

ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

Order ATIA2026-01

February 12, 2026

CALGARY POLICE SERVICE

Case File Number 040381

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access to information request under the *Access to Information Act* (ATIA) to the Calgary Police Service (the Public Body) dated June 23, 2025. By August 6, 2025, the Public Body had not responded to the request and the Applicant requested a review of the Public Body's failure to respond.

The Adjudicator found that the Public Body failed to comply with the timelines in section 13(1). 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. 2, 7, 13, 16, 64, 96, 97, *Access to Information Act Regulation*, Alta Reg 133/2025, ss. 12, 13, 14, 15, 16

Cases Cited: *Placer Dome Canada Ltd. v. Ontario (Minister of Finance)*, 2006 SCC 20 (CanLII), [2006] 1 SCR 715

I. BACKGROUND

[para 1] The Applicant made an access request to the Calgary Police Service (the Public Body) dated June 23, 2025 under the *Access to Information Act*, S.A. 2024, c. A-1.4 (ATIA). ATIA came into force on June 11, 2025, replacing the access to information provisions of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 (FOIP).

[para 2] On August 6, 2025, the Applicant submitted a request to this office to review the Public Body's failure to respond to the access request within the timelines prescribed by section 13(1) of ATIA. The matter proceeded directly to inquiry.

II. ISSUE

[para 3] 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 4] 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 5] In its response to the inquiry, the Public Body states that “[t]he Calgary Police Service accepts that we have not complied with the processing timelines of the *Freedom of Information and Protection of Privacy Act*.” The Public Body also states:

Regarding this specific request, 2025G-2405, we just received the initial \$25 fee on December 3, 2025. As the Applicant did not provide a phone number or address to contact him at, our only form of contacting them was through email asking him to call us for payment. We were finally able to connect on Dec 3, 2025. This file has now been added to our queue to assign to an Analyst.

[para 6] As the Applicant's request was made to the Public Body on June 23, 2025, it falls under ATIA and not the FOIP Act. Both section 7 of the FOIP Act and section 7 of ATIA set out how to make an access request under the respective Acts; however, section 7 of ATIA places some additional obligations on applicants. It states:

7(1) To obtain access to a record, a person must make a request to the public body that the person believes has custody or control of the record.

(2) A request must

(a) be in writing,

(b) be submitted to the public body the applicant believes has custody or control of the record,

(c) provide enough detail to enable the public body to locate and identify the record within a reasonable time with reasonable effort, and

(d) be accompanied by a fee where a fee is required under this Act.

(3) If a request does not provide enough detail to enable a public body to locate or identify a record within a reasonable time with reasonable effort, the public body may request further information from the applicant that is necessary to process the request, and the applicant shall respond within 30 business days with the information being requested.

(4) In a request, the applicant may ask

(a) for a copy of the record, or

(b) to examine the record.

[para 7] The Public Body states that the Applicant did not provide an initial fee with the request, and that an initial fee was not received until after the Notice of Inquiry was issued. The question arises: does section 7(2)(d) of ATIA require the Applicant to have paid this initial fee for their request to meet the requirements for an access request under section 7(2)?

[para 8] Section 7(2)(d) states that a request must be accompanied by a fee “where a fee is required under this Act.” Section 96 of ATIA addresses when a public body may charge fees for an access request.

96(1) The head of a public body may require an applicant to pay to the public body fees for services as provided for in the regulations.

(2) Subsection (1) does not apply to a request for the applicant’s own personal information, except for the cost of producing the copy.

(3) If an applicant is required to pay fees for services under subsection (1), the public body must give the applicant an estimate of the total fee before providing the services.

...

(8) The fees referred to in subsection (1) must not exceed the actual costs of the services.

[para 9] Sections 96(4) – (7), omitted above, address how an applicant can request fees be waived, and how a public body is to respond to such a request. Those provisions are not relevant here.

