

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-TEI-06

April 10, 2026

City of Calgary

Case File Number 041611

Office URL: www.oipc.ab.ca

Summary: The City of Calgary (the Public Body) made decisions to extend the timelines for responding to the Applicant's access request by a total of 90 business days under sections 16(1)(b) and 16(2) of the *Access to Information Act* (ATIA). The Adjudicator confirmed the first extension taken under section 16(1)(b) but reduced the extension of time taken under section 16(2) for the Public Body to respond to the access request.

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

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

I. BACKGROUND

[para 1] On December 3, 2025, the City of Calgary (the Public Body) received a request for access to information from the Applicant under the *Access to Information Act* (ATIA). On January 16, 2026, the Public Body extended its initial timeline for responding to the request by 30 business days under ATIA section 16(1)(b). On February 27, 2026, the Public Body extended its timeline by an additional 60 business days under ATIA section 16(2).

[para 2] A request for review was submitted to the Office of the Information and Privacy Commissioner (OIPC) by the Applicant, who objected to the extensions applied by the Public Body. The Applicant confirmed they were seeking a review of both extensions of time limits

referred to above. The 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

[para 3] 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.*

(2) The head of a public body may extend the time for responding to a request for additional reasonable periods in a circumstance described in subsection (1)(a) to (c).

...

(4) Where the head of a public body is considering giving access to a record that may contain information

- (a) described in section 19(1) or (2), or*
- (b) the disclosure of which may be an unreasonable invasion of a third party's personal privacy under section 20,*

the head of a public body may extend the time for responding to a request or part of a request for the period of time necessary to enable the head to comply with the requirements of section 36

(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 4] As the Public Body extended its time for responding to the access request on two occasions, I will consider each decision separately.

Did the Public Body properly extend its time for responding under section 16(1)(b) in its first extension decision?

[para 5] The Public Body took an initial time extension of 30 business days under section 16(1)(b) to respond to the access request. Under section 16(1)(b), a public body may extend its time limit to respond to a request up to 30 business days if, 1) it involves a large number of records and 2) more time is required to process the request.

[para 6] Each instance 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 7] In its first extension decision, the Public Body explained that the decision had been made under section 16(1)(b) because the request involved a large number of records and the extension would allow the Public Body to “provide a complete and thorough response.” The Public Body told the Applicant when a response could be expected, and that a review by the Commissioner could be requested. The decision lacked additional information as to why the Public Body needed more time to respond to the request, such as the number or estimated number of records involved in the request or other relevant details.

[para 8] 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 9] The Public Body in its inquiry submission indicated that the access request involves 1,291 pages of records. I agree that this is a large number of records that would warrant an extension.

[para 10] As stated in the OIPC document entitled “Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)”¹, some of the factors a public body may consider in supporting its decision to extend time under section 16(1)(b) include, but are not limited to, the number of records that need to be searched, 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 11] In this case, the Public Body explained the high complexity and technical nature of the access request as well as the resultant need for input from subject matters experts. The Public Body also provided details on the impact to their competing priorities due to the large number of records involved in the access request and that it has received an unprecedented volume of access requests “driven by unique and high-profile issues”, and it provided further details on those issues.

[para 12] 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.

[para 13] Since the Public Body demonstrated the access request involved a large number of records and explained why it required more time to process the request, I confirm the initial 30 business day extension of time taken by the Public Body under section 16(1)(b).

Did the Public Body properly extend its time for responding under section 16(2) in its second extension decision?

[para 14] After its initial extension of 30 business days, the Public Body took an additional extension of 60 business days under 16(2), specifically under 16(1)(b) and 16(1)(c).

[para 15] In its second extension decision, the Public Body explained that a decision had been made under section 16(2) because the request involved a large number of records and there was a need to consult with a third party on the disclosure of their affected records. The Public Body told the Applicant when a response could be expected, and that a review by the Commissioner could be requested. The decision again lacked additional information as to why the Public Body needed more time to respond to the request, such as the number or estimated number of records involved in the request, or the number of records related to the third party, or other relevant details.

¹ 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] As the OIPC considers 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:

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 17] As stated above, for its inquiry submission, the Public Body indicated the access request involved 1,291 records and generally provided the same reasons on why more time was required for processing, in addition to the initial 30 business day extension. I agree that an additional extension was required for the large number of records, however, for an access request involving 1,291 records, a further extension of 35 business days would normally be considered a reasonable extension period. But due to the high complexity and other factors as explained above, I find an extension of 40 additional business days to be a reasonable time to complete processing in this specific case.

[para 18] The Public Body also applied section 16(1)(c) to justify its second extension. The Public Body identified one third party that required a consultation involving 5% of the total records, which equates to approximately 65 pages. The Public Body demonstrated that the third party was issued a notice under section 35 of ATIA (Notifying third parties).

[para 19] The Public Body indicated in its inquiry submission that the third party consultation partially justified a 50 business day extension. I do not agree with this assessment. A public body may require an extension to prepare a third party notice, however, once a third party notice has been issued under section 35, the timelines are then prescribed by section 36 of ATIA (Time limit and notice of decision) for those affected records.

[para 20] As well, the head of a public body may take an extension under section 16(4) for a period of time necessary to comply with the requirements of section 36 for those affected records. Therefore, an extension under 16(1)(c) would be applied for a requirement other than what section 16(4) refers to. The other requirement might include consultations with a third party, another public body or another entity that does not result in a section 35 notice, or taking steps to prepare a section 35 notice.

[para 21] In this case, the third party notice under section 35 was issued after the Public Body took its second extension. Once issued, the timelines for the records related to the third party notice were subject to section 36 of ATIA. Therefore, 50 additional business days would not be reasonably required to complete processing of the access request for the purpose of the third party notice process. However, it was appropriate that the Public Body took some additional time to prepare the notice. For the relatively small number of records that required this preparation, I find 5 additional business days would be a reasonable amount of time.

[para 22] A public body bears the burden to prove that the reasons for its time extension meet the requirements under ATIA. In this case, I find from the evidence before me that the Public Body has not met the burden to take an additional extension of 60 business days. However, for the reasons provided above, I agree that some additional time was required to process the request. I find that the Public Body could reasonably extend its timelines for responding to the request under section 16(2) by an additional 45 business days.

[para 23] 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 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.

V. ORDER

[para 24] I make this Order under section 64(3)(b) of ATIA.

[para 25] I confirm the first extension taken by the Public Body under section 16(1)(b) for 30 business days. However, I find that the Public Body improperly extended its time under section 16(2) for an additional 60 business days and I have reduced the time to 45 business days.

[para 26] 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 the Order.

Anima Kotowski
Adjudicator – Expedited Inquiries