

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-TEI-09

July 7, 2026

Village of Bawlf

Case File Numbers 042015, 042829, 042831, 042832

Office URL: www.oipc.ab.ca

Summary: The Village of Bawlf (the Public Body) made 3 decisions to extend timelines under sections 16(1)(b), 16(2) and 16(3) of the *Access to Information Act* (ATIA or the Act) to respond to the Applicant’s access requests. The Adjudicator confirmed the first and second extensions taken under section 16(3), but when the third extension was issued, the Public Body was already in deemed refusal and the Adjudicator ordered the Public Body to respond to the request.

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

I. BACKGROUND

[para 1] Between January 11, 2026 and January 28, 2026, the Village of Bawlf (the Public Body) received four requests for access to information from the Applicant under the *Access to Information Act* (ATIA or the Act). The Public Body file numbers for the subject access requests are 2026-01, 2026-02, 2026-03 and 2026-04 (“the Requests”). At the time the Requests were made, the Applicant requested fee waivers on the initial \$25 fee payment that was required for general access requests.

[para 2] On January 30, 2026, the Public Body granted the fee waiver for each request, so the \$25 initial fee was not required and processing of the Requests commenced. The initial 30 business day response due date for the Requests was March 16, 2026. However, on the same date, January 30, 2026, the head of the Public Body extended the initial timeline for responding to the Requests by 30

business days under ATIA sections 16(1)(b) and 16(3), which revised the response due date to April 29, 2026 (the Public Body stated the revised response due date was April 28, 2026).

[para 3] On April 28, 2026, the head of the Public Body again extended the timeline to respond to the Requests by an additional 30 business days under ATIA section 16(2), specifically for section 16(1)(b)¹ and it again applied section 16(3). This revised the response due date to June 11, 2026 (the Public Body stated the revised response due date was June 10, 2026).

[para 4] On February 1, 2026, the Applicant had made two additional access requests to the Public Body (Public Body file numbers 2026-05 and 2026-06.²). On April 7, 2026, a subsequent access request was made to the Public Body by the Applicant (Public Body file number 2026-07), which is discussed below.

[para 5] 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 for the Requests. Although in its inquiry submission of June 23, 2026, the Public Body stated it understood the inquiry was reviewing only the January 30, 2026 extension, the OIPC had confirmed with the Applicant and the Public Body on May 8, 2026 that the inquiry was being conducted to review the first two 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.

[para 6] During the inquiry, the Applicant provided a copy of a third extension decision made by the head of the Public Body on June 23, 2026, which extended the response due date for the Requests to July 31, 2026. Although this third extension decision was not provided by the Public Body, each party was informed that the third extension decision would be considered as part of this inquiry and that additional submissions could be made. No further submissions were received by the deadline.

[para 7] This third extension, however, was made after the revised response due date of June 11, 2026. Thus, the Public Body was already in deemed refusal.

[para 8] Before the third extension, the Applicant chose to make a submission for this inquiry in response to the Public Body's submission. Some of the Applicant's submission relates to background information on the motivation behind the Requests and they believe the Public Body omitted context that made the Requests necessary. Some assertions made by the Applicant are inaccurate, such as

¹ Although in its extension decision to the Applicant, the Public Body quoted section 16(1) as one factor for its decision, from the context and its inquiry submission, it appears the Public Body meant to state section 16(1)(b).

² The Applicant had not requested reviews on the extensions taken for these 2 files at the time this Order was written and the OIPC had confirmed that an expedited inquiry would be proceeding only for Public Body access requests 2026-01, 2026-02, 2026-03 and 2026-04.

“the duty to assist under the ATIA requires records to be released as they are ready”. The Applicant does not believe the Public Body has met its burden under section 16; however, the following details explain my reasoning for this Order.

II. ISSUE

Did the head of the Public Body properly extend the time for responding to the Requests as permitted by section 16 of the Act?

III. DISCUSSION OF ISSUE

[para 9] 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).

(3) The head of a public body may extend the time for responding to a request if multiple concurrent requests have been made by the same applicant or by 2 or more applicants who work for the same organization or who work in association with each other.

...

(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 10] As the head of the Public Body extended the time for responding to the Requests on three occasions, I will consider each decision separately and for ease of reference will generally refer only to “the Public Body”, rather than “the head of the Public Body”.

Did the Public Body properly extend its time for responding to the Requests under sections 16(1)(b) and 16(3) in its first extension decision?

[para 11] The Public Body took an initial time extension of 30 business days under sections 16(1)(b) and 16(3) to respond to the Requests. 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. Under section 16(3), a public body may extend its time limit to respond to a request if it receives multiple concurrent requests.

[para 12] For 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 13] In its first extension decision for the Requests, the Public Body explained that the decision had been made under sections 16(1)(b) and 16(3) without any further details but went on to tell 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 Requests, such as the number or estimated number of records involved in the Requests or other relevant details. The decision also did not explain the relevance of section 16(3), although it did outline the four concurrent requests received at that time and the associated file numbers and dates received.

[para 14] Since the Public Body partly relied on section 16(3) for its first extension decision, it demonstrated it had received four concurrent access requests made within 30 business days of each other. As stated in the OIPC document entitled “Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)”³, this office has previously considered two or more requests received from the same applicant within a 30 business day time period of the access request (either way) to be concurrent.

