ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER ATIA2026-DEI-04

November 4, 2026

Children and Family Services

Case File Number 044922

Office URL: www.oipc.ab.ca

Summary: An ATI Coordinator with the Government of Alberta, serving Children and Family Services (the Public Body) made a decision to disregard the Applicant's access request under section 9(1) of the *Access to Information Act* (ATIA). The Commissioner found the ATI Coordinator did not have the delegated authority under section 87 of ATIA to make the decision. The Commissioner ordered the Public Body to respond to the access request in accordance with its obligations under ATIA.

Statutes Cited: AB: *Access to Information Act*, S.A. 2024, c. A-1.4, ss. 9, 87; *Freedom of Information and Protection of Privacy Act,* R.S.A. 2000 c. F-25 (Repealed); *Interpretation Act*, RSA 2000, c. I-8

Authorities Cited: AB: Orders ATIA2026-TEI-01; ATIA2026-TEI-02; ATIA2026-TEI-03; ATIA2026-TEI-08; ATIA2026-DEI-02

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I. BACKGROUND

[para 1] On August 3, 2026, the Applicant made an access request described as "personal" to the Public Body. The request referenced a file number and requested "ALL email correspondence between CFS intervention workers, supervisors and managers [naming approximately 17 individuals], to and from third party vendors such as [naming approximately six organizations or individuals] and RCMP."

[para 2] The next day, on August 4, 2026, the Public Body acknowledged receipt and notified the Applicant that additional information was required before it could proceed as follows:

> Your request does not provide enough detail to enable Children and Family Services to identify possible records. Based on the information provided to date, the request does not have sufficient detail to be considered a request under the Act. **Children and Family Services records are usually filed under the child's name and not the adults that were involved. These records are considered as the child's personal information.** We require additional information to enable us to identify the record.
>
> This requirement for additional details is supported by section 7 of the Act that states:
>
> > 7(1) To obtain access to a record, a person must make a request to the public body that the person believes has custody or control of the record.
> >
> > (2) A request must
> >
> > a) be in writing
> >
> > b) be submitted to the public body the applicant believes has custody or control of the record
> >
> > c) provide enough detail to enable the public body to locate and identify the record within a reasonable time with reasonable effort, and
> >
> > d) be accompanied by a fee where a fee is required under this Act.
>
> Please submit additional clarification for the following items, such as:
>
> - **Child's name and date of birth.**

- **If you wish to access information from the records regarding your child please provide right of access documentation – this could be a Parenting/ Guardianship/ Custody Order or if there is no Court Order in place, any documentation that could confirm your custody over the child. If a birth certificate is provided, please confirm on who has day-to-day care over the child.**

If you fail to respond to this notice within 30 business days your access request will be declared abandoned.

[para 3] The Public Body's August 4, 2026 letter also noted the Applicant could request a review by this office and provided additional information regarding the review process. The Applicant was provided a contact email address where the requested information could be sent.

[para 4] The facts are in dispute as to whether the Applicant responded.

> Applicant's Submission: During the expedited inquiry, the Applicant included with their submission, a copy of an email sent to the Public Body's contact email address on August 6, 2026, attaching what appeared to possibly be a photo of an Alberta birth certificate, although the specific contents of the photo are illegible.
>
> Public Body's Submission: The Public Body states it "did not receive the Applicant's purported August 6, 2026 email or the attachment".

For the reasons provided in this decision, it is unnecessary for me to resolve the issue of whether or not the Applicant responded to the Public Body's August 4, 2026 request for more information.

[para 5] On September 15, 2026, the Applicant's request was disregarded as follows:

> After careful consideration, Children and Family Services is disregarding the request you made under section 7(1), pursuant to section 9(1) of the Act. Section 9(1) allows a public body to disregard a request 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.
>
> Your request submission did not provide enough detail to enable the public body to locate and identify a record. We are unable to proceed as a result. The request is now closed.

