

ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER ATIA2026-DEI-02

August 27, 2026

Leduc County

Case File Number 040879

Office URL: www.oipc.ab.ca

Summary: The head of Leduc County, a public body subject to the *Access to Information Act* (ATIA), made a decision to disregard an applicant's access request (Applicant) under section 9(1)(d) of ATIA. For part of the request, the Commissioner found that it had not met its duty to assist under section 12, and for the other part found it did not have authority under section 7(3) to request further information from the Applicant that is necessary to process the request. The result was that Leduc County was not permitted to disregard the Applicant's access request under section 9(1)(d) of ATIA. Leduc County was ordered to respond to the access request in accordance with its obligations under ATIA.

Statutes Cited: **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25; *Access to Information Act*, S.A. 2024, c. A-1.4, ss. 2, 7, 9, 10, 12, 64; *Access to Information Regulation* 133/2025, s. 5, *Interpretation Act*, RSA 2000, c. I-8.

Authorities Cited: **AB:** Orders 97-003, F2011-003, ATIA2025-DEI-01, 99-011; FOIP2025-22 and Investigation Report F2025-IR-01.

Cases Cited: *Bell ExpressVu Limited Partnership v Rex*, 2002 SCC 42; *Dagg v Canada (Minister of Finance)*, 1997 CanLII 358 (SCC); *Rizzo & Rizzo Shoes Ltd. (Re)*, 1998 CanLII 837 (SCC).

Authors Cited: Ruth Sullivan, *Sullivan on the Construction of Statutes*, 5th ed. Markham, Ont.: LexisNexis, 2008.

Other Sources Cited: *Literacy and Access to Administrative Justice in Canada: A Guide for the Promotion of Plain Language*, Council of Canadian Administrative Tribunals, circa 2005; *Personal Information Protection Act* Submission to the Standing Committee on Resource Stewardship, May 31, 2024; *Plain language. It's essential for real access to justice*, Provincial Court of British Columbia, October 29, 2025.

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I. BACKGROUND

[para 1] This matter arises within the context of a lengthy history of interactions between the Applicant (and the individuals represented by the Applicant) and Leduc County (Public Body). This history includes previous access to information requests under the now repealed *Freedom of Information and Protection of Privacy Act* (FOIP) and various complaints by the Applicant about the Public Body to other regulators and elected representatives.¹ On June 11, 2025, the *Access to Information Act* (ATIA or the Act) replaced FOIP. As a result, access requests made to public bodies after this date are subject to ATIA, not FOIP.

[para 2] The Applicant made an access request (Access Request) to the Public Body on August 28, 2025. On September 19, 2025, the Public Body contacted the Applicant stating it was requesting further

¹ Supporting evidence of the Applicant, provided on December 12, 2025.

information under section 7(3) of ATIA. On September 25, 2025, the Applicant sent a refusal to provide the requested information and the Public Body confirmed receipt the next day. The Applicant continued to send emails to the Public Body outlining concerns the Applicant had with the Public Body but did not respond with the information the Public Body had requested within 30 business days. On November 18, 2025, the Applicant was notified that the head of the Public Body had decided to disregard the Applicant's Access Request under s. 9(1)(d) of the Act.

[para 3] On November 20, 2025, my office accepted the Applicant's request to review the head of the Public Body's decision to disregard the Access Request under section 9 of ATIA. The matter proceeded directly to inquiry without mediation or investigation as is my office's standard practice under ATIA when considering whether a public body properly disregarded an access request as permitted by section 9 of ATIA.

II. ISSUE

[para 4] There is one issue in this inquiry, it is as follows:

Did the head of the Public Body properly disregard the request as permitted by section 9 of the Act?

III. DISCUSSION OF ISSUE

1. Purposes of ATIA

[para 5] The purposes of ATIA in sections 2(a) to (c) create a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in the Act and provide for independent reviews of decisions made by public bodies concerning access requests. It has been held by our Supreme Court of Canada that "[t]he overarching purpose of access to information legislation, then, is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry".² The right of access in ATIA together with the significant importance of these rights in Canadian society mean that ATIA must be given a broad and liberal interpretation by public bodies when interpreting its provisions to achieve its aims. Additionally, section 10 of the *Interpretation Act* requires an enactment to be construed as being remedial, and be given the fair, large and liberal construction and interpretation that best ensures the attainment of its objects.

[para 6] The scheme of ATIA sets out how a person, hereafter referred to as an "applicant", may exercise their right of access by making a request and what a public body is to do on receiving a request.

² [*Dagg v Canada \(Minister of Finance\)*](#), 1997 CanLII 358 (SCC)), dissenting views, at para 61.

It also allows a public body to not process an access request in certain circumstances. This scheme, as it is relevant to the matter before me, is set out below.

a) Right of access

[para 7] The first step to exercise the right of access is to make an access request to a public body. The process to make an access request is set out in Part 1 of ATIA.

[para 8] Section 6(1) of this Part establishes an applicant's right of access. This section states as follows:

6(1) An applicant has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant.

[para 9] Section 6(2) clarifies that:

6(2) The right of access to a record does not extend to information excepted from disclosure under Division 2 of this Part, but if that information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record.

[para 10] These two sections align with purposes 2(a) and (b) of ATIA by recognizing the **right of access** subject only to the limited and specific exceptions set out in Division 2 of Part 1.

[para 11] Section 7 sets out how this right of access may be exercised by an applicant. Section 7(1) first requires an applicant to make a request to the public body that the applicant believes has custody or control of the record sought by the applicant. Section 7(2) then sets out the manner of the request, stating that:

7(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 ATIA.*

b) Duty to assist

[para 12] Section 12 sets out the duty of the head of a public body as it relates to an access request made by an applicant. Section 12(1) is relevant to the matter before me. This section states that "the

head of a public body must make every reasonable effort to assist applicants and to respond to each applicant, openly, accurately and completely, and in accordance with the regulations”.

[para 13] The duty to assist is broad and all encompassing. Among other things, this duty requires public bodies to assist applicants to obtain access to a record in the custody or control of the public body that the applicant wants access to. Referring to the purpose of the Act and the significance of access to information legislation to Canadians, this duty must be exercised by the head of a public body in such a manner as to ensure applicants are able to meaningfully exercise their right of access. To do so, the head must work with the applicant towards that objective by making “every reasonable effort” and by responding to an applicant “openly, accurately, and completely”.

[para 14] The Access to Information Regulation (Regulation) expands on what it means for the head under section 12(1) to “make every reasonable effort” and to respond to an applicant “openly, accurately, and completely”. Section 5(1) of the Regulation clarifies requirements of the duty to assist:

5(1) For the purposes of section 12(1) of the Act, the duty to make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely includes a duty to

- (a) engage with an applicant in a way that provides an applicant with every reasonable opportunity to
 - (i) provide additional information to enable the public body to locate and identify a requested record within a reasonable time with reasonable effort,*
 - (ii) narrow a request that is overly broad, or*
 - (iii) make an incomprehensible request comprehensible,**
- (b) respond to an applicant’s questions in plain language, and*
- (c) provide information to an applicant on the kinds of records the public body has in its custody or under its control and offer suggestions on how an applicant may adjust a request to enable the request to be processed.*

[para 15] The clarification of the duty to assist set out in the Regulation essentially codifies what I said in Investigation Report F2025-IR-01 about the duty to assist in FOIP as it related to a public body’s duty to assist an applicant to make an access request that would meet the requirements of section 7(2) of that Act. This section specified that in making an access request “[a] request must be in writing and must provide enough detail to enable the public body to identify the record”.

[para 16] This investigation occurred under the repealed FOIP, but as I noted at that time, the findings would remain applicable under ATIA.³ The facts in F2025-IR-01 were that government public bodies

³ [Investigation Report F2025-IR-01](#) at “Message from the Commissioner”.

were closing access request files on the basis that the applicant had not provided enough detail to enable these public bodies to identify the record. I found the degree of specificity sought by these public bodies to be simply unattainable by an applicant. In this regard, I stated:

... the degree of specificity identified by these GoA PBs as necessary to meet the “enough detail” threshold in section 7(2) is simply unattainable by an applicant and, in my view, it is unreasonable for a public body to require such specificity from an applicant when making an access request. This is because:

- A member of the general public does not know what records are in the custody or control of a public body. They are not privy to the inner workings of government and, therefore, could not be expected to know specifics about any records held by government.
- There is no directory of public records that an applicant can peruse to determine what records may exist within a GoA PB that may be of interest to the applicant when exercising their right of access.
- It is only a public body that knows what records it has, including where and how they are stored.⁴

[para 17] I highlighted that the duty of a public body to assist an applicant to meet section 7(2) of FOIP involved:

...working with the applicant to:

- clarify which records they are wanting access to by providing them with information about what records may exist within the public body that may be responsive to the applicant’s request; and
- work with the applicant to narrow their request where the same may be overly broad.⁵

[para 18] I added that “an applicant has no way of knowing the internal workings of government and what records may be held therein, and it is up to public bodies [to] help an applicant identify the records they want access to and not the other way around...”⁶

[para 19] The duty to assist in section 12(1) of ATIA works in conjunction with the public body’s duty under section 7(3). Together, these provisions require a public body to engage with an applicant to determine the information that is necessary to process the request and then to request that the applicant provide that specific information. I will note here that the specific information sought must be reasonably within the knowledge of the applicant to provide. This means that a public body cannot set unreasonable parameters when requesting information from an applicant that is unattainable due to their lack of knowledge about what records a public body has that may be responsive to their access request. Unless an applicant knows the specific information that is “necessary to process the request”, the applicant would have no way to meet their obligation under section 7(3), to “respond ... with the information being requested”.

