

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER ATIA2026-TEI-13

October 15, 2026

Rocky View School Division

Case File Number 044727

Office URL: www.oipc.ab.ca

Summary: Rocky View School Division (the Public Body) made a decision to extend the timelines for responding to the Applicant's access request by 30 business days under section 16(1)(b) of the *Access to Information Act* (ATIA or the Act). The Adjudicator confirmed the extension of the time limit taken under section 16(1)(b).

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

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

I. BACKGROUND

[para 1] On July 15, 2026, Rocky View School Division (the Public Body) received a request for access to information from the Applicant under the *Access to Information Act* (ATIA or the Act). On August 21, 2026, the Public Body extended its initial timeline for responding to the request by 30 business days under ATIA section 16(1)(b).

[para 2] A request for review was submitted to the Office of the Information and Privacy Commissioner (OIPC) by the Applicant, who objected to the extension taken by the Public Body.

The matter proceeded directly to inquiry without mediation or investigation as is the OIPC's practice under ATIA when reviewing a public body's decision to extend time where a response has not yet been provided to an applicant.

II. ISSUE

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

III. DISCUSSION OF ISSUE

Preliminary Issue – Delegation of Authority

[para 3] Section 16 of ATIA authorizes the head of a public body to extend the time for responding to an access request. Upon reviewing supporting documents provided by the Public Body for this inquiry, it was confirmed that the section 16 decision was not made by the head of the Public Body, but by the Public Body's General Counsel. As the section 16 decision was not made by the head, I had to confirm the decision-maker had been properly delegated the authority to make the decision pursuant to ATIA section 87, which states:

87(1) The head of a public body may delegate to any person any power, duty or function of the head under this Act, except the power to delegate under this section.

(2) A delegation under subsection (1) must be in writing and may contain any conditions or restrictions the head of the public body considers appropriate.

[para 4] Initially, the Public Body provided a copy of an email sent to the OIPC which updated the Public Body's contact information to the decision-maker, who had become the acting Privacy Officer for the Public Body. This email was copied to the head of the Public Body. As it was unclear how updating contact information with this office could be considered a delegation under section 87 of ATIA, I requested additional information from the Public Body explaining how the decision-maker had the delegated authority under section 16 of ATIA to extend time in this matter.

[para 5] The Public Body provided additional information in response. It provided a communication and screenshots designating the decision-maker as the ATI Coordinator and Privacy Officer with the Government of Alberta. Similar to the concerns with updating contact information with this office, updating contact information with the Government of Alberta is insufficient to establish that an individual has a delegation under section 87 of ATIA. Authorizing a designated individual to act as a contact for a public body means they are authorized to send and receive communications on behalf of a public body; however, an authorization to act as a

contact person does not mean that a person has been delegated powers, duties or functions of the head under section 87 of ATIA.

[para 6] While some administrative functions and statutory delegations may have overlap, they are not the same thing. Performing administrative functions in support of a statutory decision-maker is not equivalent to the legal authority to exercise a power, duty or function conferred by statute. In enacting ATIA, the Legislature chose to assign numerous statutory powers, duties and functions to the *head* of a public body. These powers, duties and functions include, for example, deciding to disregard an access request (section 9), withholding records containing cabinet and treasury board confidences (section 27), or withholding privileged information (section 32). ATIA also assigns the authority to extend the time to respond to an access request under section 16 of ATIA to *the head* of a public body. Although time extensions may be more common than other types of decisions made during an access request, and may be perceived as more ‘administrative’ in function, in the absence of a written delegation under section 87 of ATIA, these are decisions that must be made by the head of a public body. Updates to contact information, job descriptions, job titles, or other administrative information, in the absence of additional evidence, are insufficient on their own to establish that the head of a public body has delegated a power, duty or function under section 87 of ATIA.

[para 7] In this case, the Public Body did provide more information. It included a letter from the head of the Public Body confirming the head was aware that the decision-maker had assumed interim responsibility for the Public Body’s access and privacy matters, pending the appointment of a replacement Privacy Officer. The Public Body also provided a link to the Public Body’s Administrative Procedures 180 and 182, which establish the responsibilities of the ATI Coordinator and Privacy Officer. In particular, Administrative Procedure 180 contains the following:

2. The Superintendent is the Head of the Division for the purposes of the Access to Information Act and Protection of Privacy Act.
3. As delegated by the Superintendent, The Access to Information (ATI) Coordinator, is responsible for ensuring that the Division complies with all provisions of the Acts and for establishing procedures and practices to ensure appropriate implementation of these legislations.

[para 8] Point number 3 is relevant. Under Administrative Procedure 180, the ATI Coordinator is responsible for ensuring that the Public Body complies with all provisions of the Acts, and for establishing procedures and practices to ensure appropriate implementation of the legislation. It is not clear what is meant by “As delegated by the Superintendent”. In my view, this may be read two ways: either that a separate delegation has been made by the Superintendent to clarify the responsibilities of the ATI Coordinator, or, and as the Public Body submits, it may be read that point number 3 is to be understood as the written delegation of authority by the head

of the Public Body, to the ATI Coordinator of all powers, duties, and functions of the head of the Public Body (other than the power to delegate) under section 87(1) of ATIA.

[para 9] As it was not clear that the general description in Administrative Procedure 180 of the ATI Coordinator's responsibilities of legislative compliance was a written delegation under section 87 of ATIA, I requested further clarification from the Public Body on this point. I subsequently received written confirmation from the head of the Public Body that the decision-maker had been delegated all powers, duties and functions under ATIA (other than the power to delegate under section 87 of ATIA), including the authority to make decisions under section 16 of ATIA. As such, I am satisfied that the decision-maker had the proper delegated authority from the head under section 87 to make the section 16 decision under review in this inquiry.

