

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**Order ATIA2025-01**

November 20, 2025

**Assisted Living and Social Services**

Case File Number 040488

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

**Summary:** The Applicant made an access to information request under the *Access to Information Act* (ATIA) to Assisted Living and Social Services (the Public Body). After receiving no response from the Public Body within 30 business days, the Applicant sought a review of whether the Public Body had met the timelines for responding to an access request specified in section 13(1) of ATIA.

The Adjudicator found that the Public Body failed to comply with the timelines in section 13(1) since it did not meet the initial 30 business days deadline, and did not properly extend time to respond to the access request under 16(1)(b) of ATIA. Regarding the latter, the Adjudicator found that section 16(1)(b) of ATIA required the Public Body to have a reasonable grasp of the number of records subject to an access request, or to make reasonable efforts to conclude that the access request constituted a request for a large number of records prior to extending its deadline to respond to the access request on that basis. The Adjudicator found that the Public Body extended its time to respond to the access request without taking those steps.

The Adjudicator ordered the Public Body to respond to the access request as required by ATIA.

**Statutes Cited:** **AB:** *Access to Information Act*, S.A. 2024, c. A-1.4, ss. 1(c), 7(2), 13, 13(1)(b), 13(2), 16, 16(1)(b), 16(5), 64; *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25; *Interpretation Act*, RSA 2000, c I-8 ss. 22(4), 28(1)(x), 28(1)(x)(i), 28(1)(x)(ii), 28(1)(x)(iii), 28(1)(x)(iv), 28(1)(x)(v), 28(1)(x)(vi).

## I. BACKGROUND

[para 1] On July 30, 2025, Assisted Living and Social Services (the Public Body) received an access to information request made under the *Access to Information Act*, S.A. 2024, c. A-1.4 (ATIA). ATIA is successor legislation that replaces the access to information provisions of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 (FOIP). The scope of the records requested is relevant to this inquiry, so I reproduce the request here. The Applicant sought,

1. Public Body or Department:

Records in the custody or under the control of the Government of Alberta, specifically:

GOA LTDI (Long Term Disability Income) Administration Unit  
Payroll and Benefits unit

Human Resources and Business Partners

My direct manager (supervisor)

Office of the Advocate for Persons with Disabilities, including relevant colleagues

2. Applicant/Subject of Request: [Name of Applicant]

3. Timeframe of Request: From October 10, 2022 [Applicant's personal information redacted] to the present date.

4. Description of Records Requested:

All records relating to or referencing me [Name of Applicant] within the custody or control of the above listed units and individuals. This includes, but is not limited to:

Email communications, internal or external

Messages sent or received via Government issued devices, including text messages on public funded mobile phones

Meeting notes, memos, internal reports, case files

Long term disability records or benefits documentation

Performance assessments, HR file notes, correspondence with supervisors or HR

Any other formats—digital or otherwise including handwritten — where my name, employment, status, or case are referenced

5. Preferred Format of Access:

Digital copies in PDF, email export format, or equivalent, where available. If certain records cannot be provided digitally, I request those in the most accessible available format along with an explanation.

6. Minimizing Fees & Clarification Offer:

To assist in identifying relevant records and minimizing fees, I offer to refine the request if needed—provided that no responsive records are withheld without consultation with me first.

Timeframe: from October 11, 2022 to July 29, 2025

This request excludes: Eliminate duplicate records, Eliminate email records which are duplicated in the final longest string, Eliminate records containing third party business information

[para 2] The Public Body sent a letter acknowledging receipt of the access request on the same day.

[para 3] According to the Public Body, on July 31, 2025, the Access to Information Advisor (the Advisor) handling the request “recorded a 30-day extension under 16(1)(b) of ATIA, citing the broad scope of the request and the need to search for records across multiple program areas.” The Public Body determined the new due date by which to respond to the access request was October 27, 2025.

[para 4] The Public Body admits that when it applied the extension to its deadline to respond it failed to issue an extension letter to the Applicant as required by section 16(5) of ATIA.

[para 5] The Public Body completed its search for records on September 3, 2025. Shortly thereafter handling of the access request was assigned to another advisor (the New Advisor) since the previous Advisor had taken an extended leave. On September 10, 2025 the New Advisor requested that their Administrative Support staff convert the responsive records into PDF format, which process was continuing as of the date of the Public Body’s submission in the inquiry, October 22, 2025.