⁴ [Investigation Report F2025-IR-01](#) at para 64.

⁵ [Investigation Report F2025-IR-01](#) at para 69.

⁶ [Investigation Report F2025-IR-01](#) at para 75.

[para 20] Section 5(2) of the Regulation sets out the following factors to be considered in determining whether the head of a public body has made every reasonable effort to assist an applicant and to respond to the applicant openly, accurately and completely:

- (a) *the size of the public body;*
- (b) *the number of hours required to assist or respond to the applicant;*
- (c) *the number of staff required to assist or respond to the applicant;*
- (d) *the impact on the regular operations of the public body.*

[para 21] Section 5(4) of the Regulation requires a public body to create and maintain accurate records that document the public body's decisions and actions, including the public body's communications with applicants, respecting each request for access to a record.

c) Responsibility of public body on receiving an access request

[para 22] Section 7(2) describes what a request must include. When a public body receives an access request that does not, as required by section 7(2)(c), provide enough detail to enable the public body to locate and identify the record within a reasonable time with reasonable effort, it may seek information from an applicant that is necessary to process the request.

7(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. [Underlining mine]

[para 23] In summary, when seeking further information from an applicant, whether under section 7(3) or otherwise, a public body's duty to assist under section 12(1) is engaged.

d) Responsibility of an applicant to respond to a request for further information to process an access request

[para 24] Once a public body exercises its authority to request further information from an applicant under section 7(3), the onus shifts to the applicant to provide the information sought. Specifically, section 7(3) requires an applicant to respond to the public body with the information requested within 30 business days from the date the request for information was made. Failure to do so has consequences for an applicant. Section 10 authorizes a public body to declare an access request abandoned if an applicant fails to respond to the public body's request for further information under section 7(3) within the time period specified. Section 9(1)(d) authorizes a public body to disregard the access request if the applicant does not provide the information requested by the public body in exercise of its section 7(3) authority to do so.

[para 25] The facts in this case are that after the Public Body stated it was requesting further information under section 7(3), it disregarded the Applicant's Access Request under section 9(1)(d) when the Applicant refused to provide any requested information. As such, I will go on to interpret when this authority may be exercised by a public body.

e) Power to disregard requests

[para 26] The head of a public body's authority to disregard an access request is set out in section 9 of ATIA, which states:

9(1) The head of a public body may disregard a request made under section 7(1) if

- (a) responding to the request would unreasonably interfere with the operations of the public body or amount to an abuse of the right to make a request because the request has been made repeatedly or in a systematic nature,*
- (b) the request is abusive, threatening, frivolous or vexatious or is made in an abusive or threatening manner,*
- (c) the information the request relates to has already been provided to the applicant, or has been made available to the public under section 90 or 91,*
- (d) despite receiving further information from an applicant under section 7(3), the request does not meet the requirements of section 7(2)(c) because the public body does not have information that is sufficiently clear to enable the public body to locate and identify the record within a reasonable time with reasonable effort, or*
- (e) the request is otherwise overly broad or incomprehensible.*

(2) Where the head of the public body has disregarded a request, the applicant must be told

- (a) the reasons for the decision to disregard the request, and*
- (b) that the applicant may ask for a review of that decision under Part 3.*

(3) The public body must notify the applicant that the applicant's request has been disregarded within 30 business days after the public body receives the request.

(4) Despite subsection (3), if the applicant's request is being disregarded under subsection (1)(d), the public body must notify the applicant that the applicant's request has been disregarded within 30 days after receiving the applicant's response to the public body's request for further information under section 7(3).

[para 27] In Order ATIA2025-DEI-01, I provided an overview of section 9 and incorporate that discussion herein.⁷ Once the head of a public body has decided to disregard a request under section 9(1), a public body must also meet the requirements of sections 9(2) and 9(3) (or section 9(4) if the decision was made under section 9(1)(d)).

i) Interpretation of the power to disregard under section 9(1)(d)

[para 28] This Order is the first time a public body's decision under section 9(1)(d) of the Act has been reviewed. Section 9(1)(d) incorporates by reference sections 7(2)(c) and 7(3) of ATIA. In considering this provision for the first time, I have considered the modern principle of statutory interpretation:⁸

Today, there is only one principle or approach, namely, the words of an Act are to be read in their entire context, in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.

[para 29] Section 9(1)(d) of ATIA permits the head of a public body to disregard an access request made under section 7(1) as follows:

9(1) The head of a public body may disregard a request made under section 7(1) if

[...]

(d) despite receiving further information from an applicant under section 7(3), the request does not meet the requirements of section 7(2)(c) because the public body does not have information that is sufficiently clear to enable the public body to locate and identify the record within a reasonable time with reasonable effort,

[para 30] Generally, the framework to review a decision under section 9(1)(d) includes the following preliminary questions:

i) Does the request meet the requirements of section 7(2)(c)?

If yes, then section 9(1)(d) is unavailable (although other provisions may apply).

If no, then the analysis moves to ii).

ii) Did the public body request further information that was necessary to process the request under section 7(3)?

If no, then section 9(1)(d) is unavailable.

If yes, then the analysis moves to iii).

⁷ Order [ATIA2025-DEI-01](#) at paras 6 – 19.

⁸ [Bell ExpressVu Limited Partnership v Rex](#), 2002 SCC 42 at para 26, citing [Rizzo & Rizzo Shoes \(Re\)](#), 1998 CanLII 837 (SCC) at para 21.

iii) Did the applicant respond within 30 business days with further information?

If no, then section 9(1)(d) is unavailable (although other provisions may apply).

If yes, the applicant responded within 30 business days with further information, but, despite receiving this information, the request still does not meet the requirements of section 7(2)(c), then a public body may exercise its discretion to disregard the request under section 9(1)(d).

[para 31] However, as discussed above, a public body's duty to assist is the overarching principle that guides a review of a response. If a public body has not met its duty to assist throughout the process, then it is not permitted to disregard a request under section 9(1). Whether a public body has met this duty requires careful consideration throughout the review of a decision to disregard a request under section 9(1) because the outcome of that decision is to deprive an applicant of their quasi-constitutional rights.

ii) A Public Body must make every reasonable effort to assist an applicant before disregarding a request

[para 32] The authority of a public body to disregard an access request is triggered after the public body has met its duty to assist by making "every reasonable effort" to help an applicant make an access request that will enable them to obtain the records sought, and in doing so, responds to the applicant "openly, accurately, and completely", which, as indicated, requires it to meet the section 5 requirements in the Regulation as set out above.

[para 33] It is only after the public body has met this duty to assist that it may exercise its authority under section 9(1) to disregard an access request. In doing so, a public body should carefully consider the consequences for an applicant, which is a denial of their access rights. That said, a public body is not expected to spend countless hours and resources to the detriment of its operations in trying to work with an applicant so that the applicant may make a sufficiently clear access request. I acknowledge that this task for a public body may be unachievable where an applicant refuses to work with the public body towards the objective of creating a sufficiently clear access request that the public body is able to process. In this process, applicants are expected to work in good faith with a public body towards this objective. As indicated, a public body's threshold for its duty to assist as it relates to the right of access is to make "every reasonable effort" and to respond to an applicant "openly, accurately, and completely". If a public body has met this threshold in its attempts to work with an applicant and, despite these efforts, is still unable to process the access request because the request is not sufficiently clear, then a public body may exercise its section 9(1) authority.

[para 34] In my view, the purpose of the Act, the scheme as set out in relation to the exercise of the right of access, and the intention of parliament which allows a right of access to records held by public

bodies, subject only to limited and specific exceptions, support my interpretation of how the aforementioned provisions operate in relation to each other.