[para 10] During this inquiry, the Public Body noted that while section 87 of ATIA requires that a delegation be in writing, it does not prescribe a particular form, template, instrument, filing requirement or method of notification. I agree with the Public Body on this point, however, I further note that it took three separate requests to the Public Body to obtain sufficient evidence to determine that a proper delegation was in place under section 87 of ATIA. Public bodies are expected to 'put their best foot forward' in an inquiry, and this should include a clear written delegation instrument from the head of a public body to the decision-maker when first requested at the beginning of an expedited inquiry. Going forward, I recommend the Public Body revisit its delegation practices and consider putting into place clear statutory delegations in whatever written format best suits its practices.

[para 11] Having dealt with the preliminary issue outlined above, I can now address the issue that is before me in this inquiry as stated in the Notice of Inquiry dated August 31, 2026.

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

[para 12] The head of a public body's authority to extend the time for responding to an access request is set out in section 16 of ATIA. The relevant subsections of section 16 for this inquiry are outlined below:

16(1) The head of a public body may extend the time for responding to a request for up to 30 business days if

- (a) the applicant agrees,*
- (b) a large number of records are requested and more time is required to process the request, or*
- (c) more time is needed to consult with a third party, another public body or another entity before deciding whether to grant access to a record.*

...

(5) If the time for responding to a request is extended under subsection (1), (2), (3) or (4), the head of the public body must tell the applicant

(a) the reason for the extension,

(b) when a response can be expected, and

(c) that the applicant may request a review of the extension by the Commissioner.

[para 13] In this matter, the Public Body took a time extension of 30 business days under section 16(1)(b) to respond to the access request. Under section 16(1)(b), a public body may extend its time to respond to a request up to 30 business days if, 1) it involves a large number of records and 2) more time is required to process the request.

[para 14] When a public body decides to extend its time to respond to an access request, it must also meet the requirements of section 16(5). Section 16(5) requires that the applicant be told the reason for the extension, when a response can be expected, and that the applicant may request a review of the extension by the Commissioner.

[para 15] In its extension decision dated August 21, 2026, the Public Body explained that Applicant's access request "seeks access to a large volume of records relating to a full school year and requires searches across multiple custodians, electronic communication platforms, student record systems, learning support records, incident records, and other record holdings. Additional time is required to conduct reasonable searches for responsive records and to review the records for disclosure, including the identification and severing of information that may be subject to statutory exceptions under the Act." The Public Body told the Applicant the number of business days of the extension, a date a response could be expected, and that a review by the Commissioner could be requested.

[para 16] The OIPC has established a general threshold of 500 pages and above for what may constitute "a large volume". In *Blades v Alberta (Information and Privacy Commissioner)*, 2021 ABQB 725, the Court recognized that the Commissioner was entitled to set benchmarks as to the volume of records that would be considered "large" when deciding whether or not to permit an extension.

[para 17] In its inquiry submission, the Public Body indicated the number of records requested was estimated to be between 500-1000. Although this is a relatively vague estimate, the Public Body subsequently informed this office and the Applicant that the number of records were 657 pages. In either case, I am satisfied the number of records meets the threshold established for a high number as explained above.

[para 18] As stated in the OIPC document entitled “Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)”¹, some of the factors a public body may consider in supporting its decision to extend time under section 16(1)(b) include, but are not limited to, the number of records that need to be searched, accessibility of the records, number of systems and officials involved and the level of complexity of the request and consideration of detailed severing that may impact the ability to process the request within standard timelines.

[para 19] The Public Body in its inquiry submission indicated that the request involved a large number of records and searches were required over 5 systems, with search requests made to 20 staff members. It went on to state, “some employees were 10 month employees and not able to respond to requests until their employment recommenced in September at the beginning of the school year.” Then, competing priorities for the demands of the commencement of a school year impacted returning staff. The Public Body categorized the complexity of the request as “very high and broad range of specific information sought.” I agree from the wording of the request, that it is sensitive in nature and, therefore, complex when consideration of the need for detailed severing is taken into account.

[para 20] For the above reasons, I agree that, from the information provided by the Public Body, the request involves a large number of records and that more time was required to process the request.

[para 21] The Applicant in their inquiry submission primarily outlined concerns regarding the Public Body’s calculation of staff search time and scope and how they were calculated, as well as concerns with how records are maintained. The Applicant also requested this office to direct the Public Body to immediately begin a phased disclosure of responsive records, which is not a possible outcome that can result from an expedited inquiry into a time extension decision.

[para 22] A public body bears the burden to prove that the reasons for its time extension meet the requirements under ATIA. In this case, due to the number of records involved with the access request and the additional factors explained above which demonstrates more time was required to process the request, I find the Public Body properly extended its time by 30 business days under section 16(1)(b).

[para 23] During the course of this inquiry, the Public Body confirmed a response was provided to the Applicant.

¹ Available on the Office of the Information and Privacy Commissioner website at: <https://oipc.ab.ca/guidance-expedited-inquiry-request-for-review-time-extension-decision-atia-s16/>

IV. ORDER

[para 24] I make this Order under section 64(3)(b) of ATIA.

[para 25] I confirm the extension taken by the Public Body under section 16(1)(b) for 30 business days.

Anima Kotowski
Adjudicator – Expedited Inquiries