[para 6] On September 17, 2025, the Applicant requested that the Office of the Information and Privacy Commissioner (the OIPC) review the Public Body’s failure to respond to the access within the timelines prescribed by section 13(1) of ATIA. The matter proceeded directly to inquiry without mediation or investigation as is the OIPC’s standard practice under either FOIP

or the ATIA when considering whether a public body failed to respond to an access request within the time limit for doing so.

## II. ISSUE

[para 7] The issue in this inquiry is:

**Did the Public Body comply with section 13 of the Act (time limit for responding)?**

## III. DISCUSSION OF ISSUE

[para 8] Section 13 of ATIA states,

*13(1) The head of a public body must make every reasonable effort to respond to a request not later than 30 business days after the requirements of section 7(2) have been met unless*

*(a) the request has been disregarded under section 9 or declared abandoned under section 10,*

*(b) the time limit is extended under section 16, or*

*(c) the request has been transferred under section 17 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 9] Whether or not the Public Body complied with section 13 is dependent upon whether it properly issued an extension under section 16 as contemplated in section 13(1)(b). This is because the original deadline by which it was required to respond to the access request was 30 business days after receipt of the access request, on July 30, 2025.

[para 10] “Business Day” is defined in section 1(c) of ATIA as follows:

*(c) “business day” means a day other than*

*(i) a Saturday,*

*(ii) a holiday, or*

*(iii) a day when Government of Alberta offices are closed as part of the Government of Alberta’s Christmas closure;*

[para 11] “Holiday” is not defined ATIA; rather its meaning is taken from section 28(1)(x) of the *Interpretation Act*, RSA 2000, c I-8 (the *Interpretation Act*):

*28(1) In an enactment,*

*(x) “holiday” includes*

*(i) every Sunday,*

*(ii) New Year’s Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Labour Day, Remembrance Day and Christmas Day,*

*(iii) the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign,*

*(iv) December 26, or when that date falls on a Sunday or a Monday, then December 27,*

*(v) any day appointed by proclamation of the Governor General in Council or by proclamation of the Lieutenant Governor in Council for a public holiday or for a day of fast or thanksgiving or as a day of mourning, and*

*(vi) with reference to any particular part of Alberta, the day in each year that may by proclamation of the Lieutenant Governor in Council be appointed as a public holiday for that part of Alberta for the planting of forest or other trees;*

[para 12] Applying section 22(4) of the *Interpretation Act*, which sets rules for the computation of time under an enactment, the first day of the 30 business days to respond to an access request specified in section 13(1) is the first business day after the requirements of section 7(2) of ATIA have been met. In this case, since there was no doubt that section 7(2) was met, that day was the first business day after the Public Body received the access request. Section 22(4) of the *Interpretation Act* states,

*(4) If an enactment contains a reference to a number of days not expressed to be clear days or “at least” or “not less than” a number of days between 2 events, in calculating the number of days, the day on which the first event happens shall be excluded and the day on which the 2nd event happens shall be included.*

[para 13] Again applying section 22(4) of the *Interpretation Act*, the last of the 30 business days would be the 30<sup>th</sup> business day after the day on which the access request was received.

[para 14] Taking into account the definition of “business day” in ATIA and the applicable provisions of the *Interpretation Act*, the initial deadline for the Public Body to respond to the access request was September 12, 2025<sup>1</sup>, a deadline the Public Body did not meet.

[para 15] The Public Body argues that pursuant to section 13(1)(b), it extended its time to respond under section 16(1)(b). Section 16(1)(b) states,

*16(1) The head of a public body may extend the time for responding to a request for up to 30 business days if*

...

*(b) a large number of records are requested and more time is required to process the request, or*

...

[para 16] Adding 30 business days to the original deadline of September 12, 2025 results in the Public Body's new deadline of October 27, 2025.<sup>2</sup>

[para 17] It is crucial to note that the Public Body has provided evidence that it did in fact make a decision to extend the deadline prior to the expiration of the initial deadline. The Public Body has provided records from its handling of the access request that indicate that, as it stated, the Advisor initially handling the request extended the deadline on July 31, 2025. The Public Body has not attempted to grant itself an extension after the fact in order make its case in this inquiry. However, the timing of the Public Body's decision to grant itself an extension does raise another concern.