[para 10] Section 96(1) states that a public body may require an applicant to pay fees for services set out in the Regulation. The Legislature left it to each public body to determine whether to charge fees for services. Presumably, an initial fee is part of the “fees for services” within the terms of section 96(1).

[para 11] Section 97(1)(l) of ATIA states that the Lieutenant Governor in Council may make regulations respecting fees to be paid under the Act:

97(1) The Lieutenant Governor in Council may make regulations

...

(l) respecting fees to be paid under this Act and providing for circumstances when fees may be waived in whole or in part

[para 12] Sections 12-16 of the Regulation address fees. Sections 12 and 13 state:

12 Where an applicant is required to pay a fee for services, the fee is payable in accordance with sections 13 to 16.

13(1) This section applies to a request for access to a record that does not contain personal information of the applicant.

(2) An applicant is required to pay

(a) an initial fee of \$25 when a non-continuing request is made, or

(b) an initial fee of \$50 when a continuing request is made.

(3) An applicant must pay the initial fee before a public body begins processing the applicant’s request.

(4) In addition to the initial fee, fees in accordance with Schedule 1 may be charged if the amount of the fees, as estimated by the public body responsible for responding to the request, exceeds \$150.

(5) Where the amount of the fees estimated by the public body exceeds \$150, the amount determined in accordance with Schedule 1 is to be charged by the public body.

(6) A fee may not be charged for the time spent in reviewing a record.

[para 13] Section 14 of the Regulation sets out fees for personal information requests and is not relevant here.

[para 14] Section 15 sets out what must be included in a fee estimate; it states:

15(1) An estimate provided under section 96(3) of the Act must set out, as applicable,

- (a) the time and cost to search for, locate and retrieve a record,*
- (b) the cost of converting a record into a redactable format,*
- (c) the cost of reformatting audiovisual files into a redactable format,*
- (d) the cost to produce a copy of the record,*
- (e) the time and cost for preparing and handling the record for disclosure,*
- (f) the time and cost to supervise an applicant who wishes to examine the original record, and*
- (g) the cost of shipping the record or a copy of the record.*

(2) An estimate for access to a record of the personal information of the applicant must only include the cost of producing a copy of the record in accordance with section 14(2).

(3) In the case of a continuing request, the estimate is to include the total fees payable over the course of the continuing request.

(4) An applicant has up to 30 business days to accept the fee estimate or to modify the request to change the amount of fees assessed.

[para 15] Section 16 sets out how and when fees are to be paid; it states:

16(1) Processing of a request ceases once a notice of estimate has been forwarded to the applicant by the public body responsible for responding to the request and recommences immediately on the receipt by the public body of an agreement by the applicant to pay the fee and

- (a) at least 50% of an estimated fee that exceeds \$150, and*
- (b) in the case of a continuing request if the estimated fee for the entire request exceeds \$150, at least 50% of the portion of the estimate applicable to the delivery of the first instalment of the request.*

(2) Processing of a subsequent instalment of a continuing request may be commenced by a public body only on the receipt of at least 50% of the portion of the estimate applicable to the delivery of that instalment.

(3) The balance of a fee owing is payable at the time the information is delivered to the applicant.

(4) Fees, other than an initial fee, or any part of those fees will be refunded if the amount paid is higher than the actual fees required to be paid.

[para 16] These provisions state that public bodies may require an applicant to pay fees for services (section 96(1)), but most fees cannot be charged for personal information requests (section 96(2)). If a fee for service is required, it is payable in accordance with sections 13 to 16 of the Regulation (per section 12 of the Regulation). Initial fees are required for general requests (section 13 of the Regulation).

[para 17] It is not entirely clear how these provisions work with section 7(2)(d). That section states that a request must be *accompanied by* a fee where a fee is required under ATIA. However, section 96(3) states that if an applicant is required to pay fees for services, then the public body must provide a fee estimate. Most of the fees for services relate to things the public body must do when processing the request, such as searching for records, producing a copy of records or shipping the records. A public body cannot estimate these fees without first assessing the request. Therefore, although section 7(2)(d) does not expressly state *which* fees must accompany a request, it must be referring only to the initial fee set out in section 13 of the Regulation.