2. The Public Body's Decision to Apply Section 9(1)(d) of ATIA

[para 35] As discussed above, in order for a public body to disregard an access request under section 9(1)(d) of ATIA, several elements must be met: i) the request must not meet section 7(2)(c), ii) a public body must have exercised its discretion to request further information that is necessary to process the request under section 7(3), and iii) the applicant must have provided a response with further information. If these circumstances apply, and despite receiving further information from the applicant, the request still does not meet the requirements of section 7(2)(c) because the public body does not have information that is sufficiently clear to enable the public body to locate and identify the record within a reasonable time with reasonable effort, the head of a public body may decide to disregard a request under section 9(1)(d).

a) The Access Request

[para 36] The Applicant's Access Request, dated August 28, 2025, was for access to all records in any format (electronic, paper, handwritten notes, text messages, audio, video, or other media), whether stored centrally or in personal accounts or devices used for Public Body business in the custody or control of the Public Body, from January 1, 2023 to August 28, 2025, that referenced or related to four named individuals including the Applicant. The Applicant provided authorization to make the Access Request on behalf of the other three named individuals. The Access Request provided search terms including alternate references, nicknames and abbreviations for the named individuals with seven specific examples, including one example consisting of only the letters "Al". The Applicant's Access Request specified that it was for the following:

1. Internal communications: all emails, text messages, meeting notes, reports, memos, drafts, phone logs, and call notes generated by or shared between any County employees, contractors, or elected officials that reference the [four named individuals].
2. External communications: all correspondence between Leduc County (including staff, contractors, or elected officials) and:
 - Leduc RCMP
 - Alberta Crown Prosecution Service
 - Any external law firms retained by Leduc County (including but not limited to [a named individual] and any other counsel retained for prosecutions or communications)
 - Counsel for [names redacted] families (including but not limited to [names and law firms redacted])
 - Any provincial or federal ministry or official
 - Any residents of the [name redacted] community or surrounding areas
 - Any third-party contractors, investigators, or consultants retained by Leduc County

where the above individuals are referenced.

3. Bylaw and enforcement records: all records related to complaints, investigations, inspections, or enforcement actions, including tickets, photographs, video, field notes, and officer reports referencing the above individuals.
4. Shared disclosure and privacy-related records: any records showing that criminal or bylaw information relating to the above individuals was shared outside Leduc County, including with RCMP members, opposing counsel (including but not limited to [names and law firms redacted]), private residents, or community representatives.
5. Meeting records: minutes, agendas, handwritten notes, or briefing packages from meetings where any of the above individuals were discussed.
6. Records withheld from previous FOIP responses: any records responsive to this request that were previously redacted or withheld under exemptions such as "harmful to law enforcement" or "harmful to government relations."

This request also includes associated metadata (date created, author, recipient, subject lines) for all responsive records, whether or not the content is released.

If records exist but are proposed to be withheld, I request the County provide a clear written explanation citing the specific section(s) of the FOIP Act relied upon, along with an index of withheld materials ("Vaughn index" style) so I can understand what has been excluded.

I would like all files provided both in electronic file copy and hard copy. I am prepared to pay reasonable fees for this request, but please advise me if the cost is expected to exceed \$200 before proceeding.

[para 37] On September 8, 2025, the Applicant requested a status update from the Public Body, as the Applicant had not yet received an acknowledgement from the Public Body that the Access Request had been received.

b) The Public Body's response

[para 38] On September 19, 2025, the Public Body sent a letter (Sept 19 Letter) to the Applicant wherein it described its views on why the Access Request does not provide enough detail to enable it to locate or identify the records requested within a reasonable time with reasonable effort. The letter was sent by the Public Body's legal counsel on its behalf. The content of the letter is set out below.

...Section 7(3) of the ATIA authorizes the County to request further information from an applicant if their request does not provide enough detail to enable the County to locate or identify requested records within a reasonable time with reasonable effort. As it is presently worded, the County is of the view that your request exhibits some overbreadth and incomprehensibility, the result of which could significantly impact the County's ability to fulfill your request.

In line with the County's duty to assist under the ATIA, the County is committed to giving you every reasonable opportunity to clarify your request.

In light of the foregoing, the County requires you to narrow the scope of your request and provide more specificity to some of the items requested before it may be processed. Pursuant to section 7(3) of the ATIA, you will have 30 business days to provide such clarification, which is until Monday, November 3, 2025 to provide the County with the required clarification. Please send such clarification to [law firm redacted] to my attention.

In reviewing your request, the County is requesting that you narrow the scope or provide specifics (such as subject matter, specific department records, records from specific positions or individuals within the County, or narrower timeframe) for the following items of your request:

1. *Internal Communications: all emails, text messages, meeting notes, reports, memos, drafts, phone logs, and call notes generated by or shared between any County employees, contractors, or elected officials that reference the above individuals;*
2. *External Communications: all correspondence between Leduc County (including staff, contractors or elected officials and [various named third parties] where the above individuals are referenced*

[...]

5. *Meeting records: minutes agendas, handwritten notes, or briefing packages from meetings where any of the above individuals where [sic] discussed.*

These items are very broad and need clarification in order to assist the County in being able to identify what records you are requesting.

[...]

Further to this, we note that the County had previously processed and provided responses to requests for information filed under the FOIP Act on June 11, 2024 and August 8, 2024. The County responded to those requests respectively on July 10, 2024 and December 6, 2024. Please note that the exceptions to disclosure previously applied would still be applicable to those records (aside from the records referencing the new exceptions to disclosure under the ATIA). If you were not satisfied with the County's application of the exceptions to disclosure, we note that you had the opportunity to seeking [sic] a request for review to the Office of the Information and Privacy Commissioner (OIPC). We are not aware of any such request for review with the OIPC. Given that the County has already responded to certain portions of your latest request for information under these previous FOIP requests and you did not exercise your right to request a review, the County is of the position that it is not required to respond to those items of your request that would replicate what has already been provided to you collectively through the responses provided to [two of the individuals represented by the Applicant]. As such, portions of your current request are repetitious and arguably an abuse of process, frivolous or vexatious in nature. However, if you would like a copy of the previously provided responses and their redactions, the County is prepared to provide you with a copy of those responses. However, it will not be reconsidering the application of the exceptions to disclosure.

In order for your current request for access to information to continue to be processed, the County will only begin to do so once the County is satisfied that you have provided enough detail to enable the County to locate and identify any requested records within a reasonable time with reasonable effort. It is at this point that the County will have 30 business days to respond to you under section 13 of the *ATIA*, subject to the County's reservation of its right to extend this time limit under section 16 of the *ATIA*.

Please note that provision of clarification will not guarantee that there are records or that the records corresponding to each of the items will be provided to you (or be subject to redactions pursuant to the *ATIA*). Further, failure to provide the necessary clarification to the request may result in the County being unable to process the full extent of your request and the County's ability to disregard your request or portions thereof under sections 9(c), 9(d), and 9(e) [sic] of the *ATIA*.

c) The Applicant's response to the Public Body's section 7(3) request

[para 39] On September 19, 2025, the same day the Public Body sent the Sept 19 Letter to the Applicant, the Applicant emailed the Public Body setting out their objection to the involvement of the Public Body's law firm in their Access Request. Two days later, on September 21, 2025, the Applicant repeated this objection and copied a number of additional parties on the email including MLAs, MPs, other governmental entities and a law firm on the email correspondence.

[para 40] On September 25, 2025, the Applicant responded more substantively by email (Sept 25 Email) to the Public Body's Sept 19 Letter. The Applicant took the position that clarification was not required and the Access Request was compliant with statutory requirements. In this regard, the Applicant stated as follows:

Clarification Is Not Required – This Request is Legislatively Compliant

My August 28, 2025, request fully satisfies the requirements of Section 7(1) of the Freedom of Information and Protection of Privacy Act (FOIP Act, RSA 2000 c. F-25)

- It identifies the applicant and the public body involved (per 7(1)(a));
- It provides sufficient detail to enable the public body to identify the record(s) (per 7(1)(b));
- It was accompanied by the \$25 application fee required under the Freedom of Information and Protection of Privacy Regulation (per 7(1)(c)).

Additionally:

- A completed Access to Information form, required by Leduc County and provided by your FOIP Coordinator on site, was completed at their request and submitted with my written request, as instructed.
- Signed consent forms for each named third party [names redacted] were enclosed, and all three were present with me at Leduc County's office when the request was made.
- The request is limited in time (Jan 1, 2023, to present), targeted in scope, and categorized by record type (internal/external communications, enforcement actions, withheld FOIP materials and metadata).

This satisfies the “reasonable effort” test in s. 7(2). I will not be narrowing or redefining the request. The request stands.

[para 41] In the Sept 25 Email, the Applicant raised additional concerns and stated the Public Body had mischaracterized the request. The Applicant stated there was no duplication and that the Public Body was required to request authorization from the Commissioner to disregard a request. The Applicant summarized the response by confirming that the Request would not be narrowed and demanding the Public Body process it in 30 calendar days.

d) Subsequent exchanges between the parties

[para 42] The following day on September 26, 2025, the Public Body, through its legal counsel, responded to the Applicant’s Sept 25 Email. Therein it acknowledged receipt of the Applicant’s previous emails, stated it was “in receipt of your clarification of the request and will review and provide the County’s response in due course”. The Public Body also responded to the Applicant’s additional objections regarding other matters.

[para 43] On October 31, 2025, and again on November 4, 2025, the Applicant sent additional emails to the Public Body. In these emails, the Applicant set out their concerns regarding the Public Body but did not provide any additional information as requested by the Public Body in its Sept 19 Letter.

[para 44] As set out in the Public Body’s Sept 19 Letter, November 3, 2025 was the Applicant’s deadline to provide the information requested therein. By this date, the only further information the Applicant provided was the refusal to narrow the scope of the Access Request as indicated in their Sept 25 Email.

