

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**ORDER ATIA2026-TEI-01**

January 15, 2026

**Workers' Compensation Board**

Case File Number 040654

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

**Summary:** The Workers' Compensation Board (the Public Body) made a decision to extend the timelines for responding to the Applicant's access request by 30 business days under section 16(1)(b) of the *Access to Information Act* (ATIA). The Adjudicator confirmed that the extension of the time limit complied with ATIA.

An issue arose during the inquiry as to the delegated authority for the decision maker to make the section 16 decision under ATIA. The Adjudicator determined that the head of the Public Body had properly delegated authority to the decision maker under ATIA section 87.

**Statutes Cited:** **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 2, 85; *Access to Information Act*, S.A. 2024, c. A-1.4, ss. 2, 16, 64, 87; *Protection of Privacy Act*, S.A. 2024, c. P-28.5; *Interpretation Act*, RSA 2000, c I-8 ss. 20(6), 36(1).

**Authorities Cited:** **AB:** Order ATIA2025-01.

**Cases Cited:** *Alberta Energy v Alberta (Information and Privacy Commissioner)*, 2024 ABKB 198; *Blades v Alberta (Information and Privacy Commissioner)*, 2021 ABQB 725.

## I. BACKGROUND

[para 1] On August 11, 2025, the Public Body received a request for access to information from the Applicant under the *Access to Information Act* (ATIA). The initial response due date for the Public Body to respond to the access request was September 23, 2025.

[para 2] On September 17, 2025, the Public Body notified the Applicant that they were extending their response due date by 30 business days under ATIA section 16(1)(b) as the request involved a large number of records and more time was required to process the request. The revised response due date provided to the Applicant was November 5, 2025.

[para 3] On September 23, 2025, the Applicant submitted a request for review to the Office of the Information and Privacy Commissioner (OIPC), objecting to the extension of 30 business days taken by the Public Body to process the access request. The matter proceeded directly to inquiry without mediation or investigation as is the OIPC's practice under ATIA when reviewing a public body's decision to extend time where a response has not yet been provided to an applicant.

## II. ISSUE

1. **Did the head of the Public Body properly extend the time for responding to the request as permitted by section 16 of the Act (ATIA)?**

## III. DISCUSSION OF ISSUE

### *Preliminary Issue - Delegation of Authority*

[para 4] Section 16 of ATIA authorizes the head of a public body to extend the time for responding to a request. Upon reviewing the supporting documents provided by the parties in this inquiry, it appeared that the section 16 decision was not made by the head of the Public Body, but by the Access to Information Coordinator (ATI Coordinator). As the section 16 decision was not made by the head, I had to confirm that the decision maker had been properly delegated the authority to make the decision.

[para 5] Section 87 of ATIA states:

*87(1) The head of a public body may delegate to any person any power, duty or function of the head under this Act, except the power to delegate under this section.*

*(2) A delegation under subsection (1) must be in writing and may contain any conditions or restrictions the head of the public body considers appropriate.*

[para 6] I requested information from the Public Body regarding whether the head had delegated their section 16 decision making powers to the ATI Coordinator. The Public Body subsequently provided evidence of its delegation instruments. The Public Body provided a copy of its prior written delegation by the head under section 85 of the *Freedom of Information and Protection of Privacy Act* (FOIP) and its current written delegation by the head under section 87 of ATIA.

[para 7] The FOIP Act delegation, dated March 27, 2019, authorized the FOIP Coordinator to extend time and request the Commissioner’s permission for a further time extension under section 14 of the FOIP Act. The ATIA delegation, dated November 19, 2025, rescinded the 2019 FOIP Act delegation and authorized new written delegations of powers, duties and functions under ATIA. The ATIA delegation is effective as of June 11, 2025 (the day the FOIP Act was repealed and ATIA came into force).

[para 8] The Applicant objected to the Public Body’s retroactive delegation under ATIA.

[para 9] I requested the Public Body provide further information as to whether section 87 of ATIA permitted the head of a public body to retroactively delegate the power to extend the time limit for responding under section 16 of ATIA.

[para 10] The Public Body submitted in response that the relevant issue was not whether ATIA permitted the head to retroactively delegate under ATIA, but whether the 2019 FOIP delegation remained in effect at the time the decision was made. I agree with the Public Body’s characterization of the relevant issue. The section 16 decision under review was made on September 17, 2025. The 2019 FOIP delegation was in effect until it was rescinded on November 19, 2025, which means it is the relevant written delegation to be reviewed for the time of the decision.

[para 11] The Public Body noted that the delegation provisions of the FOIP Act (section 85) and ATIA (section 87) are identical (as well as under the *Protection of Privacy Act* (POPA section 55)), and the head of the Public Body had not changed. It relied on the *Interpretation Act*, which sets out rules on “how to bridge the transitional period when a piece of legislation is repealed and replaced” to establish that the 2019 FOIP delegations remained valid and effective under ATIA at the time the section 16 decision was made.

