

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-TEI-05

April 2, 2026

Alberta Health Services Provincial Health Corporation

Case File Number 041501

Office URL: www.oipc.ab.ca

Summary: Alberta Health Services Provincial Health Corporation (the Public Body) made a decision to extend the timeline 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 confirmed that the extension of the time limit complied with ATIA.

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

Authorities Cited: **AB:** Order ATIA2026-TEI-01.

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

I. BACKGROUND

[para 1] On January 19, 2026, Alberta Health Services Provincial Health Corporation (the Public Body) received a request for access to information from the Applicant under the *Access to Information Act* (ATIA). On February 19, 2026, the Public Body extended its initial timeline for responding to the request by 30 business days under ATIA section 16(1)(b). The Public Body confirmed they initially made an error in their revised response due date, so a corrected decision was sent to the Applicant on February 20, 2026.

[para 2] A request for review was submitted to the Office of the Information and Privacy Commissioner (OIPC) by the Applicant, who objected to this extension. That 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 3] Section 16 of ATIA authorizes the head of a public body to extend the time for responding to an access request. Upon reviewing supporting documents provided by the Public Body, it was confirmed that the section 16 decision was not made by the head of the Public Body, but by the "Director of ATIA & Privacy Business Advisory". 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 pursuant to ATIA section 87, which 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 4] The Public Body initially provided a copy of a document titled "AHS – Access to Information Act (ATIA) – Flow of Work". Although the document contains a table outlining which positions within the Public Body are authorized to make certain decisions under ATIA, it does not include any information to indicate that it was authorized by the head of the Public Body.

[para 5] The Public Body was asked to provide evidence to show that the table is the written delegation of the head under section 87, and it did so. Therefore, I find the "Director of ATIA & Privacy Business Advisory" had the proper delegated authority to issue the February 2026 section 16 decision under ATIA that is being reviewed in this inquiry.

[para 6] 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 February 23, 2026.

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)?

[para 7] ATIA is successor legislation that replaces the access to information provisions of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 (FOIP). 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, were outlined in Order ATIA2026-TEI-01.¹

[para 8] 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

(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 9] In this matter, the Public Body took an extension of 30 business days under 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.

¹ Paras 21-28.

[para 10] 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 11] 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 for its time extension had been made under 16(1)(b). It stated that under limited circumstances, ATIA provides that a public body may extend time limits, including "the possibility that a large number of records may be requested or must be searched." The Public Body told the Applicant when a response could be expected and that a review by the Commissioner could be requested. The decision, however, 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) that may be involved in the request.

[para 12] As stated in the OIPC document entitled "Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)"², 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, level of complexity of the request, internal consultations to consider the proper application of exceptions, and the number of requests a public body normally receives and what impact the access request may have on the public body.

[para 13] 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 its response to the access request involved approximately 768 pages of records from two program areas that were searched, with records spanning two years. The Public Body explained that the request is highly complex, involving numerous business units of the Public Body, and one third party. The request includes records related to complaints, disciplinary investigations, safety concerns, grievances and will involve their Legal Services' input. I agree that the request is of high complexity and may also involve sensitive information.

[para 14] The Public Body also explained staff allocations for their ATIA Office and that resources have been temporarily reallocated to address an increase in workload. However, despite this and due to some competing priorities, more time was required to complete processing.

[para 15] 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.

² 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 16] 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 17] 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:³

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
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 18] In this case, for approximately 768 pages of records involved in the request, the Public Body took an extension of 30 business days, which is slightly more than what would normally be reasonable to complete processing an access request of that volume. However, due to the complexity of the access request, I agree that additional time would be required. Generally, a public body is in the best position to determine the additional time it may require to complete processing a request, and it bears the burden to prove that the reasons for its time extension meet the requirements under ATIA. I find from the evidence before me that the Public Body has met that burden in this instance.

[para 19] Due to the large number of records involved in the access request as well as the high complexity, I agree that in this specific case, the Public Body took an appropriate amount of time to complete processing.

[para 20] In closing on this issue, I note the following: ATIA section 16(5) requires a public body to tell the applicant the reason for the extension. In this case, the Public Body provided only the minimum required information to the Applicant. If a public body provides further details, such as the actual volume of records (or estimate) related to an access request, or other reasons as to why more time is required to process the request, it may enable an applicant to

³ Excerpt from the OIPC “Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)”

better understand why an extension may be warranted for processing their request. Providing additional information may reduce the likelihood of an applicant requesting a review of that decision by this office.

IV. ORDER

[para 21] I make this Order under section 64(3)(b) of ATIA.

[para 22] I confirm the extension of the time limit under section 16.

Anima Kotowski
Adjudicator – Expedited Inquiries