

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-TEI-12

August 17, 2026

City of Grande Prairie

Case File Number 044428

Office URL: www.oipc.ab.ca

Summary: City of Grande Prairie (the Public Body) made two decisions under section 16(4) of the *Access to Information Act* (ATIA or the Act) to extend the timelines for responding to the Applicant's access request. The Adjudicator found the Public Body was already in deemed refusal under section 13(2) of ATIA when the first 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, *Interpretation Act*, RSA 2000.

Authorities Cited: AB: Order FOIP2025-34/ATIA2025-DEI-02.

I. BACKGROUND

[para 1] On April 2, 2026, City of Grande Prairie (the Public Body) received a request for access to information from the Applicant under the *Access to Information Act* (ATIA or the Act). On May 21, 2026 and June 26, 2026, the Public Body extended its timelines under section 16(4) to respond to the access request.

[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 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 (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 evident that the section 16 decisions were not made by the head of the Public Body, but by the Privacy and Access Coordinator. As the section 16 decisions were not made by the head, the Public Body was required 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 requested an extension to provide their submission to this inquiry, which was granted. In its inquiry submission, the Public Body confirmed the section 16 decisions were made by the Privacy and Access Coordinator and not by the head. The inquiry submission form indicates that if the decision-maker is not the head of the public body, then delegation information is required. The Public Body also checked a box on the form which displays the relevant attachments that are required for this inquiry; notably, a "Copy of the delegation by the head of the public body under ATIA section 87 to the decision maker, if the section 16 decision was not made by the head of the public body (required if applicable)." Despite checking this box, the Public Body did not provide a copy of the delegation.

[para 5] Without a copy of the delegation, I am unable to confirm that proper delegations are in place for the Public Body under section 87 of ATIA. Therefore, I draw a negative inference and find that the Privacy and Access Coordinator did not have the delegated power, duty or

function to make the section 16 decisions under review in this matter.¹ As such, from the evidence before me, I find that the Privacy and Access Coordinator did not have the jurisdiction to extend the timelines under section 16 to process the access request. Thus, I find the Public Body was already in deemed refusal under section 13(2) when the first extension was taken. 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.

[para 6] However, even if proper delegations under section 87 of ATIA had been in place for the Privacy and Access Coordinator to make the section 16 extension decisions, I would nonetheless find the Public Body had not responded within timelines under section 13 of ATIA. The outcome would, therefore, be the same; that the Public Body was in deemed refusal under section 13(2) and I would order it to respond. The reasons are explained below.

[para 7] The Public Body received the Applicant's access request on April 2, 2026. The Public Body stated that clarification was required and received on April 6, 2026, which they then perceived as the "received date" for the access request. Easter Monday on April 6, 2026 is considered a "holiday" under the *Interpretation Act* section 28(1)(x)(ii). Therefore, regardless of whether the access request was received on April 2, 2026 or April 6, 2026, the initial 30 business day response time to respond to the access request under ATIA was May 19, 2026. The Public Body did not inform the Applicant of its first extension decision until May 21, 2026.

[para 8] 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 9] Section 13(1)(b) of ATIA requires a public body to respond to an access request within 30 business days unless that time limit is extended under section 16. In this case, the Public Body was required to respond to the Applicant by May 19, 2026 unless that time limit was

¹ OIPC Order FOIP2025-34/ATIA2025-DEI-02 at para 23.

extended under section 16 on or before May 19, 2026. The first time extension decision made by the Public Body, however, was not issued until May 21, 2026.

[para 10] Section 13(2) of ATIA requires that a failure to respond to a request within the 30-day period, which in this case was May 19, 2026, to be treated as a decision to refuse access to the record. Since the Public Body did not issue its first extension decision under section 16 on or before May 19, 2026, even if proper delegations were in place under section 87 of ATIA, I would find the Public Body failed to respond to the access request as required under section 13(1)(b). Accordingly, the Public Body would be deemed to have refused access to the requested records. Again, 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 11] I make this Order under section 64(3)(a) of ATIA.

[para 12] 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 13] 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