

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-TEI-10

July 14, 2026

Edmonton Catholic Separate School Division

Case File Number 044145

Office URL: www.oipc.ab.ca

Summary: The head of the Edmonton Catholic Separate School Division (the Public Body) made a decision to extend the timeline for responding to the Applicant's access request under section 16(1)(b) of the *Access to Information Act* (ATIA). The Adjudicator found the Public Body was already in deemed refusal when the extension decision was made and ordered the Public Body to respond to the request.

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.

Authorities Cited: **AB:** Orders F2013-20, FOIP2025-40.

I. BACKGROUND

[para 1] On March 26, 2026,¹ the Applicant made a request to the Edmonton Catholic Separate School Division (the Public Body) for their child's complete student record "under Alberta education legislation and applicable privacy laws". The Public Body confirmed they received the request and between March 26, 2026 until April 20, 2026, the Public Body began to

¹ As the request was submitted after normal business hours on March 25, 2026, the receipt date is moved to the next business day of March 26, 2026; thus, this is the date referred to throughout this Order, rather than March 25, 2026.

gather the responsive records and was preparing to provide paper records to the Applicant through a routine disclosure.

[para 2] During the course of communicating with the Public Body, the Applicant stated they made the request under the *Freedom of Information and Protection of Privacy Act* (FOIP)² and wanted written confirmation of the anticipated disclosure date and notice of any formal time extensions being taken under FOIP. Subsequently, the Public Body received an email from the Applicant dated April 20, 2026 where they reiterated their position that they wanted the request processed pursuant to access to information legislation, stating in part, “I am requesting that [the request] now be formally processed through the division’s FOIP office to ensure completeness and compliance with access requirements.”

[para 3] From the inquiry submission provided by the Public Body, it appears it understood the April 20, 2026 email from the Applicant to mean that the Applicant only now, as of April 20, 2026, wished to make a formal access request. On April 22, 2026, the Public Body provided the Applicant an ATIA Access to Information Request Form and instructions on how to make the request.

[para 4] On April 22, 2026, the Applicant submitted the provided form to the Public Body. The Applicant requested the same information as the March 26, 2026 request and confirmed that the form related to the Applicant’s original March 26, 2026 request. The Public Body then sent the Applicant an acknowledgement letter stating April 22, 2026 was the “received date” for the request and that the initial 30 business day response due date would be June 4, 2026.

[para 5] Subsequently, on June 3, 2026, the head of the Public Body informed the Applicant that the response due date was being extended under section 16(1)(b) of ATIA by 30 business days and that the revised response due date would be July 17, 2026.

[para 6] 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. In the request for review, the Applicant also objected to the Public Body considering the start date of the request as the date the ATIA Access to Information Request Form was submitted on April 22, 2026. The Applicant asserted the original access request was submitted on March 26, 2026 and that the Public Body should consider March 26, 2026 the start date of the access request.

[para 7] The OIPC confirmed with the Applicant and the Public Body that an inquiry was being conducted to review the time extension decision made on June 3, 2026. As the parties appeared to dispute the date on which the access request was made, the OIPC also asked them to address that preliminary issue in their submissions.

² Although the FOIP Act was repealed in 2025 and the Applicant was referring to FOIP, it is understood the access request and processing was proceeding under the *Access to Information Act* (ATIA).

[para 8] 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

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 – What date was the access request made?

[para 9] The Applicant made a request to the Public Body on March 26, 2026 via an email with the subject line "Formal Request for Complete Student Record – [Name of Student]".

[para 10] Section 7 of ATIA sets out how to make an access request:

7(1) To obtain access to a record, a person must make a request to the public body that the person believes has custody or control of the record.

(2) A request must

(a) be in writing,

(b) be submitted to the public body the applicant believes has custody or control of the record,

(c) provide enough detail to enable the public body to locate and identify the record within a reasonable time with reasonable effort, and

(d) be accompanied by a fee where a fee is required under this Act.

(3) If a request does not provide enough detail to enable a public body to locate or identify a record within a reasonable time with reasonable effort, the public body may request further information from the applicant that is necessary to process the request, and the applicant shall respond within 30 business days with the information being requested.

(4) In a request, the applicant may ask

(a) for a copy of the record, or

(b) to examine the record.

[para 11] I have reviewed the March 26, 2026 access request. The request was in writing and the Applicant confirmed it was for a copy (both paper and electronic) of the records. The Applicant made the request to the public body believed to have custody or control of the record. The Applicant added that the request includes files that may be held at the school or division level. The request was for a complete copy of a specific student's records and included in point form, certain other items related to the student. I find there was sufficient detail in the request to enable the Public Body to identify the requested records. As the Public Body began to gather the responsive records upon receipt of the request, I find it was able to locate and identify the requested records within a reasonable time and with reasonable effort. Since the request was for personal information of a student, there was no requirement for the request to be accompanied by a fee. I also note that the Public Body did not contact the Applicant to request further information that might be necessary to process the request.

