

Fact Sheet: Access to information request requirements

This fact sheet provides information on section 7 of the *Access to Information Act* (ATIA) which sets out the information that is necessary when an applicant is making a formal access to information request.

Request requirements

For an access to information request to be considered valid under the Act, it must meet all four requirements outlined in section 7(2):

- It must be in writing;
- It must be submitted to the appropriate public body;
- It must provide enough detail to enable the public body to locate and identify the record within a reasonable time and with reasonable effort.
- It must be accompanied by any required fee;

The time frame for processing a request does not start until a request meets all four of the above requirements.

How an applicant must submit their request

Written

Section 7(2)(a) of the Act, a request must be in writing. Where practical, public bodies should have numerous options available for an applicant to submit their access to information request under the ATIA.

Examples include:

- Email
- Physical mail
- Dropping off a request form or letter
- An online request service

A request received in any of these formats must include all the required information to the appropriate public body.

Note: The Government of Alberta's official request form template may be utilized by public bodies (see [Access to Information Request Form template](#)), however, an applicant is not required under the Act to use this form as long as the request is in writing in any form.

Oral

Section 4 of the Access to Information Act Regulation allows for oral requests for access to information in circumstances where the applicant's ability to read or write in English is limited, or where the applicant has a physical disability or condition that impairs the applicant's ability to make a written request.

Where the applicant must submit their request

Section 7(2)(b) of the Act states that a request must be submitted to the public body the applicant believes has custody or control of the record.

To ensure that applicants are able to make their access requests to the right public body, the Government of Alberta maintains a public facing [directory of all public body's ATI Coordinator](#) contacts on alberta.ca which includes the names of the public bodies, and business contact information relating to the administration of the Act, or in the case of a public body without a specific ATI contact person, the name and business contact information of the head of the public body.

Public bodies are accountable for ensuring their contact information is up to date and reflected on the Find an ATI Coordinator webpage.

If an applicant submits a request to the wrong location within a public body, the request must be forwarded to the correct office as soon as practicable.

What must be contained in an access request?

Section 7(2)(c) states that an applicant must provide enough detail to enable the public body to locate and identify the record within a reasonable time with reasonable effort.

Applicants may be unfamiliar with a public body's administrative practices and records management processes such as how a public body implements decisions or policies, the kinds of records that the public body may create and how they are retained.

Section 7(3) indicates that 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. To ensure procedural fairness, the applicant should be notified of the time limit to provide information, and if it is not provided within that time limit, the request may be declared as abandoned under section 10.

The public body following up with the applicant to clarify a request so it can locate and identify the requested records must fulfill their duty to assist (see Fact Sheet: Duty to Assist). Care must be taken by a public body to only ask for information that is necessary to process the request when asking for clarification from an applicant.

In addition, when a public body needs additional information from an applicant, the applicant has 30 business days to provide the information to the public body. If the applicant fails to respond to the public body in that timeframe, then the request may be considered abandoned under Section 10 of the Act. In those cases, the public body must notify the applicant in writing that the request has been declared abandoned and in accordance with 10(2), the notice must state that the applicant may request that the Information and Privacy Commissioner review the decision. The notice should also include the reason behind the reason of the abandonment.

Initial fee

Section 7(2)(d) requires that any access to information request needs to be accompanied by a fee where a fee is required under this Act.

Section 13 of the Access to Information Regulation, requires payment of a \$25.00 initial fee when an applicant is requesting access to information that is not their own personal information, this is otherwise known as a general access request.

For more details on the charging of fees see the Fact Sheet: Fees.

An applicant may ask for a copy of the record or to examine the record.

Section 7(4) of the Act allows an applicant to receive a copy of a record or to examine a record, subject to the exceptions in Section 6 of the Access to Information Regulation.

Can one public body make an access request to another public body?

Under Section 8 of the Act, public bodies are not permitted to make formal access to information to gain access to records from another public body. This does not restrict a public body from requesting access using other means, such as requesting records directly from the public body program area.

Role of the Information and Privacy Commissioner

The Commissioner may review actions related to how a public body processes and responds to an access to information request. This includes decisions to abandon a request or disregard a request. These reviews are carried out by the Office of the Information and Privacy Commissioner (OIPC) through an expedited inquiry process, whereby a public body will be required to provide a submission of the issue within a short deadline.

For additional guidance and forms, refer to the OIPC website to understand what information public bodies may be required to prepare if a review of an abandonment under section 10 or review of a decision to disregard a request under section 9 is conducted.