[para 12] Sections 20(6)(a) and 20(6)(b)(ii) and (iii) of the *Interpretation Act* state:

*20(6) Unless otherwise expressed in an enactment, if*

*(a) a delegation, including any appointment made or authority given that is in the nature of a delegation, is made or otherwise given to a person by or under the authority of an enactment, and*

*(b) while that delegation is in effect,*

...

*(ii) the name or designation of the office or position of the person to whom the delegation was made or otherwise given has changed but the functions, duties and undertakings of the office or position remain the same or substantially the same as they were at the time that the delegation was made or otherwise given, or*

*(iii) the authority under which the delegation was made or otherwise given has changed in some manner but the authority to make or otherwise give the delegation remains substantially the same as it was at the time that the delegation was made or otherwise given,*

*that delegation remains in effect until the delegation is terminated, revoked or rescinded or expires.*

[para 13] Section 36(1)(a) of the *Interpretation Act* states:

*36(1) If an enactment is repealed and a new enactment is substituted for it,*

*(a) every person acting under the repealed enactment shall continue to act as if appointed or elected under the new enactment until the person is reappointed or another is appointed or elected in the person's place;*

[para 14] Sections 20(6)(b)(ii) and (iii) and 36(1)(a) of the *Interpretation Act* establish that the authority to delegate powers, duties and functions under ATIA remained with the head of this Public Body, who subsequently signed the ATIA delegation instruments on November 19, 2025 while rescinding the FOIP delegations on that same date.

[para 15] As the Public Body indicated, the title of FOIP Coordinator was changed to ATI Coordinator; however, “the functions, duties, and undertakings of this position have remained substantially the same.” As a result, the decision making authority to extend timelines under FOIP section 14 continued for making time extension decisions under ATIA section 16.

[para 16] I agree that pursuant to sections 20 and 36 of the *Interpretation Act*, the FOIP delegations remained in effect until rescinded by the ATIA delegation instrument on November 19, 2025. As the Public Body stated, the ATIA delegation instrument “primarily served to update the section references with respect to the extension of time decisions”, but the authority to make time extension decisions remained with the former FOIP Coordinator (now ATI Coordinator) until rescinded.

[para 17] I find that the head of the Public Body properly delegated the ATIA section 16 decision making power to the ATI Coordinator pursuant to section 87 of ATIA. I agree that the November 19, 2025 ATIA delegation instrument served as a written update for a change in legislation as explained above, and that the 2019 FOIP delegations remained in effect until rescinded on November 19, 2025.

[para 18] Therefore, I find the ATI Coordinator had the proper delegated authority to issue the September 17, 2025 time extension decision under ATIA that is being reviewed in this inquiry.

[para 19] Having dealt with the preliminary issue outlined above, I can now address the issue that is before me in this inquiry as stated in the Notice of Inquiry dated October 30, 2025.

**Issue: Did the head of the Public Body properly extend the time for responding to the request as permitted by section 16 of the Act (ATIA)?**

#### *Overview of ATIA Section 16*

[para 20] The FOIP Act was repealed on June 11, 2025 and split and replaced by two similar Acts: ATIA, which generally deals with access to information rights and POPA, which generally deals with privacy rights, that is, the collection, use and disclosure of personal information by public bodies. Since this matter concerns a decision to extend timelines to respond to an access request, the applicable legislation is ATIA. POPA does not bear on this matter.

[para 21] A significant change was made to the calculation of timelines: under FOIP, time was calculated in calendar days; however, under ATIA (and POPA), timelines are now generally calculated in business days.

[para 22] The head of a public body's authority to extend the time for responding to a request for up to 30 business days is set out in section 16 of ATIA, which 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*

- (a) the applicant agrees,*
- (b) a large number of records are requested and more time is required to process the request, or*
- (c) more time is needed to consult with a third party, another public body or another entity before deciding whether to grant access to a record.*

*(2) The head of a public body may extend the time for responding to a request for additional reasonable periods in a circumstance described in subsection (1)(a) to (c).*

*(3) The head of a public body may extend the time for responding to a request if multiple concurrent requests have been made by the same applicant or by 2 or more applicants who work for the same organization or who work in association with each other.*

*(4) Where the head of a public body is considering giving access to a record that may contain information*

- (a) described in section 19(1) or (2), or*
- (b) the disclosure of which may be an unreasonable invasion of a third party's personal privacy under section 20, the head of a public body may extend the time for responding to a request or part of a request for the period of time necessary to enable the head to comply with the requirements of section 36.*

*(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.*

*(6) Notwithstanding anything to the contrary in subsection (5), if the time for responding to a request is extended under subsection (1), (2), (3) or (4) by the Commissioner, acting as the head of a public body, the Commissioner must tell the applicant that the applicant may seek a review by an independent adjudicator with respect to the extension.*

