

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER FOIP2026-08

February 13, 2026

CALGARY POLICE SERVICE

Case File Number 040995

Office URL: www.oipc.ab.ca

Summary: An Applicant made an access request to the Calgary Police Service (the Public Body) under the *Freedom of Information and Protection of Privacy Act* (FOIP Act), on March 3, 2025.

By November 2025, the Public Body had not responded to the Applicant's request and the Applicant requested a review of the Public Body's failure to respond. The Adjudicator ordered the Public Body to respond to the Applicant's access request as required by the Act.

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

Authorities Cited: AB Orders F2013-53, F2018-10

I. BACKGROUND

[para 1] The Applicant made an access request to the Calgary Police Service (the Public Body) under the *Freedom of Information and Protection of Privacy Act* (FOIP Act), dated March 3, 2025. The Public Body acknowledged the request on June 4, 2025.

[para 2] On November 13, 2025, the Applicant submitted a request to this office to review the Public Body's failure to respond to the request. The Commissioner decided to hold an inquiry on this matter.

II. RECORDS AT ISSUE

[para 3] 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 4] The Notice of Inquiry, dated January 14, 2026, 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 5] Section 11 of the Act requires a public body to make every reasonable effort to respond to an access request no later than 30 days after receiving the request. Section 11 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 6] The Public Body must make every reasonable effort to respond to an access request in 30 days, subject to time extensions under section 14. In this case, the Applicant's request was dated March 3, 2025.

[para 7] In its submission, the Public Body acknowledged that it did not comply with the timelines set out in the Act to process the Applicant's request. The Public Body has provided an explanation of the difficulties it has experienced maintaining an adequate staffing level in the relevant program area. The Public Body's submission also details the efforts being made to improve its staffing shortages.

[para 8] The Public Body further states that it responded to the Applicant on December 23, 2025.

[para 9] The Applicant did not provide a submission.

[para 10] The Public Body has not argued that its staffing shortages absolve it of its duties under section 11, and past Orders have found that staffing shortages do not affect a public body's duty under section 11 (see Order F2013-53). The adjudicator in Order F2018-10 explained that the duty to make every reasonable effort to respond in 30 days is a duty of the *head* of the public body. The head may delegate this responsibility but must do so in a manner that would allow the head's duties to be met. Delegating a large workload to a systemically understaffed unit such that the statutory timelines are consistently not met does not satisfy the duty to make every reasonable effort (see paras. 17-18).

[para 11] Given the date of the Applicant's access request and the date of the Public Body's response, I find that the Public Body failed to make every reasonable effort to respond within the timelines provided in the Act.

[para 12] The remedy in circumstances in which a public body has failed to respond to an applicant, is to order the public body to respond in accordance with its remaining duties under the Act. As the Public Body has responded to the Applicant, there is nothing for me to order.

V. ORDER

[para 13] I make this Order under section 72 of the Act.

[para 14] I find that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act. As the Public Body has now responded, I do not need to order it to do so.

Amanda Swanek
Adjudicator