

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**ORDER ATIA2026-TEI-07**

May 1, 2026

**Lac La Biche County**

Case File Number 042241

**Office URL:** [www.oipc.ab.ca](http://www.oipc.ab.ca)

**Summary:** Lac La Biche County (the Public Body) made a decision to extend the timelines for responding to the Applicant's access request by 30 business days under section 16(1)(b) of the *Access to Information Act* (ATIA or the Act). The Adjudicator confirmed the extension taken under section 16(1)(b).

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

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

**I. BACKGROUND**

[para 1] On February 12, 2026, Lac La Biche County (the Public Body) received a request for access to information from the Applicant under the *Access to Information Act* (ATIA or the Act). On March 25, 2026, the Public Body extended its initial timeline for responding to the request by 30 business days under ATIA section 16(1)(b).

[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 extension taken by the Public Body.

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?

## 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 Lead Legislative Officer. 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 provided a copy of correspondence from their head dated and signed on June 5, 2025, which confirms that the Lead Legislative Officer serves as the Public Body's ATIA Coordinator, and that the position is delegated the duties of the head for the purposes of ATIA. As such, I am satisfied that the decision-maker had the proper delegated authority from the head under section 87 to make the section 16 decision under review in this inquiry.

[para 5] 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 April 8, 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?**

[para 6] 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 7] In this matter, the Public Body took a 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 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 8] When a public body decides to extend its time 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 9] In its extension decision dated March 25, 2026, the Public Body explained that the decision had been made under section 16(1)(b) to “allow Lac La Biche County to provide...a complete response” to the request. 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 10] 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 11] As stated in the OIPC document entitled “Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)”<sup>1</sup>, 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, format of records involved, level of complexity of the request, consideration of detailed severing, and the number of requests a public body normally receives and what impact the access request may have on the public body.

[para 12] The Public Body in its inquiry submission indicated that the number of records are over 500 pages to review; the estimated number of records based on search parameters is 2500 records. It stated the “number of pages is a higher total”. I agree that this is a large number of records that need to be searched and reviewed for responsiveness to the access request.

[para 13] The Public Body also went on to explain the complexity of the request, the need for detailed severing, that there are multiple formats of records, and that up to six program areas were searched. As well, it provided details on the impact of the request on its operations, including how the request has affected its competing priorities. I agree that, from the information provided by the Public Body, the request involves a large number of records that more time was required to process the request.

[para 14] The Applicant in their inquiry submission primarily outlined concerns regarding the Public Body’s notice under section 16(5). It appears the Applicant is asserting that public bodies have a mandatory obligation to provide information about the number of records and a justification for why more time is required to complete processing an access request when applying section 16(1)(b). The Applicant also stated the OIPC’s guidance has been that a public body must provide that information or “more specificity”, presumably in their notice under section 16(5). This is a mischaracterization of previous Orders resulting from reviews of time extension decisions made by public bodies. In some of those Orders, it has been suggested that public bodies should consider adding details to their extension decisions, as explained below in closing.

[para 15] ATIA states the notice that must be provided to an applicant if an extension is taken under section 16 must include the reason for the extension. The Act does not elaborate on what those reasons must specify and the Public Body in this matter provided the section number it applied as the reason for the extension. It is the minimum information required and complies with section 16(5).

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<sup>1</sup> 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] A public body bears the burden to prove that the reasons for its time extension meet the requirements under ATIA. In this case, due to the number of records involved with the access request and the additional factors explained above which demonstrates more time was required to process the request, I find the Public Body properly extended its time by 30 business days under section 16(1)(b).

[para 17] In closing on this issue, as explained above, the Public Body provided only the minimum required information to the Applicant in its extension decision. 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.

#### **IV. ORDER**

[para 18] I make this Order under section 64(3)(b) of ATIA.

[para 19] I confirm the extension taken by the Public Body under section 16(1)(b) for 30 business days.

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Anima Kotowski  
Adjudicator – Expedited Inquiries