ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER ATIA2026-TEI-15

November 18, 2026

Alberta Human Rights Commission

Case File Number 045000

Office URL: www.oipc.ab.ca

Summary: Alberta Human Rights Commission (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 taken under section 16(1)(b).

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to Information Act*, S.A. 2024, c. A-1.4; *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25 (Repealed); *Interpretation Act,* RSA 2000.

Authorities Cited: AB: ATIA2026-TEI-01, ATIA2026-TEI-02, ATIA2026-TEI-03, ATIA2026-TEI-08, ATIA2026-DEI-04

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

I. BACKGROUND

[para 1] On September 1, 2026, Alberta Human Rights Commission (the Public Body) received a request for access to information from the Applicant under the *Access to Information Act* (ATIA or the Act). On September 28, 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, it was confirmed that the section 16 decision was not made by the head of the Public Body, but by the Access to Information Coordinator (ATI Coordinator). 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] The Public Body subsequently provided a copy of Ministerial Order J 10/2023 dated March 1, 2023 which outlines delegated authorities under the repealed *Freedom of Information and Protection of Privacy Act* (FOIP), including that time extension decisions and time extension requests to the Commissioner under FOIP made in the course of processing access requests are delegated to the FOIP Coordinator. The Public Body also indicated the delegations under FOIP remains substantially the same since ATIA came into force and, according to section 36 of the *Interpretation Act*, "every person acting under a repealed enactment shall continue to act as if appointed under the new enactment until such time someone new is appointed."

[para 5] 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. I also agree that pursuant to section 36 (as well as section 20) of the *Interpretation Act*, the FOIP delegations remain in effect until rescinded. Further, in previous orders, I have accepted that a delegation of authority to extend time under section 14 of the repealed FOIP Act and to request further extensions from the

Commissioner under section 14 of the repealed FOIP Act remained a valid delegation of authority to extend time under section 16 of ATIA.[1] Therefore, I find that the ATI Coordinator had the proper delegated authority to issue the time extension decision under ATIA that is being reviewed in this inquiry.

[para 6] While I agree that in this case, the FOIP delegation set out in Ministerial Order J 10/2023 authorized the decision-maker to extend time under section 16 of ATIA, a FOIP delegation does not address all powers, duties and functions under ATIA.[2] Given the lengthy passage of time since legislation came into force (ATIA and the *Protection of Privacy Act* (POPA)), and noting that while they are similar to FOIP, there are differences in powers, duties and functions, the Public Body should consider updating its written delegations to be consistent with current legislation.

[para 7] 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 October 9, 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 8] 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*
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> *(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.*

[1] ATIA2026-TEI-01 at paras 4-18, ATIA2026-TEI-02 at paras 6-15, ATIA2026-TEI-03 at paras 4-8, and ATIA2026-TEI-08 at paras 3-6.
[2] ATIA2026-DEI-04 at paras 10-15.

[para 9] 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 10] 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 11] In its extension decision dated September 28, 2026, the Public Body explained that the decision had been made under section 16(1)(b) because the access request involves a large volume of records being requested or that must be searched, and the extension was taken to provide the Applicant a complete response. The Public Body told the Applicant when a response could be expected, and that a review by the Commissioner could be requested. The decision lacked additional information as to why the Public Body needed more time to respond to the request, such as the number or estimated number of records involved in the request or other relevant details.

[para 12] The OIPC has established a general threshold of 500 pages and above for what may constitute "a large volume" for the purposes of the former FOIP section 14(1)(b). 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 13] As stated in the OIPC document entitled "Guidance Document – Expedited Inquiry – Request for Review of a Time Extension Decision (ATIA Section 16)"[3], 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, the nature and format of records involved and the level of complexity of the request.

[para 14] The Public Body in its inquiry submission indicated that the number of records requested amounted to 1,847 pages. I agree that the request involves a large number of records.

[para 15] The Public Body went on to explain the complex nature of the request, including that the request involves a significant amount of third party information, correspondence from the third party's staff as well as their legal counsel, and requires consultations between Government of Alberta Legal employees and the Public Body's employees. The Public Body also explained the need for detailed severing such that it would not be feasible to seek assistance from other staff due to specialized training required for processing personal access requests and even if possible, it would interfere with those

[3] 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/

staff's competing priorities. 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 16] The Applicant did not provide a submission in this inquiry, and they were not required to do so.

[para 17] 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 complexity of the request as explained above, I find the Public Body properly extended its time by 30 business days under section 16(1)(b).

[para 18] In closing on this issue, the Public Body provided only the minimum required information to the Applicant in its extension decision. If a public body provides further details, such as the actual volume of records (or estimate) related to an access request, or other reasons as to why more time is required to process the request, it may enable an applicant to better understand why an extension may be warranted for processing their request. Providing additional information may reduce the likelihood of an applicant requesting a review of that decision by this office.

IV. ORDER

[para 19] I make this Order under section 64(3)(b) of ATIA.

[para 20] I confirm the extension taken by the Public Body under section 16(1)(b) for 30 business days.

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Anima Kotowski
Adjudicator – Expedited Inquiries