3. Division of the Access Request into Parts by the Public Body

[para 45] The Public Body’s Sept 19 Letter to the Applicant divided the Access Request into two: “Parts 1, 2 and 5”, which it viewed as broad and requiring clarification, and “Parts 3, 4, and 6”, which it viewed as potentially repetitious. Therefore, I will consider separately Parts 1, 2 and 5, and Parts 3, 4, and 6.

[para 46] I will note here that even if a public body is unable to respond to all parts of a request, it should respond to those parts to which it can.⁹ That is, if a public body receives a request with multiple parts, it may not be able to give a single response for the entire request. Depending on the circumstances of the request before a public body, a more nuanced approach may be required. A public body should determine whether it should make different decisions about different parts of a request. For example, after having met its duty to assist an applicant under section 12(1), a public body may then

⁹ Order [97-003](#) at paras 23 – 26 and 259 and Order [F2011-003](#).

decide to apply different parts of section 9(1) to different parts of a request or it may determine that it can respond to certain parts of a request but will decide to disregard other parts.¹⁰

a) Did Parts 1, 2, and 5 of the Access Request meet the requirements of section 7(2)(c)?

[para 47] The first matter to determine is whether Parts 1, 2 and 5 of the Access Request met the requirements of section 7(2)(c) when the Access Request was made. The relevant portions of the Access Request that relate to these Parts are set out below.

Pursuant to the *Freedom of Information and Protection of Privacy Act* (Alberta), I request access to all records...in the custody or control of Leduc County that reference or relate to:

- [four named individuals redacted]

[...]

Specifically, I request:

1. Internal communications: all emails, text messages, meeting notes, reports, memos, drafts, phone logs and call notes generated by or shared between any County employees, contractors, or elected officials that reference the above individuals.
2. External communications: all correspondence between Leduc County (including staff, contractors, or elected officials) and:
 - Leduc RCMP
 - Alberta Crown Prosecution Service
 - Any external law firms retained by Leduc County (including but not limited to [a named individual] and any other counsel retained for prosecutions or communications)
 - Counsel for [names redacted] families (including but not limited to [names and law firms redacted])
 - Any provincial or federal ministry or official
 - Any residents of the [name redacted] community or surrounding areas
 - Any third-party contractors, investigators, or consultants retained by Leduc County

where the above individuals are referenced.

[...]

5. Meeting records: minutes, agendas, handwritten notes, or briefing packages from meetings where any of the above individuals were discussed.

[para 48] The search terms provided by the Applicant for these records are as follows:

¹⁰ See for example: [ATIA2026-DEI-01](#) at paras 1 – 5.

- records in any format (electronic, paper, handwritten notes, text messages, audio, video, or other media) including metadata;
- whether stored centrally or in personal accounts or devices used for Public Body business in the custody or control of the Public Body;
- that referenced or related to four named individuals including the Applicant including any records that use nicknames and abbreviations for the named individuals, with seven specific examples including one example consisting of only “Al; and
- the timeline for the records, from January 1, 2023 to August 28, 2025.

[para 49] The Public Body’s response to this Access Request was to communicate in the Sept 19 Letter its views that these parts of the Access Request do not meet the section 7(2) requirements to provide enough detail to enable the Public Body to locate or identify requested records within a reasonable time with reasonable effort. In this regard, it stated “[a]s it is presently worded, the County is of the view that your request exhibits some overbreadth and incomprehensibility, the result of which could significantly impact the County’s ability to fulfill your request”.

i) Submissions

[para 50] The Public Body submitted its reasons for concluding that the Access Request did not meet the section 7(2) requirements.

The County’s view is that the Applicant’s access to information request is overly broad and does not provide sufficient detail to locate and identify records within a reasonable time with reasonable effort. The Applicant’s request includes language of “all” internal communication between “any County employees, contractors or elected officials” (emphasis added) that reference certain individuals; “all” external communications between County employees, contractors, or elected officials where certain individuals are referred to; and all meeting records where the individuals were discussed. There are no time frames respecting these items or subject matters being referred to by the Applicant. In addition, the County had previously processed two other FOIP requests that overlap with this new request.

[para 51] The Public Body further explained in its submission that the Access Request as it was worded would require the effort of many staff and officials and departments, and that it could not be done within 30 business days without interfering with its everyday operations. It explained its position that it could not locate and identify records within a reasonable time with reasonable effort as required by section 7(2)(c).

The County is a large organization with hundreds of staff and officials. The County is organized by several departments. Considering this, a request that would be able to be processed with reasonable time and reasonable effort would be clear enough to know what departments to search, what individual employees or officials might be involved, what subject matter to search for and what time frame. It would not be a reasonable time or a reasonable effort to require the County to have to go through ALL of its records (both hard copies and electronic) from the beginning of its inception to the date of the request to search just for reference to an individual’s or two’s name or personal information. The Applicant’s request encompasses

the entire organization for a 2 ½ year period where the County has conducted thousands of transactions, held hundreds of meetings and had interactions with thousands of individuals, groups and organizations.

The County's position is that the request is not sufficiently clear to allow it to locate and retrieve potentially responsive records within a reasonable time with reasonable effort. In fact, the request in and of itself is overly broad. The County advised the Applicant of this and sought their input to narrow the request or to provide any clarification.

[para 52] The Applicant's submissions about whether parts 1, 2 and 5 of their Access Request met the section 7(2)(c) threshold are as follows.

The August 28, 2025, request:

- Identified four named individuals [names redacted];
- Limited the timeframe to January 1, 2023, to present.
- Identified specific categories of records (internal communications, external communications, enforcement records, shared disclosures, meeting records, and records previously withheld);
- Included signed consents for all named individuals.
- Identified specific third-party individuals with whom the County had previously communicated regarding matters affecting the Applicant's family

A request limited to named individuals, a defined timeframe, and defined record categories meets the requirements of section 7(2) of the Act. The Public Body has extensive enforcement, FOIP, and legal files concerning the Applicant's family. On its face, the request was capable of being processed with reasonable effort.

ii) Analysis

[para 53] In its submission, the Public Body explained that it considers a reasonable time to process a request to be one that "could be processed within 30 business days and that could be processed by the coordination of one individual of the County without significantly impacting their ability to undertake other tasks assigned to them as employees of the County". If the Public Body's position is that a request must be completed within 30 business days, this is incorrect.¹¹ ATIA expressly contemplates that responding to some requests may require more than 30 business days. The time extension provisions in section 16 allow public bodies to extend their time to respond in certain circumstances, including where a large number of records are requested and more time is needed to process the request. Public bodies may also charge fees as set out in section 96 of ATIA and the Regulation.

[para 54] The Access Request asks for records in any format, stored in any location, including on personal devices used for Public Body business, that reference or relate to four individuals, specifically:

- all internal communication involving staff and others involved in the business of the Public Body;

¹¹ Investigation Report [F2025-IR-01](#) at para 95 and paras 99 - 102.

- all external communication between these individuals and any other person or business that reference or relate to four individuals; and
- records of meetings, agendas, handwritten notes or briefing packages where these individuals were discussed.

[para 55] The Access Request further identified that the search for these records should include nicknames used or created for these individuals and abbreviations including “AI” and that metadata associated with all responsive records also be provided.

[para 56] Having reviewed the evidence and submissions of the parties, it is clear that the relationship between the Applicant and the Public Body is less than amicable and that there has been a strained relationship between these parties stemming from historical events dating back to 2022. It is also clear that the Applicant is seeking access to information regarding the Public Body’s involvement with the Applicant and their family for the purpose of holding them accountable as it relates to these historic events and subsequent interactions.

[para 57] In this context, it is understandable why the Applicant’s Access Request is structured as it is. However, I agree with the Public Body that it is overly broad because it would take the Public Body an unreasonable amount of time even to try and locate responsive records and associated metadata for each record. The search parameters, which includes searching for nicknames including “AI”, a letter combination that is found in many common words, is particularly problematic. Searching these terms would return a voluminous number of potentially responsive records, likely in the thousands, which would take an inordinate amount of time for the employees of the Public Body to review for responsiveness. In the end, the result would not be in either party’s interest. It would be valuable time wasted by the Public Body only to identify thousands of potentially responsive records that may not be at all what the Applicant is looking for and cause significant delays and fees for processing the request that would not serve the interests of the Applicant in making the request.

