

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**ORDER FOIP2025-45**

December 22, 2025

**CALGARY POLICE SERVICE**

Case File Number 040700

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

**Summary:** An applicant (the Applicant) made an access request, dated September 12, 2024, for certain information to the Calgary Police Service (the Public Body) under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act).

On October 10, the Public Body acknowledged receipt of the Applicant's access request.

On August 11, 2025, the Applicant requested a review by this office, indicating that the time limit for responding to the access request under the FOIP Act had expired and the Public Body had not provided a response. The Commissioner decided to move the matter directly to inquiry.

During the inquiry, the Public Body advised it had not complied with the processing timelines of the FOIP Act.

The Public Body stated that it sent the records to the Applicant on November 26, 2025; however, it did not provide any evidence to support its assertion that it had responded to the Applicant.

The Adjudicator concluded that the Public Body had failed to establish that it had responded to the Applicant's access request as required by section 11 of the FOIP Act.

As the Public Body provided no proof to support its assertion that it had responded to the Applicant, the Adjudicator ordered the Public Body to respond to the Applicant.

**Statutes and Regulations Cited:** AB: *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 11, 12, 14 and 72.

**Cases Cited:** AB: *Makis v. Alberta Health Services*, 2023 ABCA 214.

## **I. BACKGROUND**

[para 1] An applicant (the Applicant) made an access request to the Calgary Police Service (the Public Body) under the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25 (the FOIP Act) for a copy of a specific police report.

[para 2] The access request was dated September 12, 2024 and the time period for the records specified by the Applicant was September 9, 2024.

[para 3] On October 10, 2024, the Public Body responded to the Applicant and acknowledged receipt of their access request. The Public Body stated, in part:

...

Normally, most files take 30 days or less to process, however we have a large backlog at the moment due to a number of staff on extended leave and in training. We will respond to your access request as soon as we can. We apologize for the delay and appreciate your patience and understanding while we work to clear this backlog.

Due to this backlog your Analyst will contact you when work has begun on your request and if they have any questions or require further clarification . . .

...

[para 4] On April 14, 2025, the Applicant emailed the Public Body to advise they had not yet received a response to their access request and asked the Public Body to send them a copy of the information requested.

[para 5] On August 11, 2025, the Applicant requested a review by this office, indicating that the time limit for responding to the access request under the FOIP Act had expired and the Public Body had not provided a response

[para 6] The Commissioner decided to move the matter directly to inquiry and delegated her authority to conduct the inquiry to me.

## **II. RECORDS AT ISSUE**

[para 7] 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 8] The Notice of Inquiry, dated November 21, 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 9] Section 11 of the FOIP Act requires a public body to make every reasonable effort to respond to an access request not later than 30 days after receiving the request. Section 11 of the FOIP 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.*

[para 10] Section 12(1) of the FOIP Act sets out what a public body must include in its response. It states:

*12(1) In a response under section 11, the applicant must be told*

- (a) whether access to the record or part of it is granted or refused,*
- (b) if access to the record or part of it is granted, where, when and how access will be given, and*
- (c) if access to the record or part of it is refused,*
  - (i) the reasons for the refusal and the provision of this Act on which the refusal is based,*
  - (ii) the name, title, business address and business telephone number of an officer or employee of the public body who can answer the applicant's questions about the refusal, and*
  - (iii) that the applicant may ask for a review of that decision by the Commissioner or an adjudicator, as the case may be.*

[para 11] Section 14 of the FOIP Act states:

*14(1) The head of a public body may extend the time for responding to a request for up to 30 days or, with the Commissioner's permission, for a longer period if*

- (a) the applicant does not give enough detail to enable the public body to identify a requested record,*

- (b) *a large number of records are requested or must be searched and responding within the period set out in section 11 would unreasonably interfere with the operations of the public body,*
- (c) *more time is needed to consult with a third party or another public body before deciding whether to grant access to a record, or*
- (d) *a third party asks for a review under section 65(2) or 77(3).*

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

*(3) Despite subsection (1), where the head of a public body is considering giving access to a record to which section 30 applies, the head of the public body may extend the time for responding to the request for the period of time necessary to enable the head to comply with the requirements of section 31.*

*(4) If the time for responding to a request is extended under subsection (1), (2) or (3), 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 make a complaint to the Commissioner or to an adjudicator, as the case may be, about the extension.*

[para 12] In its submission, the Public Body stated, "The Calgary Police Service accepts that we have not complied with the processing timelines of the *Freedom of Information and Protection of Privacy Act*".

[para 13] The Public Body explained the challenges it has been experiencing in responding to access requests within the required timeframe under the FOIP Act and the steps it is taking to address these challenges.

[para 14] While this is commendable, it does not change the fact that the Public Body failed to respond to the Applicant within the time frame set out in section 11 of the FOIP Act.

[para 15] The Public Body advised that regarding this specific access request, the records were sent to the Applicant on November 26, 2025. The Public Body did not include a copy of its response to the Applicant as evidence to support its statement that it sent the records to the Applicant on November 26, 2025.

[para 16] The Applicant was given the opportunity to make a submission in this inquiry and did not do so. Accordingly, the only information before me from the Applicant is that at the time they submitted their Request for Review, they had not received a response from the Public Body. There is nothing

before me from the Applicant which states or acknowledges that they have now received a response from the Public Body.

[para 17] The burden of establishing that it responded to the Applicant is on the Public Body.

[para 18] As stated by the Alberta Court of Appeal in *Makis v. Alberta Health Services*, 2023 ABCA 214 at paragraph 14:

... Opinions, theories and submissions are not evidence: *Pyrrah Design Inc v Plum and Posey Inc.*, 2016 ABCA 12 at para 26; *Cannon v Saskatchewan (Court of Queen's Bench)*, 2021 SKCA 77 at paras 58, 60, leave to appeal to SCC refused, 39759 (28 October 2021) ...

[para 19] The submission by the Public Body that it has responded to the Applicant, without any proof to show that it in fact responded, such as the cover letter that it sent to the Applicant containing the information required in section 12 of the FOIP Act, is a bare assertion and is insufficient to establish that it has in fact responded.

[para 20] The Public Body has acknowledged that it failed to comply with section 11. I find that the Public Body did not make every reasonable effort to respond to the Applicant within the time limit set out in section 11 of the FOIP Act.

[para 21] Although the Public Body has said it has now responded to the Applicant, it provided no evidence that it in fact did so. Accordingly, I must order it to respond to the Applicant in accordance with its remaining duties under the FOIP Act.

## **V. ORDER**

[para 22] I make this Order under section 72 of the Act.

[para 23] I order the Public Body to respond to the Applicant's access request in accordance with the Public Body's remaining obligations under the FOIP Act.

[para 24] I further order the Public Body to notify me in writing not later than 50 days after being given a copy of this Order, that it has complied with the Order.

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Carmen Mann  
Adjudicator