

Decision of the Commissioner

Extension of Time for Public Bodies to Respond to Access Requests

Background

Because of the COVID-19 pandemic, a public health emergency has been declared in British Columbia under the *Public Health Act* and it is reasonable to conclude that this emergency will continue for some time. Based on information provided to my Office by a large number of public bodies, it is clear that the situation has affected their operations and it is likely to continue to do so for some time. I take notice of the fact that this interferes with public bodies' ability to respond to requests for access to records within the time required under the *Freedom of Information and Protection of Privacy Act* (FIPPA). This extraordinary and unforeseeable situation will be monitored on an ongoing basis in case circumstances warrant this decision being revisited.

Decision

Given the situation, I have concluded that it is fair and reasonable to, under s. 10(2)(b) of FIPPA, grant the head of each public body in British Columbia permission to extend the time provided under FIPPA to respond to a request for access to records, as follows:

1. This permission applies only to requests for access to records that a public body receives between March 1, 2020 and April 30, 2020.
2. An extension of time under this permission must not exceed 30 days from the later of:
 - (a) the date on which the time for response provided in s. 7(1) of FIPPA ends; or
 - (b) if an extension is made under s. 10(1) of FIPPA, the date on which that extension ends.

For clarity, an extension made under this permission is in addition to any extension of time that a public body is authorized to make under s. 10(1) of FIPPA.

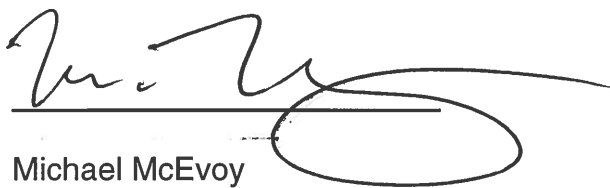
If it considers it necessary, a public body may apply to me, under s. 10(2) of FIPPA, for further permission to extend the time for response.

A public body that extends the time for responding under this permission is expected to deliver to my Office, by June 30, 2020, a document listing every request for access in respect of which it has extended the time for responding.

Public bodies are reminded that s. 10(3) of FIPPA requires them to notify each applicant of any extension of time, of the reasons for it, and when a response can be expected.

A term used in this decision that is defined in FIPPA has the same meaning in this decision.

March 18, 2020

A handwritten signature in black ink, appearing to read "Michael McEvoy", is written over a horizontal line. The signature is stylized and includes a large, circular flourish at the end.

Michael McEvoy

Information and Privacy Commissioner
for British Columbia