[para 18] The Office of the Information and Privacy Commissioner's document entitled Guidance – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)<sup>3</sup> sets out general guidelines for public bodies explaining what sort of time extensions may be reasonable under section 16(1)(b), depending upon the number of responsive records:

The OIPC has previously considered 500 or more pages as the threshold for what may constitute a large number.

If the number is less than 500 pages, a rationale must be provided why the circumstances might constitute a "large number".

The following are general ranges for reasonable extension times, subject to the specific circumstances of each case:

<b>Number of Pages</b>	<b>Range for extension</b>
<500	0 unless exceptional circumstances or rationale is acceptable
500 to 1000	0-30 business days
1000 to 2000	30-45 business days

2000 to 3000	45-60 business days
3000 to 4000	60-75 business days
4000 to 5000	75-90 business days
5000 to 10000	90-180 business days
10000 to 15000	180-270 business days

[para 19] The Guidance Document, as guidance only, is not binding upon me; as much is stated in the disclaimer appearing at its end:

This document is not intended as, nor is it a substitute for, legal advice, and is not binding on the Information and Privacy Commissioner of Alberta. Responsibility for compliance with the law (and any applicable professional or trade standards or requirements) remains with each organization, custodian or public body. All examples used are provided as illustrations. The official versions of the laws the OIPC oversees and their associated regulations should be consulted for the exact wording and for all purposes of interpreting and applying the legislation. The Acts are available on the website of Alberta King's Printer.

[para 20] The Public Body states that it collected 2351 pages of responsive records in the search for records, and that it is formatting 15 compressed zip folders, each containing up to 100 emails, including attachments and embedded documents. Leaving aside other circumstances in this case, those numbers suggest an extension anywhere from 30 to 60 business days would be appropriate according to the guidance document. That said on the evidence before me, for the reasons that follow, I cannot conclude that the Public Body has properly extended its deadline under section 16(1)(b) in this case.

[para 21] Section 16(1)(b) only applies where a large number of records are engaged; its wording is specific to those circumstances. In order to show that it has properly granted itself an extension under section 16(1)(b), the Public Body must have some evidence that it had at least a reasonable grasp of the number of records subject to an access request, or had made reasonable efforts to conclude that the access request constituted a request for a large number of records in order to extend its response time under that section. That a public body must make such a determination prior to extending its deadline to respond to an access request is clear from the provisions of section 16(5).

[para 22] Section 16(5) of ATIA states,

*(5) If the time for responding to a request is extended under subsection (1), (2), (3) or (4), the head of the public body must tell the applicant*

*(a) the reason for the extension,*

*(b) when a response can be expected, and*

*(c) that the applicant may request a review of the extension by the Commissioner.*

[para 23] Section 16(5)(a) states that a public body must tell an applicant the reason for its extension under section 16(1). Accordingly, if a public body intends to extend its time to respond to an access request under section 16(1)(b) because a large number of records has been requested, it must first put itself in a position where it can, in good faith, report the same to an applicant as required under section 16(5). That requires a public body determine, to at least a reasonable degree, the amount records engaged by an access request. That does not appear to have happened in this case.

[para 24] The Public Body did not provide notice to the Applicant as required by section 16(5) and did not otherwise explain its reason for the extension to the Applicant.

[para 25] At the time when the Public Body granted itself a time extension, rather than attempt to determine even a rough amount of records subject to the access request, what appears to have happened is that upon reviewing the access request, the Advisor concluded that it had a “broad scope” and engaged records in “multiple program areas” and that those characteristics – leaving aside whether or not they are accurate – justified a time extension under section 16(1)(b). The Public Body has not explained how those characteristics lead to a conclusion that a large enough number of records were engaged to justify an extension. While the access request lists numerous categories of records sought, numerous categories do not portend a large number of records. There may be very few records in each of them; some may even engage no records. The same is true for numerous program areas.

[para 26] I have considered that the Public Body eventually identified a large number of records: 2351 pages, the responsive ones of which are in the process of being sorted into 15 compressed zip files. It is clear, however, that the Public Body had not determined the amount of records, and there is no evidence that it made an attempt to reasonably estimate the number of records when it granted itself the extension.