[para 12] The March 26, 2026 request for information meets the requirements to be considered a "request" under section 7(2) of ATIA.

[para 13] The Public Body did not argue that the request was not a request under section 7(2) and did not request clarification from the Applicant under section 7(3). Instead, it appears from the Public Body's inquiry submission, it was attempting to respond to the Applicant informally, through a routine disclosure process. However, the Public Body was proceeding on an informal basis even though the Applicant originally stated on March 26, 2026 they were making the request pursuant to "rights as a parent under Alberta education legislation and applicable privacy laws".

[para 14] In further communications, the Applicant commented that the request was made "pursuant to access rights under Alberta's Freedom of Information and Protection of Privacy Act (FOIP)" and continued to question the Public Body regarding timelines and possibly seeking further guidance under FOIP. The Applicant also asked the Public Body to provide an anticipated timeline for a response and that if any portion of the records were withheld, the legislative bases to do so.

[para 15] Despite the Applicant specifically submitting a "Formal" request on March 26, 2026 (as the title of their emailed access request stated) and making several references to the FOIP Act through subsequent communications, as well as asking the Public Body to confirm related information such as formal timelines, and the bases for possible exemptions or time extensions, it appears the Public Body made an internal decision to treat the request informally.

[para 16] In its submission inquiry, the Public Body did not provide an explanation for why it considered the March 26, 2026 emailed access request an informal one, or why a routine disclosure was being considered. There is no evidence before me that the Public Body informed

the Applicant that the request would be treated as an informal request or that it was not a formal request.

[para 17] In Order F2013-20, the Adjudicator noted:

[para 17] The right of review by this office is a significant aspect of the FOIP request process; it is not the public body's right but the right of an applicant. In my view, an applicant can give away this right and agree to a routine process outside of the FOIP Act only if the applicant is aware that the right is being given up.

[para 18] In my view, in order to take the Applicant's request outside of the FOIP Act so that it may respond routinely, the Public Body has to inform the Applicant that processing the request routinely will mean that a request for a review of the Public Body's response cannot be made to this office and that there must be a new FOIP request before a review can be requested.

[para 18] In Order FOIP2025-40, the Adjudicator stated:

[para 17] There needs to be agreement and communication between the Applicant and the Public Body before a formal access request can be considered an informal request. The Public Body has provided no evidence of the Applicant giving up their right of review.

[para 18] I conclude that a Public Body cannot unilaterally decide to process a request informally, there must be consensus and the Applicant must be made aware of the rights they are giving up when a request is processed outside of the Act. I find that this did not happen with the Applicant's request, they did not consent to the informal process.

[para 19] The situation in this matter is similar. The Public Body appears to have treated the Applicant's March 26, 2026 as an informal request without garnering consensus to do so or informing the Applicant that by doing so, they are forfeiting their right of review. There was no agreement between the Applicant and the Public Body that the request was considered an informal one and I have no evidence that the Applicant consented to an informal process. It was not an informal request. As noted above, the request made by the Applicant on March 26, 2026 was an access request pursuant to section 7(2) of ATIA; therefore, the date the access request was received is March 26, 2026.

[para 20] Having dealt with the preliminary issue, I can now address the issue that is before me in this inquiry as stated in the Notice of Inquiry dated June 12, 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 (ATIA)?

[para 21] 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 22] I have found that the access request was submitted to the Public Body on March 26, 2026. Section 13 sets the time limit for a Public Body to respond to an Applicant within 30 business days after receiving a request, as follows:

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 23] Section 13(1)(b) of ATIA requires a public body to respond to a request within 30 business days unless that time limit is extended under section 16. As I have found that the access request was received on March 26, 2026, the initial 30 business day response due date was May 11, 2026.

[para 24] In this case, the head of the Public Body made a decision to extend its time limit by an additional 30 business days under section 16(1)(b) because the request involves a large

number of records and more time was required to process the request. However, the extension decision was made on June 3, 2026, which is past the response due date of May 11, 2026.

[para 25] Section 13(2) of ATIA requires that a failure to respond to a request within 30 business days or any extended period, to be treated as a decision to refuse access to the records. Since the head of the Public Body did not issue its time extension decision under section 16 on or before May 11, 2026, I find the Public Body failed to respond to the access request as required under section 13(1).

[para 26] 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.

V. ORDER

[para 27] I make this Order under section 64(3)(a) of ATIA.

[para 28] 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 29] 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