

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-08

March 3, 2026

CALGARY POLICE SERVICE

Case File Number 040945

Office URL: www.oipc.ab.ca

Summary: The Applicant made a request for access under the *Access to Information Act* (ATIA) to the Calgary Police Service (the Public Body). The Applicant requested information regarding any accesses made in relation to the Applicant’s personal information in access logs, including “entity audit reports” and “universal query administration audit logs” as well as any information regarding the purpose of any such accesses. The Public Body did not respond to the access request. The Applicant requested review of the Public Body’s failure to respond to the access request.

At the inquiry, the Public Body argued that ATIA did not apply to the access request because it was not a request for personal information under ATIA. The Public Body argued that it was not bound by section 13 (time limit for responding) of ATIA for this reason.

The Adjudicator found that ATIA applied to the access request and that the Public Body had failed to respond to the Applicant in accordance with ATIA. The Adjudicator directed the Public Body to respond to the Applicant.

Statutes Cited: **AB:** *Access to Information Act*, S.A. 2024, c. A-1.4, ss. 13, 14, 64; *Protection of Privacy Act*, S.A. 2024, c. P-28.5, s. 12

I. BACKGROUND

[para 1] On July 12, 2025, the Applicant made a request for access under the *Access to Information Act* (ATIA) to the Calgary Police Service (the Public Body). The Applicant requested information regarding accesses to the Applicant's personal information in access logs, including "entity audit reports" and "universal query administration audit logs" as well as any information regarding the purpose of any such accesses. The Public Body did not respond to the access request.

[para 2] On November 8, 2025, the Applicant asked the Commissioner to review the Public Body's failure to respond to the access request.

[para 3] The Commissioner agreed to conduct the inquiry and delegated the authority to conduct it to me.

[para 4] On January 12, 2026, the Public Body contacted the Applicant and stated:

I am replying to your request for an audit of who queried your name from January 1, 2020, to date audit results obtained. Please note, as you were previously provided the audit results from January 1, 2020, until September 20, 2024, we are only providing the audit results from September 21, 2024, until December 17, 2025.

Please accept our apologies for the delay in responding. We have a number of staff on leave and in training at the moment and are working through the requests as quickly as we can. We appreciate your understanding and patience.

[...]

Several sections have been removed as non-responsive. These were searches that were conducted of names that were similar to yours but were not searches of you specifically. Although your name would have come up on a lengthy list of individuals, your file was not viewed or opened in response to that query, therefore was not a search of your information

[para 5] The Applicant submitted a response to the Public Body on January 28, 2026. The Applicant stated:

I request CPS resubmit these records with the full scope that was requested of them in this request.

II. ISSUE: Did the Public Body comply with section 13 of ATIA (time limit for responding)?

[para 6] 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 7] The Public Body argues that the Applicant's access request does not fall under ATIA; it argues that for this reason it is not under a duty to respond to the Applicant's access request under section 13. The Public Body states:

The Calgary Police Service completes request for audits under section 12(1) and (4) of the Protection of Privacy Act which states:

12(1) A public body may use personal information only

(a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose.

(b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use, or

(c) for a purpose for which that information may be disclosed under section 13, 15 or 16.

12(4) A public body may use personal information only to the extent necessary to enable the public body to carry out its purpose in a reasonable manner.

We inform the Applicant of this in our Acknowledgement of their audit request where we confirm the details of the audit. Please see the attached letter that was provided to the Applicant advising of the scope and the time frame we are able to conduct an audit on.

Each instance of the information being used or accessed is reviewed to determine if the information was used or accessed for the purpose for which it was collected or for a consistent purpose under section 14 which states:

14 For the purposes of sections 12(1)(a) and 13(1)(b), a use or disclosure of personal information is consistent with the purpose for which the information was collected or compiled if the use or disclosure

(a) has a reasonable and direct connection to that purpose, and

(b) is necessary for performing the statutory duties of, or for operating a legally authorized program or common or integrated program or service of, the public body that uses or discloses the information.

If an access or use is deemed to not be for a consistent or original purpose, then the Applicant is advised that we could not confirm that the use was for a legitimate business purpose. If all access and use is verified for legitimate business purposes, then we advise the Applicant of that as well.

