

FIPPA places a duty on the [Local Government] to respond to requests without delay and imposes a maximum response time limit of 30 days. The Act, however, does allow additional time to be taken in specified circumstances in order to perform duties or engage in necessary consultations.

This section discusses the limited circumstances in which [Local Government] may extend the time limit for responding:

- 1) The [Local Government] may extend the time for responding to a request for up to 30 days if one or more of the following apply:
 - a) the applicant does not give enough detail to enable the public body to identify a requested record;
 - b) a large number of records is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the local government;
 - c) more time is needed to consult with a third party or other public body before the head can decide whether or not to give the applicant access to a requested record.
- 2) In addition to the authority under subsection (1), with the permission of the commissioner, the [Local Government] may extend the time for responding to a request as follows:
 - a) if one or more of the circumstances described in subsection (1) (a) to (c) apply, for a period of longer than the 30 days permitted under that subsection;
 - b) if the commissioner otherwise considers that it is fair and reasonable to do so, as the commissioner considers appropriate.
- 3) If the time limit is extended under this section, the [Local Government] must tell the applicant
 - a) the reason
 - b) when a response can be expected, and,
 - c) that the applicant may complain about the extension

DID YOU KNOW?

The [Local Government] should document the reasons for an extension, since the Commissioner, if asked under subsection 10(1) for permission to extend the time limit more than 30 days, will require the local government to provide a rationale of the need to extend the time limit.

INVALID CIRCUMSTANCES

- Putting requests “on hold” to seek clarification from requesters
- Putting requests “on hold” during staff holidays
- Employees within institutions failing to meet the timelines to provide relevant records
- Lack of resources
- High workloads
- Personal commitments
- Extended staff absences
- Pre-planned events (e.g. retirements)
- Extension taken and no work done on file
- Not initiating a consultation at the earliest opportunity in the processing of a request
- Protracted approval processes (e.g. sign off)
- Type of applicant (media, political, employee etc.)

TIPS FOR RESPONDING TO REQUESTS

1. Communicate, Communicate, and Communicate!
2. Try to understand what the applicant really wants.
3. Raise awareness of legislated timelines and other requirements at staff meetings.
4. Recognize that “It’s not personal – It’s business!”
5. Be proactive Consider a ‘staged’ release of records while still keeping your timelines.