*(7) Where a third party asks for a review under section 58(2) or 79(3), the time for responding to a request or part of a request is automatically extended with respect to a record or part of a record that is the subject of the request for review until the review and inquiry process has concluded.*

*(8) If the time for responding to a request or part of a request is automatically extended under subsection (7), the public body must notify the applicant of the extension and the basis for the extension.*

*(9) The time for responding to a request is automatically extended during an emergency, disaster or other unforeseen event that results in an unplanned operational closure or interruption.*

*(10) If the time for responding to a request is automatically extended under subsection (9), the public body must*

- (a) notify the Commissioner as soon as practicable*
  - (i) of the emergency, disaster or other unforeseen event and the anticipated end to the unplanned operational closure or interruption, and*
  - (ii) of the date when the emergency, disaster or other unforeseen event ha ended or when normal operations have resumed,*
- and*
- (b) notify the applicant as soon as practicable*
  - (i) when normal operations have resumed,*
  - (ii) when a response to the applicant’s request may be expected, and*
  - (iii) that the applicant may request a review of the extension by the Commissioner.*

[para 23] The purpose of ATIA, set out in section 2, states:

*2 The purposes of this Act are*

- (a) to allow any person a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in this Act,*
- (b) to allow individuals, subject to limited and specific exceptions as set out in this Act, a right of access to personal information about themselves that is held by a public body, and*
- (c) to provide for independent reviews of decision made by public bodies under this Act and the resolution of complaints under this Act.*

[para 24] The purpose provisions in section 2 of ATIA are identical to the access provisions in the repealed FOIP Act (sections 2(a), (c), and (e)). Generally, they create a right of access to information, subject to limited and specific exceptions, and provide for independent reviews of decisions made by public bodies.

[para 25] Under section 14 of the repealed FOIP Act, the head of a public body was permitted to extend the time for responding to a request for up to 30 calendar days under certain specific circumstances, and with the Commissioner’s permission, could extend the time for a longer period. Also with the Commissioner’s permission, the head of a public body could extend the time for responding to a request if multiple concurrent requests had been made by the same

applicant or by two or more applicants who worked for the same organization or who worked in association with each other.

[para 26] Under ATIA, the head of a public body is now authorized under section 16 to decide to extend the time for responding to a request for up to 30 business days under certain specific circumstances. The head may also extend the time for responding to a request for additional reasonable periods under those same specific circumstances.

[para 27] Additional circumstances are outlined under ATIA section 16 where timelines may be extended by the head of a public body. However, given the identical purposes of the repealed FOIP Act and ATIA, the same general principles apply to extending the timelines to respond to an access request, whether the first instance decision maker is the head of a public body or the Commissioner.

[para 28] A public body bears the burden to provide sufficient evidence to establish that a section 16 decision is reasonable or justified in the circumstances. A public body is expected to “put its best foot forward with evidence” to support its decision to delay an applicant of their quasi-constitutional right of access, and for the right of access to be meaningful, it must be timely.<sup>1</sup>

[para 29] In this matter, the Public Body extended its timeline to respond to the access request by 30 business days under section 16(1)(b). There are two parts to section 16(1)(b). A public body must demonstrate, first, that the access request involves a large number of records and, second, that more time is required to process the request.

[para 30] Once a public body has decided to extend its timeline to respond to an access request, it must also meet the requirements of section 16(5). Section 16(5) requires that the applicant be told the reason for the extension, when a response can be expected, and that the applicant may request a review of the extension by the Commissioner.

[para 31] As stated in the OIPC document entitled “Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)”<sup>2</sup>, some of the factors a public body may consider in supporting its decision to extend time under section 16(1)(b) include the number of records that need to be searched, formats of records that may require different handling methods and the number of requests a public body normally receives and what impact the access request may have on the public body.

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<sup>1</sup> *Alberta Energy v Alberta (Information and Privacy Commissioner)*, 2024, ABKB 198 at para 21 and 76; rev'd on other grounds, 2025 ABCA 163.

<sup>2</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/>

[para 32] A review of a public body's decision under ATIA section 16 begins with a review of the reasons for the decision provided to the applicant. In this case, the Public Body explained that a decision had been made under section 16(1)(b), because the request involved a large number of records and more time was required to process the request. The Public Body told the Applicant when a response could be expected, and that a review by the Commissioner could be requested. The decision lacked additional information as to why the Public Body needed more time to respond to the request, such as the number of records (or an estimate of the number of records) involved in the request.

[para 33] In its inquiry submission, the Public Body provided additional details which were not included in the decision given to the Applicant. The Public Body stated that its response to the access request involved 3,994 pages of records, of which 3,588 pages were responsive. It went on to state that the records were received in multiple formats which took "a large amount of time to consolidate and convert to an appropriate format for review and applying redactions as needed."

