



**OFFICE OF THE
INFORMATION and PRIVACY COMMISSIONER
for Prince Edward Island**

Decision No.	D-26 - 011
OIPC File No.	C/26/00210
Public Body	Department of Agriculture
Public Body Ref. Nos.	2026-278 A
Statute and Sections for Review	<i>Freedom of Information and Protection of Privacy Act</i> Section: 12 [extension of time to respond]
Decision-Maker	Denise N. Doiron Information and Privacy Commissioner
Date of Decision	September 3, 2026

Summary:

An Applicant requested access to records under the *Freedom of Information and Protection of Privacy Act*, and the Department extended their time to respond to the Applicant under section 12. The Applicant requested a review of the Department’s decision to extend their time to respond. The Commissioner confirmed the Department was authorized to extend their time to respond to the Applicant.

Background:

- [1] The Applicant made an access request to the Department of Agriculture (the “Department”) under the *Freedom of Information and Protection of Privacy Act* (“FOIPP Act”), on July 16, 2026, for the following:

I would like to obtain all documents relating to the seizure of 43 dogs under [name of a third-party individual] made in 2026. I would also like to have all documents related to any investigations, visits, fines the previous two years on same person.

Date Range for Record Search: From 1/1/2023 to 7/15/2026

- [2] On July 30, 2026, the Department issued a fee estimate to the Applicant. Section 12(1) of the *FOIPP Act Regulations* states the processing clock stops when a fee estimate is issued and does not restart until the applicant pays at least 50% of the estimated fee. The Applicant initially requested a fee waiver but did not pursue it.
- [3] On August 4, 2026, the Applicant agreed to pay the estimated fee and paid at least 50% of the amount. The processing of the Applicant's access request restarted, and the Department notified the Applicant that the new response date was August 20, 2026.
- [4] On August 20, 2026, the Department notified the Applicant they were extending their time to respond to the access request to September 19, 2026, pursuant to section 12 of the *FOIPP Act*, as the Department needed more time to consult with other parties.
- [5] The Applicant objected to the Department extending their time to respond to the access request and asked the Commissioner for a review.

Request for Review:

- [6] The Applicant's request for review stated, in part:

I do not consider this extension acceptable. I have already paid the required fees for the files and have waited the full 30 day period allotted for processing. Extending the response time further places an unreasonable burden on me, particularly given that the requested records have already been paid for and based on previous correspondence has been mostly assembled.

I respectfully request that the records be provided as soon as possible rather than relying on the extended deadline. ...

Analysis:

- [7] I considered the information the Applicant submitted with their request for review, namely their email and attached extension letter from the Department, as well as a timeline the Department provided, at my request. For the reasons set out below, I find that the Department was authorized to extend their time to respond to the Applicant.
- [8] Although the *FOIPP Act* sets out an initial time frame of 30 days for a public body to respond to an access request, it also permits a public body to extend their time by up to 30 days, in limited circumstances. Therefore, the issue is whether the Department had the authority to extend their time to respond.

- [9] The Department advised the Applicant on August 20, 2026, that they were extending their time for response to September 19, 2026, under section 12 of the *FOIPP Act*, because they needed more time to consult with other parties.
- [10] Section 12 of the *FOIPP Act* authorizes public bodies to extend their time for responding to an access request by up to 30 days in several enumerated circumstances. One of these circumstances is if a public body requires more time to consult with a third party or another public body before deciding whether to grant access to a record [s. 12(1)(c)].
- [11] The *FOIPP Act* [section 28] requires a public body to give written notice to a third-party business or individual if a record they are considering disclosing may affect the business interests of the third party or if disclosure would be an unreasonable invasion of the third party's personal privacy. The *FOIPP Act* also requires that a notified third party be given 20 days to respond. The public body must make a decision on access within 30 days of giving the notice [section 29].
- [12] The Applicant requested information about a third-party individual, who they specifically named in their access request. Given this, it is foreseeable that disclosure of information about the third-party individual could be an unreasonable invasion of that third party's personal privacy and the Department would be required to notify the third party under section 28. The Department is required under section 29 to give the third party 20 days to respond and has up to 10 days thereafter to make their decision on access. It is plain and obvious from the information provided that the Department could not fulfil their statutory obligations under sections 28 and 29 of the *FOIPP Act* before August 20, 2026, and would need more time to consult with the third party. It is therefore clear from the record that section 12(1)(c) of the *FOIPP Act* applies, and the Department was authorized to extend their time to respond to the Applicant for up to 30 days.
- [13] I am also satisfied that the new anticipated response date of September 19, 2026, was within the maximum 30 days the Department is permitted to extend their time on their own initiative under section 12.
- [14] When a public body issues a fee estimate, all work related to responding to the access request stops and the time for response is suspended. Because the Department issued a fee estimate to the Applicant on July 30, 2026, no work would have been done on the Applicant's access request from then until August 4, 2026, when the Applicant agreed to the fee and made the payment. That means July 30, 2026, was day 14 after the Department received the access request, and day 15 started on August 4, 2026, after the

Applicant made the required payment. This moved the Department's initial response date to August 20, 2026. The Department was therefore authorized to extend their time for a maximum of 30 days from August 20, 2026, and the new anticipated response date of September 19, 2026, is within that authorized time.

- [15] It is readily apparent on the face of the record that the Department was authorized to extend their time to respond to the Applicant under section 12 of the *FOIPP Act* for up to 30 days, and that September 19, 2026, is within the statutorily permitted time.

Decision:

- [16] I confirm section 12(1)(c) of the *FOIPP Act* authorized the Department to extend their time to respond to the Applicant for up to 30 days, and I further confirm that the anticipated response date of September 19, 2026, is within the permitted extension period of up to 30 days.
- [17] As set out in section 67 of the *FOIPP Act*, this order is final.
- [18] For clarity, this decision does not affect the Department's ability to request our office's authorization for an extension beyond September 19, 2026, under section 12 of the *FOIPP Act*, and does not predetermine whether our office would authorize a further extension.



Denise N. Doiron
Information and Privacy Commissioner