[para 58] While an applicant is not required to identify to a public body why they are seeking access to information and may be unwilling in certain circumstances, such as a strained relationship with a public body, to have their purpose inferred through the process of working to identify where records may be in a public body that they are interested in, it is generally beneficial for an applicant to work with a public body to hone in on records sought. In my view, working cooperatively with a public body towards this objective is the good faith effort on the part of an applicant that is required when a public body is exercising its duty to assist an applicant identify records to enable the applicant to meaningfully exercise their right of access. Additionally, when making access requests, applicants should be mindful of the fact that public resources are finite. It is in the public interest generally for applicants to work with public bodies when seeking access to records to lessen the work for the public body to process the request. Taking this approach is also in the best interests of applicants because, ultimately, it will reduce timelines for access and costs.

iii) Finding

[para 59] For the foregoing reasons, I find that Parts 1, 2 and 5 of the Applicant's Access Request do not meet the requirements of section 7(2)(c). As such, it was open to the Public Body to exercise its discretion to request further information from the Applicant under section 7(3), and the Public Body chose to do so.

b) The Public Body's Exercise of its Authority Under section 7(3)

[para 60] The Sept 19 Letter sent by the Public Body to the Applicant explicitly states it was exercising its section 7(3) authority. Section 7(3) permits a public body to exercise its discretion to request further information from an applicant that is necessary to process the request.

7(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. [Underlining mine]

[para 61] In its Sept 19 Letter to the Applicant, the Public Body set out its views about why the Access Request did not meet the section 7(2)(c) requirements, which I have found to be the case. It also requested the Applicant provide "specifics" in order to enable it to process the Access Request. Below are relevant extracts from the Sept 19 Letter.

"the County is of the view that your request exhibits some overbreadth and incomprehensibility"

"In line with the County's duty to assist under the ATIA, the County is committed to giving you every reasonable opportunity to clarify your request"

"the County requires you to narrow the scope of your request and provide more specificity to some of the items requested before it may be processed"

"the County is requesting that you narrow the scope or provide specifics (such as subject matter, specific department records, records from specific positions or individuals within the County, or narrower timeframe) [for items 1, 2 and 5] of your request"

"In order for your current request for access to information to continue to be processed, the County will only begin to do so once the County is satisfied that you have provided enough detail to enable the County to locate and identify any requested records within a reasonable time with reasonable effort"

[para 62] Determining what is necessary to process an access request under section 7(3) engages the duty to assist in section 12(1) of the Act and section 5(1) of the Regulation.

[para 63] On receiving the Access Request and on determining that the Access Request did not meet the section 7(2)(c) requirements, the onus was on the Public Body to make *every reasonable effort* to assist the Applicant meet the section 7(2)(c) requirements and to respond *openly, accurately and completely* to the Applicant when providing this assistance. To meet this threshold, under section 5(1) of the Regulation, the Public Body had to:

5(1) For the purposes of section 12(1) of the Act, the duty to make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely includes a duty to

- (a) engage with the Applicant in a way that provided the Applicant with every reasonable opportunity to*
 - (i) provide additional information to enable the Public Body to locate and identify the records requested within a reasonable time with reasonable effort,*
 - (ii) narrow the Access Request because it is overly broad, or*
 - (iii) make the Access Request comprehensible if the Public Body determined it to be incomprehensible,*
- (b) respond to the Applicant's questions in plain language, and*
- (c) provide information to the Applicant on the kinds of records it has in its custody or control and offered suggestions on how the Applicant may adjust the Access Request to enable it to be processed.*

i) Submissions

[para 64] In its submissions about the application of section 7(3), the Public Body indicated the following about the Applicant's response to its Sept 19 Letter.

The Applicant never provided the County with any clarification of their request. The Applicant did reply by letter dated September 25, 2025 stating "Clarification Is Not Required – This Request is Legislatively Compliant."

[para 65] It added:

The Applicant's response was simply, "it is clear enough" and refused to provide any additional information, clarification or narrowing of the search. Because many of the responsive records have been provided to these individuals through two previous requests, this is an unreasonable expectation for a public body to process such an overly broad request even after seeking clarification from the Applicant.

The County also gave the Applicant the full amount of time to provide such clarification (i.e. the full 30 business days) and refused, failed or neglected to do so.

In addition to the Applicant's refusal to provide any clarification or assistance to the County to narrow down the search so that the County could process [their] request within a reasonable time with reasonable effort, the Applicant has been confrontational to the County by alleged improper delegation and breach of conflict of interest.

The County has attempted to respond to the Applicant's other concerns; however, the Applicant has shown a complete lack of any trust in the public body. As a result, the County questions whether any

response to the Applicant's overly broad access to information request will be to the Applicant's satisfaction.

[para 66] The Applicant's submission focused on their disagreement with the Public Body's interpretation of section 7(3), expressing their views that section 7(3) only requires a response to the Public Body rather than a response specified by the Public Body.

ii) Analysis

A. The Duty to Assist: Section 5(1)(a) - Engagement

Did the Public Body engage with the Applicant as required by section 5(1)(a) of the Regulation?

[para 67] The Public Body's engagement with the Applicant began with the Sept 19 Letter. Therein, the Public Body sets out its reasons for requesting additional information from the Applicant in order to process the Access Request and makes a request for the Applicant to clarify and narrow the Access Request.

[para 68] The content of the Sept 19 Letter demonstrates that the Public Body addressed all three items in section 5(1)(a) in this Letter. Therein, it stated its view that the Access Request is overbroad and incomprehensible. It requested the Applicant narrow the Access Request to a "narrower timeframe" and provided some examples of additional information required to identify the records, "subject matter, specific department records, records from specific positions or individuals". It also informed the Applicant that the Access Request will only be processed once it "is satisfied" that the Applicant has provided enough detail to locate and identify the records sought within a reasonable time with reasonable effort. Finally, the Public Body outlined potential consequences under section 9(1) if the Applicant did not provide the requested information.

[para 69] As indicated above, following this Sept 19 Letter was a series of emails exchanged between the parties about other matters concerning the Public Body and the Applicant. Six days after receiving this letter, the Applicant responded in the Sept 25 Email to the Public Body setting out their objection to the request made by the Public Body to narrow the Access Request. In the Applicant's view, the Access Request met the section 7(2)(c) requirements. Included in this email is the following statement.

Improper Allegation of Abuse Under FOIP

The suggestion that my request is "frivolous, vexatious or repetitious" is legally and procedurally unfounded.

Under Section 55(1) of the FOIP Act, only the head of a public body may request authorization from the OIPC to disregard a request on these grounds. As far as I am aware, no such application has been made, nor has any determination been issued.

Therefore:

- There is no statutory basis for this designation.

- [The law firm] has no standing to make such a finding unilaterally.
- The allegation amounts to procedural intimidation and a chilling of access rights under the Act

This is now part of the escalating record being documented and shared with external oversight channels.

[para 70] It is clear from this communication that the Applicant neither understood the applicable legislation (ATIA, not FOIP), nor that the Public Body did, in fact, under ATIA, have authority to disregard a request in circumstances set out in section 9(1) of this Act. Despite a relatively steady stream of communications between the parties between September 19, 2025 and the November 3, 2025 deadline date for the Applicant to respond with the information requested in the Sept 19 Letter, there were no further attempts made by the Public Body to engage the Applicant to help them narrow their request other than to reiterate in an email dated September 26, 2025, which addressed a number of allegations made by the Applicant concerning the law firm representing the Public Body in regard to the Access Request, that “the County is committed to processing your access request openly, accurately and completely, and in accordance with ATIA and associated regulations”. Other than to state the applicable law, the Public Body did not clarify with the Applicant their misconception that only the Information and Privacy Commissioner has authority to authorize a public body to disregard an access request, as was the Applicant’s view based on the now repealed FOIP Act.

[para 71] It is clear from the Applicant’s statement regarding the ability to disregard, that they were unaware that ATIA shifted this authority to the Public Body. Although potential consequences under section 9(1) had been initially, albeit briefly, stated in the Public Body’s Sept 19 Letter, it is clear the Applicant did not understand. Relaying this information to the Applicant again, in response to the Applicant’s Sept 25 Email would have been useful as it may have encouraged the Applicant to engage in additional dialogue with the Public Body in recognition of the consequences of not working with the Public Body to narrow the request such that it is sufficiently clear to enable processing.

[para 72] This did not occur, and, as indicated, there were no additional attempts made by the Public Body to assist the Applicant in making a request that met section 7(2)(c). This may be because, based on past interactions with this Applicant, it was of the view that any effort toward this objective is futile. The Public Body’s submissions are telling in this respect, especially this statement:

The County has attempted to respond to the Applicant’s other concerns; however, the Applicant has shown a complete lack of any trust in the public body. As a result, the County questions whether any response to the Applicant’s overly broad access to information request will be to the Applicant’s satisfaction.

[para 73] Notwithstanding these challenges, the duty is on the Public Body to “make every reasonable effort” to assist the Applicant and to “respond to the Applicant openly, accurately and completely”, which, as the evidence shows, did not occur in this case. I acknowledge that the Public Body made some effort by setting out in the Sept 19 Letter the kinds of information the Applicant could provide that might help the Public Body identify and locate the records in a reasonable time with reasonable effort, but did nothing further, even with the knowledge that the Applicant clearly did not understand the

consequences of not working with the Public Body toward this objective. Instead, the Public Body responded on September 25, 2025, only acknowledging receipt of the Applicant's communications, and confirming that it was "also in receipt of your clarification of the request and will review and provide the County's response in due course". Although the Public Body addressed other concerns of the Applicant, it did not respond to the Applicant's clear misapprehension of the applicable legislation and potential consequences of a failure to cooperate on the Applicant's part. Rather than make additional efforts to help the Applicant meet their section 7(2)(c) requirements, such as by writing follow up letters or requesting an opportunity to meet to discuss the request in more detail, it did nothing more than simply wait out the 30 business days to see if the Applicant would respond more favourably to their request in the Sept 19 Letter, which did not occur.