[para 18] Further, as fees cannot be charged for requests for an applicant's own personal information, section 7(2) does not require all requests to be accompanied by a fee. Reading section 7(2)(d) in the context of ATIA as a whole leads me to conclude that an initial fee must accompany an access request where a public body can require that fee for that type of request.

[para 19] After reviewing the Public Body's submission, it was not clear to me how the Applicant could have been required to pay the initial fee at the time they made their access request, as there appeared to be no instructions to do so. By letter dated January 12, 2026, I asked the parties several questions relating to the application of section 7(2)(d). Specifically, I asked how parties are informed by the Public Body that they are required to pay a fee for their access request and what instructions are provided. The access request form used by the Applicant and provided to me states that for requests for general information "An initial fee of \$25 is required – see instructions for explanation of fees." However, the copy of the Applicant's request provided with the Applicant's request for review only included the front page, which did not have instructions.

[para 20] The Public Body provided me with a blank copy of its access request form. The second page of that form provides instructions for applicants, including about paying fees. It states in part (emphasis added):

General information is information other than your personal information (see below). For example, it would include information about a third party. There is an initial fee of \$25 which must be received before we will begin processing your request. Our office will contact you if this fee is required. If additional fees are required, we will provide you with an estimate of how much it will cost to process your request. If the total cost of processing your request is more than \$150, you will be required to pay a 50% deposit prior to record collection. The records will only be provided once the fee is paid in full.

[para 21] In its response to my questions, the Public Body states that it calls or emails an applicant once it has determined that a fee is required:

...our Admin and Intake Coordinator review the request to determine if a fee is actually required and will make an initial phone call to obtain the payment over the phone. If unable to leave a message or speak to the Applicant, an email or letter is sent to the email or address they provided. These emails are normally kept until we open the request and save it to the folder or delete after one year. We do attempt to follow-up again by email or phone if we have not received a response.

[para 22] The Public Body states that it does not accept online payment and requires applicants to pay by cheque or money order; by credit card over the phone; or by debit or credit card at the Calgary Headquarters location. The Public Body further states that it used to permit applicants to pay fees in person at other Public Body locations but this resulted in fees being paid in situations where they shouldn't have been charged, which required the Public Body to issue refunds. The Public Body states that it no longer offers this option for payment.

[para 23] The Applicant did not provide a response to my letter. However, in their submission to the inquiry, the Applicant stated that they followed up with the Public Body on several occasions between June and September to pay the fee but received no response. With their request for review, the Applicant also provided a copy of a June 30, 2025 email from the Applicant to the Public Body, asking how to pay the fee:

I am writing as a follow-up to my Access to Information Request submitted on June 23rd. According to your fee schedule, there is a fee of \$25 associated with my request. I wanted to know if online payment is an option. If so, could you please provide a link to the payment portal?

[para 24] In my January letter, I asked when the Public Body responded to the Applicant's June email. The Public Body states that the June email was initially misfiled and the Public Body did not respond to it immediately. The Public Body further states:

...we located a follow-up from July 24, 2025, and as stated in our previous submission, we attempted to contact him via email however, a copy of the email is not available. The Administrative Assistant was in training and they did not save a number of sent emails properly and deleted them instead.

[para 25] The Public Body did provide a copy of an email to the Applicant, dated November 21, 2025, in which it requested the \$25 initial fee from the Applicant and informed the Applicant how they could pay that fee. The fee was paid on December 3, 2025.

[para 26] The Public Body also stated that the Applicant had made a general request in 2022 and was sent an email requesting the fee and instructions for paying the fee. The Public Body states that the Applicant paid in person at a particular location at that time.

[para 27] In my January letter, I had also asked questions regarding the interpretation of section 7(2)(d) more generally. Specifically, I asked if the timelines under section 13 don't start to run until the applicant has paid a fee required by a public body. If so, when does a public body have to inform the applicant of the fee and is there an obligation to inform the applicant at the time the request is made?