[para 34] The Public Body also stated that approximately 27 program areas were searched and records were received from 7 program areas. It stated the subject access request was around 7 times larger than the average request received by the Public Body.

[para 35] Due to the large number of records involved with the access request, it is understandable that the initial work completed before the extension was taken could consume much of the initial 30 business days permitted to respond to an access request. As the Public Body stated, the work completed before the extension included opening the file, sending correspondence to the Applicant, requesting records from 27 program areas across the Public Body, allowing the program areas to conduct their searches and respond, as well as consolidating and converting the large number of records. This explains why the Public Body required an additional 30 business days to complete the processing of the request.

[para 36] Although the Applicant was not provided the above details at the time the section 16 decision was made, I am satisfied on the evidence before me that the Public Body had sufficient grounds to make the decision. This finding can be contrasted with that in Order ATIA2025-01 where an Adjudicator found that a public body had improperly extended its time the day after receiving an access request, since it could not yet have known the volume of requested records.<sup>3</sup> In this case, the Public Body received the access request on August 11, 2025 and made its time extension decision on September 17, 2025, clearly after making efforts to assess the number of records involved.

[para 37] In this matter, before submissions were closed for the inquiry, the Applicant had already received the Public Body's response to their access request. The Applicant's inquiry

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<sup>3</sup> ATIA2025-01 at para 28

submission primarily focused on the Public Body’s response, rather than the time extension decision. I have considered only those submissions relevant to this inquiry.

[para 38] The Applicant argues that the disclosure of records “proves the opposite” of a large number of records, since what was provided was incomplete, “structurally defective”, “core record classes are absent” and the search was inadequate. The Applicant went on to outline some of the records that may have been missing and what was included, asserting that the Public Body “padded” its response.

[para 39] I will note, however, that the page numbering the Public Body used for their response indicates “ATIA Request [file number] Page [number] of 3588”. Even if the Applicant disputes the contents of the response, the pages the Applicant provided to this Office to review appear to confirm the Public Body had processed 3588 pages of records. Also, if an applicant disputes a response provided by a public body to their access request, the OIPC may deal with that matter in a separate review process. Since this inquiry only concerns the Public Body’s time extension decision, the other concerns are outside of its scope.

[para 40] The OIPC has established a general threshold of 500 pages and above for what may constitute “a large volume” for the purposes of the former FOIP section 14(1)(b). In *Blades v Alberta (Information and Privacy Commissioner)*, 2021 ABQB 725, the Court recognized that the Commissioner was entitled to set benchmarks as to the volume of records that would be considered “large” when deciding whether or not to permit an extension.

[para 41] As the OIPC has previously considered 500 or more pages as the threshold for what may constitute a large number, the following are general ranges for reasonable extension times, subject to the specific circumstances of each case:<sup>4</sup>

Number of Pages	Range for extension
<500	0 unless exceptional circumstances/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 42] In prior time extension decisions issued under the former FOIP Act when the volume of records for an access request involved up to 1,000 pages of records, a minimum of an additional 30 calendar days were normally granted to a public body to complete processing. As

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<sup>4</sup> Excerpt from the OIPC “Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)”

mentioned above, timelines under the former FOIP Act were calculated in calendar days; however, when ATIA came into force, timelines changed to being calculated in business days. To reflect this change, the OIPC time ranges for reasonable extension times were also changed to business days. As the Public Body correctly noted in its submission, for a volume of over 3,000 pages in a request, the OIPC normally considers an extension of 60-75 business days to be reasonable.

[para 43] In this case, for over 3,500 pages of records involved in the access request, the Public Body took an extension of 30 business days which is less time than what the OIPC would normally consider reasonable. A public body would be in the best position to determine the additional time it may require to complete processing a request, and it bears the burden to prove that the reasons for its time extension meet the requirements under ATIA. In this case, I find the Public Body has met that burden.

[para 44] Due to the large number of records involved in the access request, I agree that more time was required to process the request and that the Public Body took an appropriate amount of additional time to complete processing, as also evidenced by the fact that the Public Body met its extended deadline.

[para 45] In closing on this issue, I note the following: ATIA section 16(5) requires a public body to tell the applicant the reason for the extension. In this case, the Public Body provided only the minimum required information to the Applicant. If a public body provides further details, such as the actual volume of records (or estimate) related to an access request, or other reasons as to why more time is required to process the request, it may enable an applicant to better understand why an extension may be warranted for processing their request. Providing additional information may reduce the likelihood of an applicant requesting a review of that decision by this office.

#### **IV. ORDER**

[para 46] I make this Order under section 64(3)(b) of ATIA.

[para 47] I confirm the extension of the time limit under section 16.

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Anima Kotowski  
Adjudicator - Expedited Inquiries