

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

Order ATIA2026-13

April 22, 2026

CITY OF CALGARY

Case File Number 041783

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access to information request under the *Access to Information Act* (ATIA) to the City of Calgary (the Public Body) on November 6, 2025. By January 9, 2026, the Public Body had not responded to the request and the Applicant requested a review of the Public Body's failure to respond.

The Adjudicator found that the Public Body failed to comply with the timelines in section 13(1). As the Public Body had responded to the Applicant during the inquiry process, the Adjudicator did not order anything further.

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

I. BACKGROUND

[para 1] The Applicant made an access request to the City of Calgary (the Public Body) dated November 6, 2025 under the *Access to Information Act*, S.A. 2024, c. A-1.4 (ATIA). ATIA came into force on June 11, 2025, replacing the access to information provisions of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 (FOIP).

[para 2] On January 9, 2026, the Applicant submitted a request to this office to review the Public Body's failure to respond to the access request within the timelines prescribed by section 13(1) of ATIA. The matter proceeded directly to inquiry and a Notice of Inquiry was sent to the parties on March 25, 2026.

II. ISSUE

[para 3] The issue in this inquiry is:

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

III. DISCUSSION OF ISSUE

[para 4] 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 5] With their request for review, the Applicant provided copies of correspondence between the Applicant and Public Body regarding the request. The Public Body first acknowledged receipt of the Applicant's request and initial fee on November 7, 2025. In that letter, the Public Body stated that the Public Body would respond by December 19, 2025 but also noted that the Public Body is permitted to take a time extension if required.

[para 6] By letter dated November 21, 2025, the Public Body provided a fee estimate to the Applicant and requested the deposit. The Applicant appears to have narrowed their request, as another fee estimate was sent on November 26, 2025. In these letters, the Public Body informed the Applicant that the processing of the request would be suspended until the deposit was received.

[para 7] By email dated December 5, 2025, the Public Body acknowledged receipt of the fee deposit. In this email, the Public Body informed the Applicant that it would respond by January 7, 2026, unless a time extension was taken.

[para 8] The Applicant also provided a copy of an email from the Public Body to the Applicant dated January 9, 2026, acknowledging that it had missed its January 7, 2026 deadline to respond to the Applicant's request. The Public Body informed the Applicant that due to the volume of responsive records, "a 30-business day extension should have been applied, effectively moving the response due date to Thursday, February 19th. Unfortunately, that did not happen [...]"

[para 9] The Public Body's submission to the inquiry is brief. It states:

The response date for providing records to the Applicant was January 7, 2026. We were unable to meet that deadline and failed to take a time extension. We acknowledge the Public Body did not comply with s. 13 of the Act.

We note on March 27, 2026, the Public Body released records to the Applicant.

[para 10] Given the relevant dates of the Applicant's request, the payment of fees, and the date the Public Body states that it responded to the Applicant, I agree with the Public Body that it failed to respond to the Applicant within the timelines set out in ATIA.

[para 11] The Public Body states that it has since provided responsive records to the Applicant. The Applicant was given an opportunity to provide a submission in response to the Public Body's submission but did not. Therefore, while the Public Body did not provide a copy of this response to the Applicant with its submission, I have no reason not to accept that the Public Body has fulfilled its duty to respond to the Applicant within the terms of section 14 of the Act (contents of response).

[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 64 of ATIA.

[para 14] I find that the Public Body did not respond to the Applicant in accordance with section 13 of ATIA. As the Public Body has since responded, I do not need to order it to do so.

Amanda Swaneck
Adjudicator