[para 28] I also asked whether a public body has an obligation to provide clear instructions for how to pay a required fee, and what happens if a public body states that a fee is required but does not provide clear instructions for how that fee can be paid? Does this affect whether the public body can be said to require a fee within the terms of section 7(2)(d)?

[para 29] Lastly, I asked whether the Public Body in this case required a fee within the terms of section 7(2)(d) and whether the Public Body's time to respond to the Applicant began with the Applicant's request or with the payment of the initial fee.

[para 30] The Public Body reiterated that it did not meet its legislated timelines to respond to the Applicant, but it also cites the ATIA Regulation that states that an initial fee must be received before the request will be processed.

[para 31] With respect to its duty to assist the Applicant, the Public Body also states:

We also acknowledge that we believe it is our duty to assist under section 12(1) of the Act, to notify quickly if payment has not been provided that one is required.

Analysis

[para 32] The Public Body acknowledges that it did not meet its statutory timeline to respond to the Applicant, but also states that an initial fee must be paid before it is required to begin processing a request. If the Public Body's time to respond to the Applicant did not start until the initial fee was paid, the Public Body's deadline for responding did not pass until January 23, 2026, which was well after the Applicant submitted their request for review, after the Notice of Inquiry was issued, and after the Public Body's first submission to the inquiry, in which it also acknowledged it failed to meet its deadline. Therefore, the Public Body's position is not wholly clear to me.

[para 33] For the following reasons, I have concluded that the Public Body failed to meet its timelines even though the Applicant did not pay the fee with their request, because the Public Body did not contact the Applicant in a timely manner to inform them of the requirement to pay the initial fee and how to pay the fee.

[para 34] As stated above, ATIA permits public bodies to require fees for services and the Regulation states that an initial fee is required for general requests. Therefore, public bodies can require initial fees

to be paid in order to make a request for general information under section 7(2). More specifically, a public body can require that an access request *be accompanied by a fee*.

[para 35] The Public Body's access request form states that applicants must pay a \$25 initial fee when making a request for general information; however, that form also states that the Public Body will contact the applicant if this fee is required. The form also does not provide instructions for how to make a payment, other than to say that the applicant will be contacted if payment is required. Therefore, an applicant cannot provide payment for a fee at the time they make the access request; i.e. an applicant's request to the Public Body cannot be accompanied by a fee, because the Public Body first reviews the request and contacts the applicant with instructions for payment.

[para 36] If this process were interpreted as requiring a fee to accompany a request under section 7(2)(d), an applicant would not be able to complete the access request process for general information where an initial fee is required, until the Public Body reviews the request and contacts the applicant with instructions for payment. If the Public Body does not contact the applicant for payment, the applicant is essentially prevented from completing the access request steps set out in section 7(2), which are required to start the clock for the Public Body to process the request under section 13 of ATIA. To be clear, there is no indication that the Public Body purposely delayed obtaining payment to 'informally extend' its time to respond in this case.

[para 37] Reading section 7(2)(d) in the context of ATIA as a whole, including the purposes set out in section 2¹, I do not interpret section 7(2)(d) as permitting a public body to essentially delay the onset of its statutory timeline to respond to a request under section 13, by requiring a fee that the applicant has not been told how to pay.

[para 38] Rather, a public body can *require* a fee to accompany an access request within the terms of section 7(2)(d) only if the public body not only informs an applicant that the fee is required but also provides a manner in which that fee can be paid by the applicant. The only way an applicant can make a request *accompanied by a required fee* is if the applicant has a way to pay that fee when making the access request.

¹ 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 decisions made by public bodies under this Act and the resolution of complaints under this Act.*

[para 39] This also gives meaning to the statutory timelines in ATIA for responding to a request. As stated, section 13 of ATIA sets out specific timelines for responding to a request. Section 16 of ATIA permits public bodies to extend those timelines in specific circumstances. If public bodies can essentially extend their timelines outside of those specific circumstances by setting out a requirement for access requests that applicants cannot fulfill until a public body later contacts the applicant with instructions, then the purpose of these timelines and extension provisions are undermined. In other words, this could result in an extension of time that is not contemplated by the provisions in ATIA dealing with timelines and extensions of those timelines.

