

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-TEI-08

May 26, 2026

Forestry and Parks

Case File Number 042106

Office URL: www.oipc.ab.ca

Summary: Forestry and Parks (the Public Body) made a decision to extend the timeline for responding to the Applicant's access request by 30 business days under section 16(1)(c) of the *Access to Information Act* (ATIA or the Act). Subsequently, the Public Body notified the Applicant it had extended timelines under section 16(4) for the time necessary to comply with the requirements of section 36 of the Act. The Adjudicator confirmed the extension taken under section 16(1)(c). The Adjudicator also confirmed the extension taken under section 16(4), only for the related records.

Statutes Cited: AB: *Access to Information Act*, S.A. 2024, c. A-1.4, *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, C.F-25, *Interpretation Act*, RSA 2000.

Authorities Cited: AB: Orders ATIA2026-TEI-01, ATIA2026-TEI-02, ATIA2026-TEI-03.

I. BACKGROUND

[para 1] On February 4, 2026, Forestry and Parks (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 11, 2026, the Public Body extended its initial timeline for responding to the request

by 30 business days under ATIA section 16(1)(c). The Public Body subsequently notified the Applicant on April 9, 2026 that it was extending its timeline under section 16(4) for the time necessary to comply with the requirements of section 36 of the Act.

[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 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 (ATIA)?

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 decisions were not made by the head of the Public Body, but by the Access to Information Coordinator. As the section 16 decisions were not made by the head, I had to confirm that the decision-maker had been properly delegated the authority to make the decisions 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 Ministerial Order 48/2024 which outlines the delegation of authorities set out under the repealed *Freedom of Information and Protection of Privacy Act* (FOIP). In previous Orders¹, I noted that under section 20(6) of the *Interpretation Act*, if an act is repealed and delegations remain substantially the same as the time the delegations were made, they remain in effect until such time that they are rescinded. I also referred to section 36(1)(a) of the *Interpretation Act* which states every person acting under a

¹ See, for example: Orders ATIA2026-TEI-01, ATIA2026-TEI-02 and ATIA2026-TEI-03.

repealed act shall continue to act as if appointed under the new enactment until such time someone new is appointed.

[para 5] For the same reasons outlined under the preliminary issue in those previous Orders, I determined that pursuant to sections 20 and 36 of the *Interpretation Act*, the FOIP delegations remain in effect and proper delegations were in place at the time the section 16 extension decisions under ATIA were made in this matter.

[para 6] While I agree that the FOIP delegations set out in Ministerial Order 48/2024 remain in effect, given the fact that ATIA has similar but not identical powers, duties and functions, and has been governing access to information rights for almost one year, the Public Body should consider updating its written delegations to be consistent with current legislation.

[para 7] 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 23, 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 8] 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.*

...

(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 9] 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)(c) in its initial extension decision?

[para 10] In this matter, the Public Body took a time extension of 30 business days under section 16(1)(c) to respond to the access request. Under section 16(1)(c), a public body may extend its time limit to respond to a request up to 30 business days if 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.

[para 11] When a public body decides 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 12] In its initial extension decision dated March 11, 2026, the Public Body explained that the requested records indicated that consultations with other parties were required before the Public Body was able to fully process the request. The Public Body then explained the extension of 30 business days was taken under section 16(1)(c), it 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 of consultations or why they were needed, or other relevant details.

[para 13] As stated in the OIPC document entitled “Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)”², some of the factors a public body may consider in supporting its decision to extend time under section 16(1)(c) include, but are not limited to, the nature of the records and complexity of the consultation, the approximate number of records involving consultations and the length of time the public body took to determine the need to consult.

[para 14] In its inquiry submission, the Public Body outlined the time taken to clarify and revise the access request, issue and resolve fee estimates, and retrieve the responsive records. It is reasonable that the initial 30 business day response time was used primarily for the initial processing and for the Public Body to determine which records needed consultations, and additional time for processing was required.

[para 15] The total number of records involved in the access request is unclear, however, it appears from the Public Body’s submission that 277 pages of records needed consultations with another public body and 213 of those pages of records needed consultations with a third party.

[para 16] The Public Body also went on to explain the complexity and sensitivity of the access request and why the originating public body and third party were in the best position to provide feedback and expertise to ensure a proper review of the records. I agree, from the information provided by the Public Body, that time was needed to consult a third party and another public body.

[para 17] Since the Public Body demonstrated that more time was needed for consultations, I confirm the 30 business day extension of time taken by the Public Body under section 16(1)(c).

Did the Public Body properly extend its time for responding under section 16(4) in its extension decision?

[para 18] The Public Body indicated it issued a third party notice under ATIA section 35 (Notifying third parties) for approximately 213 pages of records. In its inquiry submission, the Public Body stated it extended its time to process the records subject to the third party notice by 10 business days.

[para 19] Each instance a public body makes a decision to extend its time in relation to processing an access request, it must comply with section 16(5) and notify the applicant. In its extension taken under section 16(4), the Public Body notified the Applicant that a third party was being given an opportunity to make representations concerning disclosure of the related records. It also stated that the response due date for the request had been extended under

² 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/>

section 16(4) to comply with the requirements of section 35 and section 36 (Time limit and notice of decision). The Public Body did not clearly outline when a response may be expected and, further, it did not inform the Applicant that they may request a review of the extension by the Commissioner.

[para 20] 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. As mentioned above, a third party notice under section 35 was issued by the Public Body for 213 pages of records. The head of a public body may extend its timelines to prepare third party notices, however, once a third party notice is issued, the timelines for those records are subject to section 36 of ATIA. The Public Body demonstrated that due to the complexity and sensitivity of the information related to the third party, more time was required to enable the head to comply with the requirements of section 36. However, that extended time applies only to the records that are subject to the section 35 notice related to the third party.

[para 21] 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 above factors, I find the Public Body properly extended its timeline by 10 business days under section 16(4) only for the records subject to the third party notice.

[para 22] While this inquiry was in progress, the Public Body confirmed it responded to the Applicant and released 33 pages of general records by its stated extended response due date. The Public Body also stated they are completing the third party consultation and expect to provide a decision on the release of those records in due course. 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 23] In closing on this issue, as explained above, the Public Body provided the minimum required information to the Applicant in its extension decisions, and in the case of the extension taken under section 16(4), some required information was lacking. If a public body provides further details, such as why consultations are required or that an extension period applies only to a certain portion of a 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 24] I make this Order under section 64(3)(b) of ATIA.

[para 25] I confirm the extension taken by the Public Body under section 16(1)(c) for 30 business days.

[para 26] I confirm the extension taken by the Public Body under section 16(4) for 10 business days for those records related to the third party notice, to enable the head to comply with the requirements of section 36.

Anima Kotowski
Adjudicator – Expedited Inquiries