

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-09

March 12, 2026

CALGARY POLICE SERVICE

Case File Number 041093

Office URL: www.oipc.ab.ca

Summary: On October 2, 2025, the Applicant made an access request to the Calgary Police Service (the Public Body), under the *Access to Information Act* (ATIA).

On November 25, 2025, the Applicant requested a review of the Public Body's failure to respond to the request. The Public Body conceded that it failed to comply with timelines under ATIA.

The Adjudicator found that the Public Body did not respond to the Applicant and ordered it to respond to the request as required by ATIA.

Statutes Cited: **AB:** *Access to Information Act*, S.A. 2024, c. A-1.4, ss. 7, 13, 16, 64.

I. BACKGROUND

[para 1] The Applicant made the following request for records on October 2, 2025:

All incoming and outgoing communication on CPS servers including but not limited to email, texts, Whats Ap, TEAMS, memos, OneNote (including drafts) containing [APPLICANT], and any derivatives of the above. Any handwritten notes.

[para 2] The request for records was made for the time frame January 1, 2024-October 2, 2025.

[para 3] On November 25, 2025, the Applicant requested a review by the Commissioner for the lack of response.

[para 4] On January 13, 2026, the Applicant confirmed to this office that she had not received a response. The Notice of Inquiry was sent to the parties on January 26, 2026.

[para 5] In its submissions (dated February 11, 2026), the Public Body provided an email dated January 14, 2026, that was sent to the Applicant requesting clarification of the request.

[para 6] On February 20, 2026, the Applicant was asked if she responded to the Public Body's query. It was discovered that due to a technical error, the Public Body did not receive her reply email. The Applicant re sent clarification of her request to the Public Body on February 20, 2026.

II. DISCUSSION OF THE ISSUE

[para 7] The issue in this inquiry is:

Did the Public Body comply with section 13 of the Act (time limit for responding)?

[para 8] On January 27, 2026, the Public Body submitted:

The Calgary Police Service accepts that we have not complied with the processing timelines of the *Access to Information Act*. We have one of the largest volumes of requests under this Act and had a number of employees go on medical leaves, retire and promote within a short period of time. Leaving us with two Analysts who could process requests under the Act. We have been actively hiring and as you can imagine not everyone who thinks they can review police records can actually do so and continue to do it long term while maintaining good mental health. As a result, we have had to continue our efforts to hire people and train them on these complex files. This has created a substantial backlog within the Access & Privacy Section which has been well documented at the Calgary Police Commission, communicated to applicants and to the Office of the Information and Privacy Commissioner on a regular basis. Given the complexity of many of the requests we process, hiring, training and learning takes time.

We have also advocated for additional resources for 2026 with Executive Leadership and the Calgary Police Commission and are being fully supported with the mid-budget adjustment with Calgary City Council for 2026. We have asked for an additional Intake Coordinator to assist with the volume of emails and incoming requests bringing our total to 2 and have recently hired an Administrative Assistant who is currently in training who is addressing our backlog of emails. We have also requested 4 additional Disclosure Analysts. As of December, we received approval for the hiring of the new staff and are in the process of creating positions and prepping for the posting of the positions.

Regarding this specific request, we have sent the Applicant a request for clarification and instruction on where to direct the search. The Analyst sent the email on January 14, 2026, and to date we have not received a response. As indicated in Order FOIP2025-45 that "proof was required to support its assertion that it had responded to the Applicant." The attached email is the proof indicating that we have communicated with the Applicant. The email includes the date, time and email it was sent to.

[para 9] The Public Body admits that it has not complied with section 13 of the Act. While the Public Body did seek clarification of the request, it did not do so until January 14, 2025. Compliance with the Act would have required the Public Body to do so by November 17, 2025 (30 business days after October 2, 2025).

[para 10] Section 13 of ATIA addresses the time limit for responding to a request:

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) that 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 11] Section 7 of ATIA outlines how to make a request:

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.

[...]

[para 12] Section 13 sets the time limit for a Public Body to respond to an Applicant within 30 business days after receiving a request. There is no direct reference to section 7(3) in section 13(1); however, it appears that the public body's section 7(3) request for clarification must be made within 30 business days of receiving the access request.

[para 13] Unless a public body communicates that there is a deficiency in the request i.e. section 7(2) requirements have not been met or a clarification is required, there is no way for an applicant to know what is happening with their request. If an applicant does not hear from the public body within 30 business days of making a request, the only conclusion an applicant can make is that the public body is refusing the request as per section 13(2) of the Act.

[para 14] From the foregoing, I conclude that unless a public body seeks clarification of a request from the Applicant within 30 business days of receiving the request, the public body is deemed by section 13(2) to have refused access to the records.

[para 15] If a public body fails to respond within 30 business days or does not extend the time for responding under section 16 of the Act, the applicant may ask the Commissioner to review the public body's failure to respond.

[para 16] Based on the submissions before me, I find that the Public Body is deemed by section 13 of ATIA to have refused access to the records. Accordingly, I order it to meet its duty to respond to the access request.

III. ORDER

[para 17] I make this Order under section 64(3) of the Act.

[para 18] I order the Public Body to respond to the Applicant in accordance with the Public Body's obligations under section 13 of the Act.

[para 19] 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.

Pam Gill
Adjudicator