[para 74] Based on the foregoing, I find that the Public Body did not make every reasonable effort to assist the Applicant and to respond to them openly, accurately and completely by engaging them as required by section 5(1)(a) of the Regulation. That said, in my view the Applicant bears some responsibility for this outcome. Here the Applicant refused to engage with the Public Body at all in its efforts to help the Applicant meet the section 7(2)(c) requirements, and in doing so did not meet their responsibility to work in good faith with the Public Body towards this objective.

B. The Duty to Assist: Section 5(1)(b) - Respond in Plain Language

[para 75] The second requirement in section 5(1) of the Regulation in its subsection (b) concerning the duty to assist an applicant make an access request that meets the section 7(2)(c) requirements is for the Public Body to respond to the Applicant's questions in plain language.

[para 76] Plain language requirements form part of many modernized privacy and access laws in Canada and internationally. The requirement to use plain language as is codified in these laws exists to ensure that when bodies are communicating with individuals about how to exercise their access to information or privacy rights in any sector, they can do so meaningfully through the use of plain language communication by the body to the individual.

[para 77] It is now commonly recognized that use of plain language concerning the application of law is essential for people to understand the law and the legal decisions that affect them.¹² This is because it is now generally understood that most people, literate or not, do not understand even the simplest legal expressions and do not understand the concepts contained in the words, even if they understand the words themselves. This places them in the position of not understanding what is expected of them.¹³

[para 78] The requirement for a public body to respond to an applicant's questions in plain language in section 5(1)(b) of the Regulation requires it to respond, whether orally or in writing, in such a way that

¹² [Plain language. It's essential for real access to justice](#), Provincial Court of British Columbia, October 29, 2025.

¹³ [Literacy and Access to Administrative Justice in Canada: A Guide for the Promotion of Plain Language](#), Council of Canadian Administrative Tribunals, circa 2005, at p. 11.

ensures the communication the individual is reviewing or receiving is understandable to them and that they understand from this communication what is expected of them.¹⁴

[para 79] The Sept 19 Letter was written by the Public Body's legal counsel to communicate with the Applicant about their Access Request. As it relates to the analysis of the plain language response requirement, the Sept 19 Letter:

- acknowledges receipt of the Access Request;
- identifies that the Access Request will be processed under ATIA, which replaced FOIP;
- identifies that section 7(3) of the ATIA authorizes the Public Body to request further information from the Applicant if their Access Request does not provide enough detail to enable the Public Body to locate or identify requested records within a reasonable time with reasonable effort;
- states the Public Body's view that the Access Request "exhibits some overbreadth and incomprehensibility, the result of which could significantly impact the [Public Body's] ability to fulfill [the Applicant's] request";
- states "the [Public Body] is committed to giving [the Applicant] every reasonable opportunity to clarify [the Applicant's] request";
- states "the [Public Body] requires [the Applicant] to narrow the scope of [the Applicant's] request and provide more specificity to some of the items requested before it may be processed";
- states "[p]ursuant to section 7(3) of the ATIA, [the Applicant] will have 30 business days to provide such clarification, which is until Monday, November 3, 2025 to provide the [Public Body] with the required clarification";
- sets out items 1, 2 and 5 of the Access Request that requires narrowing or the provision of specifics "(such as subject matter, specific department records, records from specific positions or individuals within the [Public Body], or narrower timeframe)";
- states "[t]hese items are very broad and need clarification in order to assist the [Public Body] in being able to identify what records [the Applicant is] requesting";
- explains that the Public Body will only process the Access Request once satisfied that enough details have been provided to enable the Public Body to locate and identify any requested records within a reasonable time with reasonable effort; and

¹⁴ [Personal Information Protection Act Submission to the Standing Committee on Resource Stewardship](#), May 31, 2024.

- states “failure to provide the necessary clarification to the request may result in the [Public Body] being unable to process the full extent of [the Applicant’s] request and the [Public Body’s] ability to disregard [the Applicant’s] request or portions thereof under sections 9(c), 9(d) and 9(e) [sic] of the ATIA”.

[para 80] The Applicant responded to the Sept 19 Letter by email the same day. The substance of the email was not a response to the Letter. However, the Applicant indicated twice therein that they would soon provide a full response to the “clarification request”.

[para 81] The Applicant’s substantive response to the Sept 19 Letter was contained in the Sept 25 Email sent to the Public Body’s legal counsel on September 25, 2025. As it relative to this analysis, the email:

- indicates it is a formal response to the Sept 19 Letter;
- indicates that clarification is not required and that the request is legislatively compliant; because it “fully satisfies the requirements of Section 7(1) of the Freedom of Information and Protection of Privacy Act”:
 - “it identifies the applicant and the public body involved (per 7(1)(a))”; and
 - “it provides sufficient detail to enable the public body to identify the record(s) (per 7(1)(b)); was accompanied by the \$25 application fee required under the Freedom of Information and Protection of Privacy Regulation (per 7(1)(c))”;
- explains that the Access to Information Form was completed on site, signed consent forms for access to third party personal information, and “[t]he request is limited in time (Jan 1, 2023, to present), targeted in scope, and categorized by record type (internal/external communications, enforcement actions, withheld FOIP materials, and metadata)”;
- states “[t]his satisfies the “reasonable effort” test in s. 7(2). I will not be narrowing or redefining the request. The request stands”.

[para 82] The Applicant stated the following in this email in reference to a comment made in the Sept 19 Letter that the other parts of the Applicant’s Access Request may constitute an abuse of process or be vexatious or repetitious:

Under Section 55(1) of the FOIP Act, only the head of a public body may request authorization from the OIPC to disregard a request on these grounds. As far as I am aware, no such application has been made, nor has any determination been issued.

Therefore:

- There is no statutory basis for this designation.
- [Law Firm] has no standing to make such a finding unilaterally.
- The allegation amounts to procedural intimidation and a chilling of access rights under the Act.

[para 83] At the end of the email the Applicant added:

I hereby confirm:

- I will not be narrowing the request;
- Leduc County is expected to process the request under Sections 10-11 of the FOIP Act;
- You are legislatively obligated to respond within 30 calendar days, unless an extension is requested per Section 14.

Failure to respond appropriately will result in:

- A formal review application to the OIPC under Section 65(1) and 66(1);

[para 84] On September 26, 2025, legal counsel for the Public Body emails the Applicant. The relevant content of this email, states as follows.

Thank you for your emails of September 19, September 22, and September 25 2025, we confirm that they have been received. We are also in receipt of your clarification of the request and will review and provide the [Public Body's] response in due course.

[para 85] It added that:

...the County is committed to processing your access request openly, accurately and completely, and in accordance with the ATIA and associated regulations.

[para 86] In an email dated October 31, 2025 to the Public Body, the Applicant stated:

...It is now October 31, 2025. As of this writing, no 30-day update letter has been issued as required under Section 13 of the Access to Information Act. Your last formal correspondence was dated September 26, 2025; that date governs the statutory update requirement.

As per Section 13(1):

"The head of a public body must make every reasonable effort to respond to a request not later than 30 days after receiving it"

If an extension was required under Section 16, written notice should have been provided before the 30-day deadline expired. No such notice has been received.

This omission breaches both the letter and the intent of the Act and contradicts the [Public Body's] stated commitment to transparency and timeliness. It also directly conflicts with [law firm name]'s representation that this matter is being processed "openly, accurately and completely."

[para 87] The Applicant added the following:

...I also remind you that clarification was submitted in full on September 25, 2025.

[Law firm name]'s letter of September 19 required clarification by November 3, 2025. That obligation has been met. The continuing absence of a 30-day update, despite acknowledgment of clarification, indicates one of two things:

1. That [Public Body] is not fulfilling its statutory obligations under the ATIA, or
2. That [law firm name] is again functioning as a gatekeeper over access to records in which it may hold a direct and un-recused [sic] conflict.

Neither outcome is legally acceptable.

[para 88] In an email dated November 4, 2025 to the Public Body, the Applicant stated the following:

As of close of business November 3, 2025, no 30-day update, extension, or disclosure has been issued regarding my August 28, 2025, access request (FOIP/ATIA 0197-25-07). No written extension notice has been issued under s. 14(1)(b); absent such notice, the file is in deemed-refusal status under FOIP s. 11(2).

[para 89] On November 18, 2025, the legal counsel for the Public Body emailed the Applicant a letter. The content of this letter that is relevant to this analysis is set out below.

Further to your correspondence in response and follow up to our letter of September 19, 2025, we are writing in response to your access to information request and failure to provide any clarification to assist Leduc County (the "County") to locate or identify requested records within a reasonable time with reasonable effort. In addition, we are writing to respond to your comments and requests set out in your email of November 4, 2025.