[para 27] The Public Body granted itself the extension on July 31, 2025, the day after it received the access request. The Public Body does not mention that its efforts to gathering records had even begun on July 31, 2025, and in any case it did not complete its search until September 3, 2025. The Public Body explains that even as of August 18, 2025 the Advisor noted that the person responsible for gathering the records had informed her that some staff who may have responsive records were unavailable until August 26, 2025. Under the circumstances it would have been a remarkable feat for the Public Body, which is now arguing that it needs more time to respond to the access request, to have made a reasonable determination that so many records were engaged at the time when it granted itself an extension.

[para 28] In view of the above, I find that the Public Body granted itself an extension under 16(1)(b) before it had a proper basis to do so. As a result, I find that it improperly extended time under section 16(1)(b) and for that reason did not comply with section 13(1). That the Public Body identified a large number of records after the fact does not change that conclusion. The Public Body must determine that it has proper grounds to extend time before taking an extension; it cannot extend time to respond and then hope to justify the extension *ex post facto*. Permitting that course of action would mean that a public body could extend the deadline at any time so long as it has remained unaware of whether it had a basis to do so, which is something clearly not intended by section 16(1)(b).

[para 29] Since the Public Body did not properly extend time under section 16, it has failed to respond in time as required under section 13(1). Per section 13(2) of ATIA, it is deemed to have refused access to the requested records.

[para 30] In view of my finding above, I need not consider the Applicant's argument that the Public Body failed to comply with section 13(1) purely by reason that it neglected to send the Applicant notice as required under section 16(5). Neither do I need to consider the Public Body's counter-argument that failure to send notice was only a procedural lapse that it did not intend to commit, and does not invalidate its time extension.

## **V. ORDER**

[para 31] I make this Order under section 64 of ATIA.

[para 32] I order the Public Body to respond to the access request as required by ATIA.

[para 33] I further order the Public Body to notify me in writing, within 50 days of receiving a copy of this Order, that it has complied with the Order.

---

John Gabriele  
Adjudicator

---

<sup>1</sup> The calculation for the September 12, 2025 deadline is as follows: Business days are days other than Saturdays or Holidays; the Government of Alberta's Christmas closure is not engaged in this case. The relevant Saturdays are August 2, 9, 16, 23, 30, and September 6, 2025. The relevant holidays in this case are the Sundays on August 3, 10, 17, 24, 31, and September 7, 2025, as well as Labour Day on Monday, September 1, 2025. The 30 business days following the access request are thus July 31, August 1, 4 - 8, 11 - 15, 18 - 22, 25 - 29, September 2 - 5, and 8 - 11, with the thirtieth business day, September 12, 2025, as the deadline. Heritage Day on August 4, 2025, is observed by some employers as a holiday, but does not meet the definition of "holiday" in section 28(1)(x) of the *Interpretation Act*. It is not any of the days recognized as holidays in sections 28(1)(x)(i) to (iv) and is not proclaimed as any sort of day mentioned in sections 28(1)(x)(v) or (vi).

<sup>2</sup> The calculation for the October 27, 2025 deadline continues counting business days starting at the first business day after the previous deadline of September 12, 2025. Again, business days are days other than Saturdays or Holidays. The relevant Saturdays are September 13, 20, 27, and October 4, 11, 18, and 25, 2025. The relevant holidays are Sundays on September 14, 21, 28, and October 5, 12, 19, and 26, 2025 as well as Thanksgiving Day on Monday October 13, 2025. The 30 business which compose the Public Body's extension are thus September 15 - 19, 22 - 26, 29, 30, and October 1 - 3, 6 - 10, 14 - 17, 20 - 24 with the thirtieth extended business day, October 27, 2025, being the new deadline. Thanksgiving Day is a holiday under section 28(1)(x)(v) of the *Interpretation Act* having been proclaimed by the Governor General in Council in 1957 as the second Monday in October.

<sup>3</sup> Available on the Office of the Information and Privacy Commissioner website at:  
<https://oipc.ab.ca/guidance-expedited-inquiry-request-for-review-time-extension-decision-atia-s16/>