

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-TEI-11

July 28, 2026

ARROW Utilities

Case File Number 044230

Office URL: www.oipc.ab.ca

Summary: The head of ARROW Utilities (the Public Body) made a decision to extend the timelines for responding to the Applicant's access request by 31 business days under sections 16(1)(b) and 16(3) of the *Access to Information Act* (ATIA or the Act). The Adjudicator confirmed the extension of 31 business days taken under sections 16(1)(b) and 16(3) to respond to the access request.

Statutes Cited: **AB:** *Access to Information Act*, S.A. 2024, c. A-1.4; *Interpretation Act*, RSA 2000, c I-8, *Alberta Human Rights Act*, R.S.A. 2000, c. A-25.5.

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

I. BACKGROUND

[para 1] On May 27, 2026, ARROW Utilities (the Public Body) received a request for access to information from the Applicant under the *Access to Information Act* (ATIA or the Act). On June 24, 2026, the head of the Public Body extended its initial timeline for responding to the request by 31 business days under ATIA sections 16(1)(b) and 16(3).

[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 head of the Public Body. The matter proceeded directly to inquiry without mediation or investigation as is the OIPC's practice under ATIA when reviewing the head of 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?

III. DISCUSSION OF ISSUE

[para 3] 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.*

...

(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 4] In this matter, the head of the Public Body took a time extension of 31 business days under sections 16(1)(b) and 16(3) to respond to the access request. I will consider each section 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 request under section 16(1)(b)?

[para 5] Section 16(1)(b) is a discretionary provision, permitting a public body to 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. 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 6] In its extension decision, the Public Body explained that the decision had been made under sections 16(1)(b) and 16(3) due to the volume of records requested, that additional time was needed to process the request taking into consideration current staffing capacity, and due to the fact that two concurrent requests were submitted. The Public Body told the Applicant when a response could be expected, and that a review by the Commissioner could be requested.

[para 7] 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 number of records that would be considered “large” when deciding whether or not to permit an extension. The OIPC has established a general threshold of 500 pages and above for what may constitute “a large number” for the purposes of ATIA section 16(1)(b).

[para 8] As stated in the OIPC document entitled “Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)”¹, 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, accessibility of the records, and the number of requests a public body normally receives and what impact the access request may have on a program area’s competing priorities.

[para 9] The Public Body in its inquiry submissions indicated that a preliminary search of all of its IT systems identified over 500 records involved with the access request. The records are in various formats and span 6 years. The Public Body explained it is a small, non-profit regional utility commission. Although it is the responsibility of the head of a public body to ensure it has sufficient experienced staff for processing requests, due to its size and the infrequency of access requests it

¹ 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/>

receives, the Public Body does not have dedicated staff to process requests. The responsibility for responding to access requests is therefore managed by existing staff, alongside their regular operational responsibilities for maintaining “essential wastewater services and emergency response responsibilities for the region.”

[para 10] The Public Body went on to explain the complexity of the request, including the need to purchase and train staff on software to assist in locating the records; that the request required a search of email accounts for all of the Public Body’s current and former employees, and the need to search employer-issued cell phones.

[para 11] The Public Body also outlined three major weather events which occurred shortly after the request was received. It provided information related to the impact of these events including “infrastructure failures, emergency response activities, regulatory reporting requirements, environmental monitoring, and ongoing system recovery efforts.” It stated these major weather events required the full attention of staff responsible for coordinating access requests in addition to their regular duties, thus affecting its competing priorities.

[para 12] The Applicant provided submissions in response to the Public Body’s submissions. The concerns brought up by the Applicant that are relevant to this inquiry primarily involve the Public Body indicating the existence of more than 500 pages involved with the access request. Since the 500 pages have not been assessed for duplication and responsiveness, the Applicant believes the search result is not necessarily the same as 500 distinct responsive pages. Although that may be an accurate statement, the number of records that need to be initially searched and identified for an access request is a factor that a public body may use in supporting its decision to extend time under section 16(1)(b). The initial 500 plus pages that the Public Body states were searched and identified is within the range the OIPC has set for a large number of records.

[para 13] The Applicant also believes that their separate access request submitted six business days prior to the access request that is the subject of this Order is not concurrent because it involves a different subject matter. The Applicant has mischaracterized the meaning of “concurrent” requests, appearing to believe concurrent requests must involve the same subject matter. This is not the case, and is explained below. Some of the other issues outlined by the Applicant, such as the motivation to make the access requests, are outside the scope of this inquiry.