[para 40] Where a public body decides to require that a fee to *accompany* a request within the terms of section 7(2), it must inform an applicant how to meet that requirement. This may be accomplished by including this information on its access request forms available to the public, on a website that an applicant can use to submit a request, or by some other method that an applicant can reasonably be expected to find. If an applicant does not pay the fee, the timelines in section 13 do not start until that fee is paid. However, if a public body does not provide an applicant with a way to pay a fee at the time of making the request, then the public body cannot point to section 7(2)(d) as a reason not to 'start the clock' under section 13.

[para 41] I am not stating that the only way a public body can charge an initial fee is to make a payment method known to an applicant at the time an access request is made. While this does seem to be the practice ATIA contemplates, and may be the most efficient process for most applicants and public bodies, I acknowledge that there may be reasons why it is not practical for all public bodies to provide a payment option this way. In this case, the Public Body has indicated that it reviews requests first, to make sure an initial fee is warranted to avoid having to refund fees.

[para 42] If a public body does not provide instructions for how an applicant can pay a fee when submitting an access request, but requires an initial fee *after* receiving the request, then the 30 business days timeline starts when the request is received, and pauses between the time the public body notifies the applicant how to pay the fee, and the time the applicant pays the fee.

[para 43] This is consistent with how the timelines work when other fees for processing the request are assessed (i.e. fees associated with searching for and locating records, producing copies, etc., set out in Schedule 1 of the Regulation). Under section 96(3) of ATIA, where an applicant is required to pay such fees for processing an access request, a public body must provide an estimate of the fees. Section 15 of the Regulation sets out what must be included in a fee estimate. Section 16(1) of the Regulation, reproduced at paragraph 15 above, states that the processing of a request is paused until a portion of the estimated fees are paid. In other words, this fee estimate is prepared after the public body has taken steps to process the request and after the 30-day timeline to process the request has started. The timeline to finish processing a request also pauses when the fee estimate is provided to an applicant, and restarts when the required portion of the fees is paid. An initial fee that is charged *after* an applicant makes their request works in the same manner.

[para 44] In my view this interpretation gives the relevant provisions of ATIA a specific role in keeping with the principles of statutory interpretation, as described by the Supreme Court of Canada in *Placer Dome Canada Ltd. v. Ontario (Minister of Finance)*, 2006 SCC 20 (CanLII), [2006] 1 SCR 715:

45 Under the presumption against tautology, “[e]very word in a statute is presumed to make sense and to have a specific role to play in advancing the legislative purpose”: see R. Sullivan, *Driedger on the Construction of Statutes* (3rd ed. 1994), at p. 159. To the extent that it is possible to do so, courts should avoid adopting interpretations that render any portion of a statute meaningless or redundant: *Hill v. William Hill (Park Lane) Ltd.*, [1949] A.C. 530 (H.L.), at p. 546, *per* Viscount Simon.

[para 45] This interpretation also places the onus for explaining the access request process on the appropriate party: the public body. Applicants also have a responsibility to participate in the process, which includes reading instructions provided and responding to communications from the public body about their request.

[para 46] Given the above, I agree with the Public Body that it failed to respond to the Applicant within the timelines set out in ATIA.

[para 47] In its response to my questions, the Public Body stated that it believed it would be providing a response to the Applicant that day. As I do not know whether this has been done, I will order the Public Body to respond if it has not already.

V. ORDER

[para 48] I make this Order under section 64 of ATIA.

[para 49] I find that the Public Body did not respond to the Applicant in accordance with section 13 of ATIA. If the Public Body has not already responded to the Applicant as required by ATIA, I order it to do so.

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

Amanda Swanek
Adjudicator