[para 6] The September 15, 2026 decision also included information as to how the Applicant could request a review of the decision by my office. The decision to disregard was made by an Access to Information (ATI) Coordinator, Serving Children and Family Services, Government of Alberta.

[para 7] On September 17, 2026, my office accepted the Applicant's request to review the decision to disregard the request under section 9(1) 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 8] There is one issue in this inquiry for the decision made by the Public Body; 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

a) Preliminary Issue – Delegation of Authority

[para 9] Section 9(1) of ATIA empowers the head of a public body with the discretion to disregard a request if certain criteria (as outlined in subsections 9(1)(a – e)) are met. As the decision to disregard in this case was made by an ATI Coordinator, and not by the head, I requested a copy of the written delegation under section 87 of ATIA. Section 87 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 10] The Public Body provided a copy of Ministerial Order No. 2023-02 (MO 2023-02), dated March 13, 2023, which is a delegation of powers, duties and functions under the repealed *Freedom of Information and Protection of Privacy Act* (FOIP). MO 2023-02 provided the following delegations for personal requests under FOIP:

> **Delegation**
>
> 6. With respect to the duties, powers, and functions of the head of the Department of Children's Services (the "Public Body") for the purposes of FOIP, I make the following delegations:
>
> […]
>
> Personal FOIP Access Requests
>
> (5) TO the individuals designated as FOIP Coordinator, Personal Request Services, decisions of the head of the Public body in regard to:
>
> (a) the general administrative processing of personal FOIP access requests, including sections 8, 9, 14, and 15;
>
> (b) responding to personal FOIP access requests, including sections 12, 16 – 29;
>
> (c) transferring requests for correction of personal information, namely section 37;

(d) allowing a guardian to exercise the rights or powers of a minor, namely section 84; and

(e) section 4 of the *Freedom of Information and Protection of Privacy Regulation,* A.R. 186/2008

(6) TO the Director, Personal Request Services, the delegated duties, powers, and functions listed in subsection (5) where the Director determines that it is appropriate for the Director to exercise those duties, powers and functions in place of the FOIP Coordinator.

(7) TO the Assistant Deputy Minister, the delegated duties, powers and functions listed in subsection (5) where the Assistant Deputy Minister determines that it is appropriate for the Assistant Deputy Minister to exercise those duties, powers, and functions in place of the FOIP Coordinator.

Privacy Services

(8) TO the Manager, Privacy Services, decisions of the head of the Public Body in regard to:

(a) allowing a guardian to exercise the rights or powers of a minor, namely section 84.

(9) TO the Director, Privacy Services, the delegated duties, powers, and functions listed in subsection (8) where the Director determines that it is appropriate for the Director to exercise those duties, powers, and functions in place of the Manager, Privacy Services.

Miscellaneous

7. The above noted delegations are subject to the following restrictions:

(1) when exercising their authority, the delegates are expected to seek advice from me in relation to a particularly sensitive or complex matter;

(2) Alberta Justice legal counsel shall be consulted where a particular request raises a novel or unusual interpretative question;

(3) where a particular request does or is likely to have an impact on other departments of the Government of Alberta, delegates are expected to seek advice from designated representatives from the departments of Executive Council and Service Alberta and Red Tape Reduction; and

(4) decisions made by the delegates are expected to be in accordance with the *Interpretive Guide for FOIP Decision-Makers.*

[para 11] Previous orders of this office have accepted that a FOIP Coordinator position is an approximate equivalent of an ATI Coordinator, as the decision-maker is in this case. Further, previous orders have accepted that a delegation of authority to extend time under section 14 of the repealed FOIP and to request further extensions from the Commissioner under section 14 of the repealed FOIP remained a valid delegation of authority to extend time under section 16 of ATIA.[1]

[para 12] However, it is not clear that a similar situation exists in this inquiry as in the previous time extension inquiries. The issue I must consider is whether the FOIP Delegations in MO 2023-02 have delegated the head's power to disregard a request under section 9 of ATIA to an ATI Coordinator. Unlike the previous FOIP delegations accepted by my office in reviews of decisions to extend time under ATIA (which included delegations to extend time and to request time extensions under FOIP), MO 2023-02 does not appear to address the power to disregard a request.