[para 15] In this case, since the Public Body demonstrated the same applicant submitted four access requests within a 30 business day period, I confirm the initial 30 business day extension of time taken by the Public Body under section 16(3).

³ 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] The Public Body in its first extension decision also relied on section 16(1)(b) as a basis for the extension but did not indicate the number of records the Requests involved, either in its inquiry submission or when the information was requested by the OIPC during the inquiry. Without this information, I am unable to make a determination whether it was appropriate for the Public Body to make a time extension decision under 16(1)(b); however, it does not affect the outcome in this case, as I have already found that the Public Body properly applied section 16(3) of ATIA in its first time extension decision.

Did the Public Body properly extend its time for responding to the Requests under sections 16(2) and 16(3) in its second extension decision?

[para 17] After its initial extension of 30 business days, the Public Body took an additional extension of 30 business days under section 16(2), specifically for 16(1)(b)⁴, and it again applied section 16(3).

[para 18] In its second extension decision for the Requests, the Public Body explained that a decision had been made under section 16(2), again due to the large number of records involved and that more time was required to process the request. The Public Body also again applied section 16(3) because two additional concurrent requests were received. 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 Requests, such as the number or estimated number of records involved in the request. The decision outlined all the access requests received from the Applicant, along with the associated file numbers and dates received for all the access requests, including the two additional concurrent requests received since the first extension decision was made.

[para 19] In its second time extension decision, the Public Body again applied section 16(3) as part of its reason for the extension. The Public Body demonstrated that after the initial four concurrent access requests were received and the first extension was taken, an additional two access requests from the same applicant (Public Body file numbers 2026-05 and 2026-06) were received by the Public Body within 30 business days of the Requests. A further additional access request from the same applicant (Public Body file number 2026-07) was received outside that parameter (on April 7, 2026), so is not considered “concurrent” to the Requests as the Public Body asserts in parts of its inquiry submissions.

[para 20] That said, I consider two additional access requests received from the same applicant after the first extension decision, a reasonable justification for the additional 30 business day extension taken by the Public Body under section 16(3) in its second extension decision. That is a total of 6 concurrent access requests received by the Public Body as they were all made within 30 business days of each other by the same applicant. In addition, I accept the Public Body’s evidence

⁴ See Footnote 1.

that it is a small municipality with very limited administrative resources to search, locate and retrieve responsive records, and a significant portion of those resources have been used for matters with the same applicant.

[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, I find from the evidence before me and the relevant facts and circumstances surrounding the Requests, the Public Body met its burden. The Public Body's decision to take a second time extension of an additional 30 business days under section 16(3) was reasonable.

[para 22] In its second time extension decision, the Public Body again also relied on section 16(1)(b). The Public Body in its inquiry submission again did not indicate the number of records that the Requests involve. Without this information, I am again unable to make a determination whether it was appropriate for the Public Body to make second time extension decision under 16(1)(b); however, it does not affect the outcome in this case, as I have already found that the Public Body properly applied section 16(3) of ATIA in its second time extension decision.

Did the Public Body properly extend its time for responding to the Requests under sections 16(2) and 16(3) in its third extension decision?

[para 23] As mentioned above, after the second extension decision, the Public Body's revised response due date was June 11, 2026 (the Public Body indicated it was June 10, 2026). During the course of this inquiry, the Applicant provided a third extension decision dated June 23, 2026 made by the Public Body for the Requests, where the Public Body extended its response due date to July 31, 2026 under section 16(2), specifically for section 16(1)(b) and it again applied section 16(3). Although the parties were provided an opportunity to make submissions on the third extension decision, none were received by this office.

[para 24] Section 13 of ATIA sets the time limit for a public body to respond to an applicant:

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) that 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 25] Section 13(1)(b) of ATIA requires a public body to respond within 30 business days unless that time limit is extended under section 16. In this case, I have found that the first time extension to April 29, 2026 and the second time extension to June 11, 2026 were both properly taken by the Public Body under section 16(3) for the Requests.

[para 26] After the second time extension decision, the Public Body was required to respond to the Applicant by June 11, 2026 unless that time limit was extended again under section 16 on or before June 11, 2026. The third time extension decision, however, was not made until June 23, 2026.

[para 27] Section 13(2) of ATIA requires that a failure to respond to a request within any extended period, which in this case was June 11, 2026, to be treated as a decision to refuse access to the record. Since the Public Body did not issue its third time extension decision under section 16 on or before June 11, 2026, I find the Public Body failed to respond to the Requests as required under section 13(1)(b).

[para 28] Accordingly, pursuant to section 13(2), the Public Body is deemed to have refused access to the requested records. 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.

IV. ORDER

[para 29] I make this Order under section 64(3)(a) and 64(3)(b) of ATIA.

[para 30] I confirm the first and second extensions taken by the Public Body under section 16(3) for a total of 60 additional business days.

[para 31] I find that the Public Body did not respond to the Applicant in accordance with section 13 of ATIA. I order the Public Body to respond to the Applicant in a response compliant with section 14 of ATIA.

[para 32] 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