Clarification of Request and Decision to Disregard

The County provided you an opportunity to provide clarification to your access to information request in order for your request to have sufficient information in order for the County to be able to locate or identify requested records within a reasonable time with reasonable effort. In accordance with the *Access to Information Act (ATIA)*, you had 30 business days in which to provide such clarification.

You provided a reply on September 25, 2025 and indicated that no clarification is required and that you will not narrow your request. However, as we have indicated in our September 19, 2025 correspondence that is not the case and the County requires clarification in order for your access to information request to meet the requirements of a complete request pursuant to section 7(2) of the *ATIA*. Until the requirements of section 7(2) of the *ATIA* are met, a public body has not received a complete access request and the timeline to process such a request does not commence.

We provided you until November 3, 2025 in which to submit such clarification and sufficient detail for the County to locate or identify requested records within a reasonable time with reasonable effort. In accordance with section 12(1) of the *ATIA* and in particular, section 5(1)(a) of the *Access to Information Regulation*, Alta. Reg. 197/2025, we have provided you every reasonable opportunity to provide the necessary clarification until the deadline of November 3, 2025. However, you have failed and refused to provide such clarification. The next step for the County is to determine if it can continue to process the access to information request or should take other steps such as to disregard the access to information request (pursuant to section 9) or to treat it as abandoned (pursuant to section 10), within 30 business days of the deadline to provide the necessary clarification, being December 16, 2025.

In light of and as a result of the above, the County, by way of a decision rendered by County Manager, [name] (the head of the public body), has instructed us to advise you that the County has made the

decision to disregard your access to information request of August 28, 2025 on the basis of section 9(1)(d) of the ATIA.

[para 90] As part of meeting its duty to assist in section 12(1) of ATIA, a public body is required to respond to an applicant's questions in plain language. On the facts before me, the Applicant did not ask the Public Body any questions as it related to the clarification sought by the Public Body in its Sept 19 Letter in any subsequent correspondence with the Public Body. The contents of the communication by the Applicant were statements about their views that the Access Request does meet the section 7(2) requirements, albeit, generally referencing the wrong Act.

[para 91] Because the Applicant did not ask any questions, it is arguable whether the Public Body's section 5(1)(b) duty was triggered. That said, as I have indicated herein, it was clear that the Applicant was misinformed about the applicable Act, which may have contributed to their unwillingness to work with the Public Body such that their Access Request could be processed by the Public Body. It is clear from the evidence that the Applicant was of the view that the law applicable to the Access Request was FOIP, although they referenced ATIA from time to time in their correspondence. In referencing FOIP, the Applicant expressed their view that decision making about disregarding an access request rests with the Commissioner, which was the case in FOIP. However, ATIA replaced FOIP on June 11, 2025, and under ATIA public bodies now have the authority to disregard access requests under section 9 of this Act.

[para 92] The duty to assist in section 12(1) is all encompassing. Although section 5(1) does not include an express plain language requirement for communicating with an applicant, this section is non-exhaustive. Given the importance of access rights and the policy reasons behind the need to communicate in plain language as set out above, I find that the Public Body had a duty to do so and did not.

[para 93] It is clear in the evidence before me that the Applicant did not understand the law that applied, or the consequences. The Public Body, which was communicating with the Applicant through its legal counsel, who is well versed in the law, had many opportunities to clarify this misconception for the Applicant, such as by explaining the shift in authority to disregard access requests, explaining how sections 7(2)(c), 7(3) and the section 9(1)(d) in ATIA work, and the consequences that may flow to the Applicant if they continued to refuse to work with the Public Body to clarify the request. Instead, the Public Body did nothing more than state that ATIA applied, noted the applicable sections, and then reiterated this information in subsequent communications with the Applicant.

[para 94] The communicating in plain language duty that forms part of the duty to assist set out in section 12(1) of the Act and section 5(1) of the Regulation required the Public Body to communicate with the Applicant in such a way to ensure the communication being reviewed by the Applicant about the ATIA as it related to their Access Request was understandable and to take reasonable steps to ensure that the Applicant understood from this communication what was expected of them. This did not occur in this case. As such, I find that the Public Body failed to meet this aspect of its duty to assist the Applicant.

C. The Duty to Assist: Section 5(1)(c) – Providing Information and Suggestions about the Public Body's Records

[para 95] To meet the duty to assist in section 12(1) of the Act and section 5(1)(c) of the Regulation, a public body is required to provide information to an applicant on the kinds of records the public body has in its custody or under its control and offer suggestions on how an applicant may adjust a request to enable the request to be processed.

[para 96] As indicated above, the Public Body gave some examples of steps the Applicant could take to narrow the Access Request or provide specifics “(such as subject matter, specific department records, records from specific positions or individuals within the [Public Body], or narrower timeframe)”. This does not meet the duty to assist in section 5(1)(c). The Public Body did not provide information to the Applicant on the kinds of record it has in its custody or control that may be responsive to the Access Request. Nor did it offer any suggestions on how the Applicant may adjust the Access Request to enable it to be processed. To meet this duty will generally require a conversation between a public body and an applicant where a public body works with the applicant to help them understand what records the public body has that the applicant wants and enables the applicant to refine their access request accordingly.

[para 97] What I said in Investigation Report F2025-IR-01 about the duty to assist under the FOIP Act, applies to the section 5(1)(c) duty in the Regulation, modified in context:

A member of the general public does not know what records are in the custody or control of a public body. They are not privy to the inner workings of [a public body] and, therefore, could not be expected to know specifics about any records held by [a public body].

There is no directory of public records that an applicant can peruse to determine what records may exist within a [public body] that may be of interest to the applicant when exercising their right of access.

It is only a public body that knows what records it has, including where and how they are stored.

An applicant has no way of knowing the internal workings of [a public body] and what records may be held therein, and it is up to public bodies to help an applicant identify the records they want to access and not the other way around.

[para 98] For the foregoing reasons, I find that the Public Body failed to meet the duty to assist in section 5(1)(c) of the Regulation.

D. The Duty to Assist: Sections 5(2) and 5(3) - Factors to Consider when Assessing the Duty to Assist

[para 99] In reaching my findings about the Public Body's duty to assist in section 12(1) of the Act and section 5(1) of the Regulation, section 5(2) requires that I consider the following factors:

5(2) For the purposes of section 12(1) of the Act, the following factors must be considered when assessing whether the head of a public body has made every reasonable effort to assist an applicant and to respond to each applicant openly, accurately and completely:

- (a) *the size of the public body;*
- (b) *the number of hours required to assist or respond to the applicant;*
- (c) *the number of staff required to assist or respond to the applicant;*
- (d) *the impact on the regular operations of the public body.*

[para 100] These factors will weigh differently depending on the exercise of duty to assist to be undertaken in each case. Here they weigh minimally because the duty here was to assist the Applicant to make an access request that would meet the section 7(2)(c) requirements. This involves communicating with an applicant as described above.

[para 101] Section 5(3) of the Regulation sets out the factors that must be considered when assessing whether providing access to a record would unreasonably interfere with the operations of a public body and is therefore not applicable in this inquiry.

E. The Duty to Assist: Section 5(4) – Creating and Maintaining Records Evidencing Decisions and Actions by the Public Body

[para 102] Section 5(4) requires a public body to create and maintain accurate records that document the public body's decisions and actions as it relates to the duty to assist in section 12(1) of the Act and section 5(1) of the Regulation, including the public body's communications with applicants, respecting each request for access to a record.

[para 103] As part of its submissions, the Public Body provided records of its decisions and actions concerning the Applicant's Access Request and communications with the Applicant about the same. I have no reason to believe these records are inaccurate. Therefore, I find the Public Body met this aspect of its duty to assist under this section.

iii) Finding

[para 104] Parts 1, 2, and 5 of the Access Request did not meet the requirements of section 7(2)(c), that is, they did not provide enough detail to enable the Public Body to locate and identify the records within a reasonable time with reasonable effort. Accordingly, the Public Body was permitted to exercise its discretion under section 7(3) to request further information from the Applicant that was necessary to process the request, and it did so in the Sept 19 Letter. However, from the Applicant's Sept 25 refusal to provide any requested information to the Public Body, it was clear that the Applicant did so under a misapprehension of the applicable statute and their obligation to respond within 30 business days under section 7(3). For all the reasons provided above, I have explained why the Public Body did not fully meet its duty to assist the applicant under section 12(1) of ATIA and section 5(1) of the Regulation.

[para 105] A public body is required to meet its duty to assist before it can exercise its discretion to disregard a request, which, as indicated, the Public Body did not do in this case. Therefore, I find the

Public Body was not permitted to disregard Parts 1, 2, and 5 of the Applicant's request under section 9(1)(d). Consequently, the Public Body is required to process Parts 1, 2, and 5 of the Access Request in accordance with ATIA.

[para 106] Parts 1, 2 and 5 of the Access Request remain in the very early stage of processing. As I said, I agree with the Public Body that it does not yet have enough detail to enable it to locate and identify the responsive records within a reasonable time with reasonable effort. As such, it may still exercise its discretion to request further information from the Applicant under section 7(3), and in doing so must meet its duty to assist the Applicant with making the Access Request sufficiently clear such that it will meet the section 7(2)(c) requirements.

