

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER FOIP2026-13

March 24, 2026

CITY OF CALGARY

Case File Number 041384

Office URL: www.oipc.ab.ca

Summary: An Applicant made an access request to the City of Calgary (the Public Body) under the *Freedom of Information and Protection of Privacy Act* (FOIP Act), on April 16, 2025. The Public Body agreed to process the request as a “continuing request” under section 9 of the FOIP Act, and provided the Applicant with a schedule for processing the continuing request.

On February 6, 2026, the Applicant confirmed that they had not received the third scheduled response, and requested a review by this office of the Public Body’s failure to respond.

The Adjudicator ordered the Public Body to respond to the Applicant’s access request as required by the Act.

Statutes Cited: AB: *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 9, 11, 72, 74

Authorities Cited: AB Order 97-019

I. BACKGROUND

[para 1] The Applicant made an access request to the City of Calgary (the Public Body) under the *Freedom of Information and Protection of Privacy Act* (FOIP Act), on April 16, 2025.

[para 2] By letter dated April 24, 2025, the Public Body confirmed with the Applicant that it had received the \$25 initial fee for the request, and also confirmed that the Applicant had contacted the Public Body earlier that day to ask that the request be amended to a “continuing request” under section 9 of the FOIP Act. This letter confirmed that the Applicant paid an additional \$25 fee, as the initial fee set out in the Act for a continuing request is \$50.

[para 3] In this letter, the Public Body agreed to process the request as a continuing request. It explained how the request would be processed, as follows:

The City has reviewed your application for a continuing request and has agreed to open it as a continuing request for 2 years. This means that your request will continue to have effect for the next two years (April 16, 2025 – April 15, 2027). However, this FOIP request will be processed quarterly and each request, save the first request/response, will be for related records for the last 3 months.

In accordance with section 9 of the Act, please find below the schedule for the processing of this request for the next 1 year. Please note that “Start Dates of Requests” and “Records Release Due Dates” only fall on working days of The City. Also, please note that extensions to release due dates may be required if section 14 (Timeline Extensions) is applicable and are usually invoked due to large volumes of records or if 3rd parties need to be notified under section 30 of the Act. You will be notified of any extensions, and you have the right to ask the Office of Information and Privacy Commissioner of Alberta (OIPC) to review these extensions if they are invoked.

[para 4] On February 6, 2026, the Applicant confirmed that they have not received the third scheduled response, and requested a review by this office of the Public Body’s failure to respond to the access request. The Commissioner decided to hold an inquiry on this matter.

[para 5] The schedule for processing the request set out in the Public Body’s letter includes:

- the date range for records responsive to each part of the request,
- the date that each part of the request will start, and
- the date that the records will be released for each part of the request.

The schedule shows that the start date of the third package of records was October 16, 2025, with the records due November 17, 2025.

[para 6] The Public Body and the Applicant were both given an opportunity to provide a submission to this inquiry but only the Applicant provided a submission. The Applicant had also provided correspondence between the Applicant and Public Body regarding the access request, with their request for review.

II. RECORDS AT ISSUE

[para 7] As the issue in this inquiry relates to the timeliness of the Public Body's response, there are no records at issue.

III. ISSUE

[para 8] The Notice of Inquiry, dated February 25, 2026, states the issue for this inquiry as follows:

Did the Public Body comply with section 11 of the Act (time limit for responding)?

IV. DISCUSSION OF ISSUE

[para 9] Section 9 of the FOIP Act sets out how an applicant may make a "continuing request." It states:

9(1) The applicant may indicate in a request that the request, if granted, continues to have effect for a specified period of up to 2 years.

(2) The head of a public body granting a request that continues to have effect for a specified period must provide to the applicant

(a) a schedule showing dates in the specified period on which the request will be deemed to have been received and explaining why those dates were chosen, and

(b) a statement that the applicant may ask the Commissioner to review the schedule.

(3) This Act applies to a request that continues to have effect for a specified period as if a new request were made on each of the dates shown in the schedule.

[para 10] Section 9(3) states that the FOIP Act applies to each part of the continuing request as if it were a new request. As explained in Order 97-019, this means that sections 11, 12 and 14 apply anew to each part of the request.

[para 11] Section 11 of the FOIP Act requires a public body to make every reasonable effort to respond to an access request no later than 30 days after receiving the request. Section 11 states:

11(1) The head of a public body must make every reasonable effort to respond to a request not later than 30 days after receiving it unless

(a) that time limit is extended under section 14, or

(b) the request has been transferred under section 15 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 12] The schedule provided by the Public Body to the Applicant in its April 24, 2025 letter, which was provided by the Applicant with their request for review, shows that the continuing request was split into nine separate parts spanning two years. The Public Body provided a start date for each part of the request, as well as a date that the records would be provided to the Applicant for each part. In each case, the records release date is 30 calendar dates from the start date. The start date for the third part of the request, which is the portion of the request at issue in this inquiry, is October 16, 2025, with a release date of November 17, 2025.

[para 13] Although the Public Body provided a release date for the records responsive to the third part of the continuing request, the Public Body could have extended its time to provide that response under section 14 of the FOIP Act. In their request for review, the Applicant states that the Public Body had received permission from this office to extend its time to respond, but missed that new deadline. The Applicant further states that the Public Body requested an additional extension from this office but was refused. I do not have copies of these decisions and it is not clear whether these extensions relate to the third part of the continuing request at issue here, or a previous part of the continuing request.

[para 14] In their submission, the Applicant states that they contacted the Public Body in January 2026 to ask about the status of the records. The Applicant provided a copy of an email from the Public Body dated January 28, 2026, in which the Public Body acknowledges that it has not responded within the relevant timelines, and states that it hoped to provide the response to the Applicant by February 27, 2026. However, the Applicant states that date passed without any explanation from the Public Body.

[para 15] That email indicates that the schedule for the continuing request may have changed from the schedule set out in the Public Body's April 24, 2025 letter. However, the Public Body acknowledges in the email that its date to provide a response to the Applicant had passed. The Public Body's anticipated response date of February 27, 2026 set out in this email is not a proper extension of time under section 14 of the Act, as the Public Body's time to respond had already passed. To be clear, nothing in the Public Body's email to the Applicant indicates that the Public Body had meant to indicate it was extending its time to respond under section 14; rather, the Public Body seems to have meant only to provide a date by which the Applicant could expect the response that was acknowledged to be late.

[para 16] All of the information before me indicates that the Public Body has missed its time to respond to the third part of the continuing request. The Public Body was given an opportunity to provide a submission but did not. Therefore, I must conclude that the Public Body failed to make every reasonable effort to respond within the timelines provided in the Act.

[para 17] 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. The Applicant has asked that I impose a 15-day deadline to respond. However, the time to comply with an order is set out in section 74(1) of the Act as 50 days and I cannot alter that timeline.

V. ORDER

[para 18] I make this Order under section 72 of the Act.

[para 19] I find that the Public Body did not respond to the Applicant within the time limit set out in section 11 of the Act. While it is too late for the Public Body to now comply with that section of the Act, I order the Public Body to respond to the Applicant in accordance with the Public Body's remaining obligations under the Act.

[para 20] I further order the Public Body to notify me in writing, within 50 days of being given a copy of this Order, that it has complied with the Order.

Amanda Swanek
Adjudicator