OFFICE OF THE
INFORMATION and PRIVACY COMMISSIONER
for Prince Edward Island

Decision No.	D-26-016
OIPC File No.	C/26/00275
Custodian	Department of Justice and Public Safety
Statute	*Freedom of Information and Protection of Privacy Act*
Decision Maker	Maria MacDonald, Deputy Commissioner
Date of Decision	November 5, 2026

Summary

The Applicant requested a review of the Department of Justice and Public Safety's 21-day extension to respond to the Applicant. The Deputy Commissioner confirmed that an extension was authorized under section 12(1)(c) of the *FOIPP Act*, the notice to the Applicant about the extension complied with section 12(4) of the *FOIPP Act*, and the length of the extension was reasonable in the circumstances.

Background

[1] On September 18, 2026, the Applicant asked the Department of Justice and Public Safety (the "Public Body") for all records concerning the Applicant and the related criminal/prosecution file(s).

[2] On October 9, 2026, the Public Body notified the Applicant that they were taking an extension to November 8, 2026, under section 12 of the *Freedom of Information and Protection of Privacy Act (the "FOIPP Act")* as they needed more time to consult with other parties before they can fully process the request. The Public Body included in their notice that the Applicant had a right to request a review.

Request for review

[3] The Applicant requested a review, and stated, in part:

> I challenge whether the statutory grounds and necessity for this extension have been established. The notice does not specify the subsection relied upon, the nature of consultations, the affected record categories, the calculation of the extended deadline, or why the whole request must be delayed rather than permitting staged release where appropriate.
> . . .
> I ask the Commissioner to review the legal and factual basis for the extension, the adequacy of its notice, and whether the period and scope of the extension are justified.

[4] Commissioner Denise N. Doiron delegated this matter to me.

Issues

[5] Section 64.1(b) of the *FOIPP Act* authorizes our office to refuse to conduct an inquiry if the circumstances do not warrant one. I considered that the extension issue would functionally be resolved within three weeks. Because other applicants have raised similar concerns, I decided to proceed with the review and to address the issues on the merits.

[6] The issues in this review are:

a. Was an extension authorized under the *FOIPP Act*?
b. Did the Public Body's notice comply with the *FOIPP Act*?
c. Was the length of the extension reasonable?

Analysis:

a. Was an extension authorized under the *FOIPP Act*?

[7] Public bodies must make every reasonable effort to respond to an applicant within 30 days, but the *FOIPP Act* authorizes extensions under limited and specific circumstances of up to 30 days. Section 12(1)(c) of the *FOIPP Act* authorizes a public body to extend the time to respond to an Applicant if more time is needed to consult with third parties before deciding whether to grant access to a record.

[8] The Applicant did not provide any evidence or reason to believe that consultations were unnecessary.

[9] When we asked for it, the Public Body provided evidence they had notified and invited consultations on October 9, 2026. I reviewed the consultation records, and I confirm that the Public Body needed to consult under section 12(1)(c) of the *FOIPP Act*.

[10] The Public Body was authorized to take an extension under section 12(1)(c) of the *FOIPP Act.*

b. Did the Public Body's notice comply with the *FOIPP Act*?

[11] Section 12(4) of the *FOIPP Act* sets out the information a public body must give an applicant when a public body has taken an extension:

> 12(4) If the time is extended under subsection (1), (2) or (3), the head of the public body shall inform the applicant
> (a) of the reason for the extension;
> (b) of when a response can be expected; and
> (c) of the applicant's entitlement to make a complaint to
> (i) the Commissioner under subsection 50(2) if the decision was not made by the Commissioner, or
> (ii) an adjudicator under section 68.1 if the decision was made by the Commissioner

[12] The Applicant provided a copy of the Public Body's notice. It included:

a. the reason for the extension – more time is needed to consult with other parties,
b. when a response can be expected – November 8, 2026, and
c. that the Applicant could ask the Commissioner to review the extension.

[13] The Applicant wanted more information, stating:

> The notice does not specify the subsection relied upon, the nature of consultations, the affected record categories, the calculation of the extended deadline, or why the whole request must be delayed rather than permitting staged release where appropriate.

[14] The *FOIPP Act* does not say a public body has to give an applicant the types of information the Applicant listed.

[15] The Applicant asked why the notice of the extension did not address whether the whole request must be delayed rather than in a staged release. As noted, the *FOIPP Act* does not say a public body has to include this information in their extension notices. Occasionally a public body discloses responsive records in batches. The Commissioner once authorized a different public body to take a lengthy extension on a different access request and included a condition of the authorization that they continue to disclose records periodically. But the *FOIPP Act* does not limit an extension under section 12(1)(c) of the *FOIPP Act* to only the consultation records. I will not require the Public Body to disclose records in batches or address this issue in their extension notices.

[16] The Public Body's notice of the extension complied with section 12(4) of the *FOIPP Act*.

c. Was the length of the extension reasonable?

[17] The original response date would have been October 18, 2026, but the Public Body took an extension of 21 days to November 8, 2026. I considered whether the length of this extension was reasonable.

[18] I considered what work remained to process the Applicant's access request. The other parties need time to review the records, consider their positions about disclosure to the Applicant (consent or oppose), and prepare and provide their position to the Public Body about disclosure. The Public Body needs time to consider the other parties' positions before deciding whether to disclose information to the Applicant, and to finish preparing the records for disclosure to the Applicant. By comparison, sections 28 and 29 of the *FOIPP Act* allow 30 days for this work after a third party is notified that the public body is considering disclosing information.

[19] The Applicant did not provide any evidence or reason to believe that the length of the extension was unreasonable.

[20] I confirm that the Public Body's 21-day extension is a reasonable amount of time in these circumstances.

Conclusion

[21] I confirm that the Public Body was authorized to take an extension under section 12(1)(c) of the *FOIPP Act*, the Public Body's notice of the extension to the Applicant complied with the *FOIPP Act*, and the length of the extension was reasonable in the circumstances.

[22] The extended time limit of November 8, 2026, is a Sunday. For clarity, I will add that under section 33 of the *Interpretation Act*, RSPEI 1988, c I-8.1, since the time limit falls on a day when the Public Body is not open, the time limit for the Public Body to respond to the Applicant is extended to the next business day.

Maria MacDonald

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Maria MacDonald
Deputy Commissioner