[para 107] In its submission, the Public Body requested clarification as to what additional steps it could take to process the request if I find that it was not permitted to disregard under section 9. Unlike a situation where a public body has failed to respond to a request within 30 business days and is therefore to be treated as a decision to refuse access under section 13(2),¹⁵ in this case it is clear the Public Body intended to, attempted to, and still may process the Access Request once it receives the required information from the Applicant to process the Access Request, including taking steps such as estimating fees or extending timelines if needed.

[para 108] In light of the issuance of this Order, and the time that has passed since ATIA came into force, the Applicant should now be aware that ATIA is the governing legislation, not FOIP, and that the Applicant also has an obligation to work in good faith with the Public Body on making the Access Request compliant with section 7(2)(c).

[para 109] If, despite this Order and clarification, the Applicant maintains their position that no further information is necessary for the Public Body to process the Access Request and fails to respond to the Public Body with the information that is necessary for it to process the Access Request, the head of the Public Body may choose to declare Parts 1, 2, and 5 of the Access Request abandoned in accordance with section 10 of ATIA (a decision that would also be reviewable by my office). However, as the timelines set out in section 9 of ATIA have expired, the Public Body no longer has the ability to disregard the Access Request.

[para 110] If the Applicant responds with the information being requested and it provides enough detail to enable the Public Body to locate and identify the responsive records within a reasonable time with reasonable effort, the Public Body will be in a position to move forward with processing. At that

¹⁵ This Office has held that if a public body is in deemed refusal for failing to meet the timeline for response and an order is issued requiring it to respond to the access request, there is no longer an opportunity to provide a fee estimate because this must be done prior to providing the services (section 96 of ATIA and Order 99-011, paras 61, 63). Once an order is issued, the applicant is not looking to modify the request, and there is no processing of the request that is to cease and recommence on an agreement to pay fees.

time, the Public Body may be able to prepare a fee estimate, determine whether there are any affected third parties, extend the time if necessary, or take other steps in accordance with ATIA.

c) Did Parts 3, 4, and 6 of the Access Request meet the requirements of section 7(2)(c)?

[para 111] Parts 3, 4, and 6 of the Access Request were for the following:

3. Bylaw and enforcement records: all records related to complaints, investigations, inspections, or enforcement actions, including tickets, photographs, video, field notes, and officer reports referencing the above individuals.
4. Shared disclosure and privacy-related records: any records showing that criminal or bylaw information relating to the above individuals was shared outside Leduc County, including with RCMP members, opposing counsel (including but not limited to [names and law firms redacted]), private residents, or community representatives.

[...]

6. Records withheld from previous FOIP responses: any records responsive to this request that were previously redacted or withheld under exemptions such as “harmful to law enforcement” or “harmful to government relations.”

[para 112] In its Sept 19 Letter, the Public Body noted that Parts 3, 4, and 6 of the Access Request were similar to previous requests it had processed under FOIP and asked the Applicant to clarify whether the same information was being requested as had been previously provided or if the Applicant was requesting only any additional records that may exist or have been created after the Public Body had responded to previous access requests. The Public Body also said the same redactions would apply to this request as had applied to prior requests and stated its position that repetitious portions of the request were arguably an abuse of process, frivolous or vexatious in nature.

i) Submissions

[para 113] With respect to Parts 3, 4, and 6, the Public Body submitted its reasons for deciding section 9(1)(d) applied:

[...] There are no time frames respecting these items or subject matters being referred to by the Applicant. In addition, the County had previously processed two other FOIP requests that overlap with this new request.

Following a review of the documentation compiled for the request from [the Applicant] on May 12, 2023 and another request from [an individual represented by the Applicant] on July 24, 2024, the County records show that the information requested was provided to the [Applicant and the individual represented by the Applicant] on numerous occasions. It is the opinion of the County that the [Applicant and those represented by the Applicant] are trying to access information that is protected under the *Access to Information Act* (and formerly the *Freedom of Information and Protection of Privacy Act*) that pertains to solicitor client privilege (ATIA, section 32).

[...]

The County's position is that the request is not sufficiently clear to allow it to locate and retrieve potentially responsive records within a reasonable time with reasonable effort. In fact, the request in and of itself is overly broad. The County advised the Applicant of this and sought their input to narrow the request and provide any clarification. The Applicant's response was simply, "it is clear enough" and refused to provide any additional information, clarification or narrowing of the search. Because many of the responsive records have been provided to these individuals through two previous requests, this is an unreasonable expectation for a public body to process such an overly broad request even after seeking clarification from the Applicant.

ii) Analysis

[para 114] The Public Body's concerns with Parts 3, 4, and 6 of the Applicant's Access Request are different than Parts 1, 2, and 5. Its concern that these parts may be repetitious in whole or in part, or that some requested records have already been provided to an applicant previously, is not the same as a public body being unable to locate and identify records within a reasonable time with reasonable effort under section 7(2)(c). While I agree with the Public Body that the potential repetition of the Access Request is a concern, given that the disregard decision under review was made under section 9(1)(d), the issue before me is not whether there was repetition, but whether Parts 3, 4, and 6 of the request provided enough detail to enable the Public Body to locate and identify the records within a reasonable time with reasonable effort.

[para 115] There appears to be timeline overlap with responsive records for Parts 3 and 4 because the Public Body states it already provided the Applicant (or individuals represented by the Applicant) with 'bylaw and enforcement records' and 'shared disclosure and privacy-related records' over certain time periods that overlap with the current request's time period of January 1, 2023 to August 28, 2025. While some responsive records may have already been provided, and therefore the Public Body may not be required to provide them again,¹⁶ there may have been new records created during the time period of the Access Request that the Applicant has not yet received. Parts 3 and 4 of the Access Request provided enough detail to allow the Public Body to locate and identify those records within a reasonable time with reasonable effort. The issue with this part of the Access Request is not whether it meets the criteria of section 7(2)(c) of ATIA, but rather, the scope of it, including whether the Applicant was requesting records previously provided. Therefore, I do not find the Public Body was permitted to request further information for Parts 3 and 4 under section 7(3).

[para 116] Similarly, Part 6 is for records that were previously withheld from FOIP requests under certain exceptions. While it is unlikely that the Public Body's position on the application of exceptions has changed, and the Applicant is, therefore, unlikely to receive additional records that were previously withheld, the Public Body had enough information to locate and identify these records within a

¹⁶ Order [FOIP2025-22](#) at para 16.

reasonable time with reasonable effort and therefore Part 6 of the Access Request meets the criteria of section 7(2)(c).

[para 117] I find that Parts 3, 4 and 6 of the Access Request provided enough detail to enable the Public Body to locate and identify the records within a reasonable time with reasonable effort. As such, the Public Body was not permitted to exercise its discretion under section 7(3) to request further information from the Applicant on Parts 3, 4, and 6.

iii) Finding

[para 118] Parts 3, 4, and 6, while potentially repetitious, meet the requirements of section 7(2)(c). The Public Body, therefore, could not require further information from the Applicant under section 7(3). Consequently, the Public Body could not disregard Parts 3, 4, and 6 of the Access Request under section 9(1)(d).

[para 119] Although the Public Body may not require further information from the Applicant under section 7(3) for Parts 3, 4, and 6, its general duty to assist under section 12(1) permits it to request additional information from the Applicant. In particular, given the uncertain time frame of the records being requested, it would be reasonable for the Public Body to request clarification as to whether the Applicant is requesting the same information previously provided, or only new information. However, as noted above, because the timelines set out in section 9 of ATIA have expired, the Public Body no longer has the ability to disregard the Access Request.

[para 120] If the Applicant confirms that Parts 3, 4, and 6 of the Access Request include records that were previously provided by the Public Body to the Applicant, then the findings in Order FOIP2025-22 may be applicable. In that order, a Public Body was not required to provide the same records it had previously provided but was required to provide information about the previously provided records to the Applicant.

[para 121] The Public Body is required to process Parts 3, 4, and 6 of the Access Request in accordance with ATIA.

IV. ORDER

[para 122] The issue before me is “did the head of the Public Body properly disregard the request as permitted by section 9 of the Act?” For the reasons outlined in this decision, the answer is “no”. I find the Public Body did not meet its duty to assist under section 12(1) and section 5(1) of the Regulation for Parts, 1, 2 and 5 of the Access Request. Therefore, it could not rely on section 9(1)(d) to disregard the request. I further find that it did not have authority to exercise its section 7(3) discretion for Parts 3, 4 and 6 of the Access Request, and, consequently, could not refuse this Part of the Access Request under section 9(1)(d). I make this order in accordance with my authority under section 64 of ATIA.

[para 123] I order the Public Body to respond to the Applicant's Access Request in accordance with ATIA.

[para 124] I further order the Public Body to notify me in writing, within 50 business days of being given a copy of this Order, that it has complied with the Order.

Diane McLeod
Information and Privacy Commissioner