We provide the list to the Applicant for their review and advise them that if they have any questions or would like to file a complaint to please advise. Please see attached final response provided to the Applicant when the audit was completed on January 12, 2026.

As this audit is a review of access/use under the Protection of Privacy Act and not under the Access to Information Act the timelines outlined in Section 13 of the Access to Information Act do not apply. The Calgary Police Service attempts to respond to these types of requests for Audits as quickly as we can, however, we do try and prioritize requests for access to information.

The resulting report created for the audits are not the applicant's personal information as defined in section 1(r) of the Access to Information Act, which states:

[...]

While CPS has varying records of the types of information mentioned above, the audit is not a list or record of personal information, but rather a record of employees who accessed the Applicant's information. It includes the search terms used within the databases and whether it was a search and/or an opening of a window to view the information. It shows the date and time and the regimental of the person who accessed it along with the computer terminal they accessed it on.

In this instance, as the request for the audit is not a request for personal information as defined by the Access to Information Act, the Calgary Police Service process these types of requests under the Protection of Privacy Act. As stated above, the audit was completed on January 12, 2026.

The Public Body's position appears to be that the Applicant's access request is not a request for personal information as defined by ATIA. The Public Body decided to process the request under the *Protection of Privacy Act* (POPA), although POPA does not contain provisions permitting an applicant to make an access request. The Public Body apparently relies on the "use" provisions of POPA, set out in section 13 of that Act.

[para 8] It is unclear why the Public Body takes the position that the Applicant could not make the access request at issue under ATIA or that POPA in some way applies to it. The Applicant has requested information regarding accesses to the Applicant's personal information. Records documenting any such accesses would be records in the custody or control of the Public Body and may be the subject of an access request.

[para 9] Section 2 of ATIA 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 10] Section 2 of ATIA establishes that the purpose of ATIA is to create a right of access to records in the custody or control of a public body. An applicant may request personal or non-personal information. The fact that information does not fall within the definition of “personal information” under ATIA does not mean it cannot be requested under ATIA. Moreover, that a request is not for personal information does not mean that it can be requested under POPA, which does not contain access provisions.

[para 11] In saying that ATIA applies to requests for non-personal information, I do not mean to say that the Applicant did not request personal information. I make no determination as to the nature of the Applicant’s access request. I refer to the fact that ATIA allows applicants to request non-personal information to point out that this is not a reason why ATIA would not apply.

[para 12] Section 6 of ATIA creates a right of access to recorded information in the custody or control of a public body subject to limited and specific exceptions.

[para 13] As discussed above, I am unable to agree with the Public Body that the access request is one that cannot be made under ATIA or that the duty created by section 13 of ATIA does not apply to the Public Body in the circumstances. The Applicant made a request for records in the custody or control of the Public Body that would inform the Applicant whether the Applicant’s personal information has been accessed. Whether it is or is not a request for the Applicant’s personal information, it is a request for records in the custody or control of the Public Body and one that may be made under section 7 of ATIA. Moreover, it requires a response under section 13 of ATIA.

[para 14] When an applicant requests access to records, including records that do not contain personal information, the public body receiving the request has 30 business days to respond to the access request under section 13 of ATIA, cited above. A response under section 13 of ATIA must also conform to the requirements of section 14 of ATIA, which states:

14(1) In a response under section 13, 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 email address, telephone number or other contact information to which the applicant may direct 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 independent adjudicator, as the case may be.

[...]

[para 15] While the Public Body refers to its communications of January 12, 2026 as its “final response”, it has not explained what its access decisions are with regard to all the information the Applicant requested. In addition, the response does not conform to the requirements of section 14 of ATIA. As a result, I find that the Public Body has not responded to the Applicant as required by section 14 of ATIA. As a response under section 13 must meet the requirements of section 14, it follows that I find that the Public Body has not complied with section 13 of ATIA.

III. ORDER

[para 16] I make this order under section 64 of the Act.

[para 17] I order the Public Body to respond to the Applicant in a response compliant with section 14 of ATIA. The response should provide the Public Body’s access decisions with regard to each category of information requested by the Applicant.

[para 18] I further order the Public Body to notify me in writing, within 50 business days of receiving a copy of this order, that it has complied with it.

Teresa Cunningham
Adjudicator