[1] ATIA2026-TEI-01 at paras 4 – 18, ATIA2026-TEI-02 at paras 6 – 15, ATIA2025-TEI-03 at paras 4 – 8, and ATIA2026-TEI-08 at paras 3 – 6.

[para 13] Previous orders reviewing delegations under ATIA have relied on section 20(6) of the *Interpretation Act*, which states:

> *20(6) Unless otherwise expressed in an enactment, if*
>
> *(a) a delegation, including any appointment made or authority given that is in the nature of a delegation, is made or otherwise given to a person by or under the authority of an enactment, and*
>
> *(b) while that delegation is in effect,*
>
> *(i) the office or position of the person making or otherwise giving the delegation has changed or the occupant of that office or position has changed,*
>
> *(ii) the name or designation of the office or position of the person to whom the delegation was made or otherwise given has changed but the functions, duties and undertakings of the office or position remain the same or substantially the same as they were at the time that the delegation was made or otherwise given, or*
>
> *(iii) the authority under which the delegation was made or otherwise given has changed in some manner but the authority to make or otherwise give the delegation remains substantially the same as it was at the time that the delegation was made or otherwise given,*
>
> *that delegation remains in effect until the delegation is terminated, revoked or rescinded or expires.*

Under section 20(6)(b)(ii), the *Interpretation Act* provides that if the "functions, duties and undertakings of the office or position remain the same or substantially the same as they were at the time that the delegation was made … the delegation remains in effect". However, section 20(6) does not provide assistance in this issue. As MO 2023-02 is a FOIP delegation that does not address the power to disregard requests because this authority did not exist under FOIP, section 20(6) cannot assist in finding a delegation for a new power to disregard requests under section 9 of ATIA.

[para 14] During the inquiry, I outlined my concerns as to how MO 2023-02 could be considered a delegation of the power to disregard requests under section 9(1) and requested a further submission from the Public Body on this issue. The Public Body acknowledged the issue but was unable to provide anything further.

[para 15] MO 2023-02 is a FOIP delegation that does not address the power to disregard requests. On the evidence before me, I am unable to find that MO 2023-02 has delegated the power to disregard requests under section 9(1) of ATIA to an ATI Coordinator. In the absence of a delegation under section 87 of ATIA, I find that the ATI Coordinator did not have jurisdiction to make the decision to disregard the Applicant's request.

[para 16] The Public Body is required to respond to the request in accordance with ATIA.

b) The Public Body's Requirement to Respond to the Request in Accordance with ATIA

[para 17] Some additional discussion may assist the Public Body in responding to the Applicant's request. As noted above, the parties disagree as to whether the Applicant provided a response to the Public Body's August 4, 2026 request for further information.

[para 18] If, as the Public Body submits, the Applicant did not respond to the request for further information within 30 business days, the head of the public body (or a delegate under section 87) may decide to declare the request abandoned under section 10 of ATIA.

[para 19] Alternatively, and as the Public Body suggested in its October 30, 2026 submission, if the Applicant provides the information requested by the Public Body, the Public Body is prepared to process the request.

[para 20] The parties may benefit from reviewing ATIA2026-DEI-02[2] which discusses both a public body's duty to assist as well as the obligations of an applicant to cooperate in good faith with a public body.

IV. ORDER

[para 21] 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 provided above, I find the Public Body did not properly disregard the request as permitted by section 9 of ATIA. The decision-maker did not have the delegated authority to do so under section 87 of ATIA.

[para 22] In accordance with my authority under section 64 of ATIA, I dispose of this issue by making the following order:

a) I order the Public Body to respond to the Applicant in accordance with its obligations under ATIA.

b) 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.

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Diane McLeod
Information and Privacy Commissioner

[2] ATIA2026-DEI-02