

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-TEI-03

February 26, 2026

Energy and Minerals

Case File Number 041003

Office URL: www.oipc.ab.ca

Summary: Energy and Minerals (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 reduced the extension of time for the Public Body to respond to the access request.

Statutes Cited: **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, *Access to Information Act*, S.A. 2024, c. A-1.4, *Protection of Privacy Act*, S.A. 2024, c. P-28.5, *Interpretation Act*, RSA 2000.

Authorities Cited: **AB:** Orders ATIA2026-TEI-01, ATIA2026-TEI-02.

Cases Cited: *Blades v Alberta (Information and Privacy Commissioner)*, 2021 ABQB 725.

I. BACKGROUND

[para 1] On October 9, 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 provided by the Public Body to respond to the access request was November 24, 2025.

[para 2] On November 13, 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 by the Public Body to the Applicant was January 14, 2026.

[para 3] On November 18, 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 an access request. The Public Body's submission in this inquiry stated that the section 16 decision was not made by the head of the Public Body, but by the Access to Information Coordinator. As the section 16 decision was not made by the head, I had to confirm the decision maker had been properly delegated the authority to make the decision.

[para 5] As such, the Public Body was requested to provide delegation information under section 87 of ATIA. 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] Initially, the Public Body provided its delegated authorities under the repealed *Freedom of Information and Protection of Privacy Act* (FOIP) as outlined in its Ministerial Order 125/2017. However, it subsequently described how specified sections of the *Interpretation Act* allow its FOIP delegations to apply under ATIA.

[para 7] For the same reasons outlined in Order ATIA2026-TEI-02¹ regarding this issue, I determined that proper delegations were in place at the time the extension 16 decision under ATIA was made.

[para 8] While I agree that the FOIP delegations set out in Ministerial Order 125/2017 remain in effect, given the passage of time and the new legislation (ATIA and the *Protection of Privacy Act* (POPA)), which have similar but not identical powers, duties and functions, the Public Body may consider updating its written delegations to be consistent with current legislation.

[para 9] 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 December 22, 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 10] 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 11] The changes in calculation of time between FOIP and ATIA, as well as differences in circumstances for time extensions that may be taken by public bodies to process access requests, are outlined in Order ATIA2026-TEI-01².

[para 12] The head of a public body's authority to extend the time for responding to an access request is set out in section 16 of ATIA. The relevant subsections of section 16 for this inquiry are outlined below:

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*

¹ Order ATIA2026-TEI-02 at paras 8-14.

² Order ATIA2026-TEI-01 at paras 21-28.

- (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.*

...

(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 13] In this matter, the Public Body extended its timeline to respond to the access request by 30 business days pursuant to ATIA 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 14] 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 15] As stated in the OIPC document entitled “Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)”³, 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.

[para 16] 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.

³ 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 17] 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 approximately 550 pages of records. It explained that the relevant program areas sent “3 zip files containing 142 emails with various attachments in multiple file types requiring extraction and conversion.” It did not explain how much time this work may have taken or what work was left to complete before the Public Body took an extension.

[para 18] The Public Body also did not provide further details in its inquiry submission related to the access request, such as the number of program areas searched, the complexity of the request or the impact the request had on its operations. From the Public Body’s submission, it appears the program areas requested additional time to search and provide responsive records to their Access to Information Office; however, there were no details explaining the reasons for the delay.

[para 19] While the above information is not required, it is evidence that could help support the Public Body’s decision to extend their time limit. In this case, without the above information, it is difficult to determine how much additional time was justified for the Public Body to take to complete its processing of the access request.

[para 20] While this inquiry was in progress, it appears from the Public Body’s submission that a response was provided to the Applicant one day before the stated revised response due date. The Applicant did not provide a submission in response to the Public Body’s submission, and they were not required to do so in this inquiry.

[para 21] 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 22] 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:⁴

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

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

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 23] In this case, for 550 pages of records involved in the access request, the Public Body took an extension of 30 business days. The number of pages is only slightly over the threshold of what is considered a high number of pages, and the additional time taken by the Public Body is what the OIPC would normally consider reasonable for an access request that involved 1,000 pages.

[para 24] A public body 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 not met that burden since it only provided the number of records involved in the access request but did not adequately explain why more time was required to process the request.

[para 25] That said, due to the access request involving a number of records slightly over the threshold of 500 that is considered to be “large”, I agree that some additional time was required to process the request. I find that the Public Body could reasonably extend its timelines for responding to the request by 10 additional business days.

[para 26] The remedy in circumstances in which a public body has improperly extended its time under section 16 is to reduce the extension of the time limit under section 64(3)(b). In this case, the deadline by which the Public Body was required to respond to the Applicant has already passed and the Public Body has confirmed that it provided a response.

V. ORDER

[para 27] I make this Order under section 64(3)(b) of ATIA.

[para 28] I find that the Public Body improperly extended its time under section 16 for an additional 30 business days and I have reduced the time to 10 business days.

[para 29] As the Public Body has now responded to the Applicant’s access request, it is not necessary for me to order the Public Body to respond.

Anima Kotowski
 Adjudicator – Expedited Inquiries