[para 14] If an access request meets the threshold for a large number of records and more time is required to process the request, a public body may extend the time limit to respond to the request by up to 30 business days under section 16(1)(b). In this case, the access request was received by the Public Body on May 27, 2026, so the initial 30 business day response due date was July 9, 2026. On June 24, 2026, the Public Body extended the response due date to August 21, 2026, which is 31 business days.

[para 15] The calculation for the first 30 business days extended under section 16(1)(b) is as follows: the 30 business day extension count starts on July 10, 2026, which is the first business day after the initial response due date of July 9, 2026. Under section 1(c) of ATIA, a “business day” means a day other than a Saturday, a holiday, or a day when Government of Alberta offices are closed as part of the Government of Alberta’s Christmas closure.² As the Christmas closure did not occur during the time of this extension, I do not need to consider it further in this Order.

[para 16] A “holiday” is defined in section 28(1)(x) of the *Interpretation Act* which states:

28(1) *In an enactment,*

...

(x) “holiday” includes

- (i) every Sunday,
- (ii) New Year’s Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Labour Day, Remembrance Day and Christmas Day,
- (iii) the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign,
- (iv) December 26, or when that date falls on a Sunday or a Monday, then December 27,
- (v) any day appointed by proclamation of the Governor General in Council or by proclamation of the Lieutenant Governor in Council for a public holiday or for a day of fast or thanksgiving or as a day of mourning, and
- (vi) with reference to any particular part of Alberta, the day in each year that may by proclamation of the Lieutenant Governor in Council be appointed as a public holiday for that part of Alberta for the planting of forest or other trees;

[para 17] In this matter, the time calculation counts business days starting on July 10, 2026, and does not include:

- Saturdays on July 11, 18, 25 and August 1, 8, and 15, 2026 or
- Sundays on July 12, 19, 26 and August 2, 9, and 16, 2026.

[para 18] Notably, the definition of “holiday” in the *Interpretation Act* does not include Alberta Heritage Day, which falls during the period of this time extension on August 3, 2026. Under section 2 of the *Alberta Human Rights Act*, Alberta Heritage Day is “observed as a day of public celebration”. However, it is not named in section 28(1)(x)(ii) of the *Interpretation Act* and there is no information before me to indicate it was a day appointed by proclamation of the Governor General in Council or by proclamation of the Lieutenant Governor in Council for a public holiday under section 28(1)(x)(v) of the *Interpretation Act*.

² See Practice Note – Business Days at <https://oipc.ab.ca/resource/practice-note-business-day-atia-popa/>

[para 19] Although some public bodies observe Alberta Heritage Day, it is not a “holiday” under section 1(c) of ATIA and is, therefore, considered a business day. Thus, using the business day count as explained above, a 30 business day extension taken from July 9, 2026 by the Public Body revised the response due date to August 20, 2026.

[para 20] Based on the Public Body’s evidence as outlined above, I am satisfied that a large number of records are requested and more time is required to process the request. Therefore, I confirm an extension of 30 business days taken by the Public Body under section 16(1)(b).

Did the Public Body properly extend its time for responding to the request under section 16(3)?

[para 21] The Public Body partly relied on section 16(3) for its extension decision and demonstrated it had received an access request from the same applicant six business days prior to the receipt of the access request that is the subject of this Order. As stated in the aforementioned guidance document, 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. There is no requirement that concurrent requests must involve the same subject matter.

[para 22] I accept that the Public Body received two concurrent access requests. However, ATIA does not specify the length of time a public body may extend its time limit to respond to an access request under section 16(3). A factor in determining whether an extension period is reasonable under section 16(3) is the number of records involved in the concurrent requests.

[para 23] Although the Public Body in its inquiry submissions did not indicate the number of records involved in the concurrent request, it stated there are 188 subcategories of records that are requested. This does not provide a clear picture of the actual number of records involved; however, I am taking into account the large number of records in the subject access request, along with other records that will be involved in the concurrent request. I find that one additional business day to process the request, over the 30 business day extension taken under section 16(1)(b), is reasonable pursuant to section 16(3). This revises the response due date to August 21, 2026, as the Public Body informed the Applicant, and I find the Public Body properly extended its time under section 16(3).

[para 24] 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, the additional factors explained above which demonstrates more time was required to process the request, as well as the fact that multiple concurrent requests were received by the Public Body, I find the Public Body properly extended its time by 31 business days under sections 16(1)(b) and 16(3).

IV. ORDER

[para 25] I make this Order under section 64(3)(b) of ATIA.

[para 26] I confirm the extension taken by the Public Body under sections 16(1)(b) and 16(3) for 31 business days.

Anima Kotowski
Adjudicator – Expedited Inquiries