regarding records impacting any third parties.

On May 14, 2025, the OIPC issued a Notice of Inquiry, further to a request made by the Applicant on January 8, 2025 to the OIPC, to review the Public Body's non-response to the Request.

On May 23, 2025, the Public Body received representations from the interested third party.

On June 2, 2025, the Public Body issued its decision regarding records affecting the interested third party, in accordance with Section 31 of the FOIP Act.

[para 6] The head of the Public Body failed to meet the time limit set in section 11 of the FOIP Act. It is unclear from the submission why the head of the Public Body was unaware that the Applicant had not received a response to the access request until the Applicant requested review after almost a year had passed. It appears that the Public Body's system for tracking

access requests failed in this case. As the head of the Public Body has responded to the access request, I will not issue an order directing the head to respond; however, I recommend that the head review what went wrong in this case and determine whether there are steps it can take to prevent failures such as this in the future.

III. ORDER

[para 7] I make this Order under section 72 of the FOIP Act.

[para 8] I confirm that the head of the Public Body has now met the duty to respond to the Applicant, although the head originally failed to do so.

[para 9] As discussed above, I recommend that the head review the Public Body's systems for tracking access requests to prevent similar failures to respond in the future.

Teresa Cunningham
Adjudicator
/kh