

TIME EXTENSION APPLICATION FORM

Right to Information and Protection of Privacy Act (RTIPPA)

Instructions

Individuals who make an access to information requests or a request for correction of personal information are entitled to a timely response to their requests. However, the *Act* recognizes that, in certain circumstances, public bodies may not be able to meet the statutory time limit of 30 business days (request for information) or 20 business days (request for correction) to provide a response. When these circumstances arise, s. 11(3) of the *Act* allows public bodies to take up to an additional 20 or 30 business days to respond to a request, if one of the circumstances enumerated applies. In the event that the additional 20 or 30 business days is still not sufficient, a further time extension may be granted with the permission of the Office of the Ombud. This document is intended to assist public bodies with establishing whether the conditions for requesting time extensions under s. 11(4) apply.

Before requesting a time extension from this office, we strongly encourage public bodies to contact the applicant to discuss the request and the reasons why the public body is encountering difficulties in meeting the statutory time limit to respond to the request.

To submit a time extension request to our office

Please submit this application form **no later than 10 business days before the statutory time limit** to respond to the access or correction request. Please ensure that you provide sufficient details and necessary information in support of this application so that this office is in a better position to approve your time extension application.

Please send this completed form and supporting documentation to our office:

- by email: ombud@ombudnb.ca
- by fax: 506.453.5599
- by regular mail: OMBUD NB, PO Box 6000, Fredericton, NB E3B 5H1

Should you wish to receive more information or if you have questions relating to this form, please contact our office at (506) 453-2789 or 1-888-465-1100 (toll-free).

CONTACT INFORMATION

Name of public body:	
Name and title of contact person:	
Address:	
Telephone Number:	Alternate Number:
Email:	

FOR TIME EXTENSION APPLICATIONS INVOLVING ACCESS REQUESTS

Details of access request <i>Please attach: a copy of the access request AND a copy of extension letter sent to applicant</i>
Date access request was received:
30-business day time limit for response:
60-business day time limit for response, if applicable:
How much additional time is being sought to complete processing the request?
Status of access request
Is the search for the requested information completed at this time? <input type="radio"/> Yes <input type="radio"/> No
Approximate number of pages of relevant records searched at this time, or anticipated to be searched:
Is the processing of the relevant records completed at this time? <input type="radio"/> Yes <input type="radio"/> No
Has the public body issued a partial response to the applicant at this time? <input type="radio"/> Yes <input type="radio"/> No

Has any other public body been consulted at this time?

☐ Yes ☐ No

Have any third parties been notified at this time?

☐ Yes ☐ No

FOR TIME EXTENSION APPLICATIONS INVOLVING CORRECTION REQUESTS

Details of correction request

Please attach: a copy of the correction request AND a copy of extension letter sent to applicant

Date correction request was received:

20-business day time limit for response:

40-business day time limit for response, if applicable:

How much additional time is being sought to complete processing the request?

Status of correction request

Is the search for the records in which a correction is requested completed at this time?

☐ Yes ☐ No

Is the processing of the records in which a correction is requested completed at this time?

☐ Yes ☐ No

GROUND S FOR TIME EXTENSION APPLICATION

Please indicate and complete details for all that apply.

See also additional comments section, if needed, on p. 14

Reason 1 – applicant did not provide sufficient detail to enable to public body to identify records – s. 11(3)(a) *Provide additional information on p.5*

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Reason 2– applicant did not respond to request for clarification as soon as practicable – s. 11(3)(b) *Provide additional information on p.6*

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Reason 3 – large number of records requested or to be searched – 11(3)(c) *Provide additional information on p.7*

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Reason 4 – unreasonable interference with public body’s operations – 11(3)(c) *Provide additional information on p.8-9*

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Reason 5 – time is needed to notify and receive representations from a third party – 11(3)(d) *Provide additional information on p.10*

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Reason 6 – time is needed to consult with another public body – 11(3)(d) *Provide additional information on p.11*

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Reason 7 – third party complaint or court referral – 11(3)(e) *Provide additional information on p.12*

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Reason 8 – request for records relating to court proceedings – 11(3)(f) *Provide additional information on p.13*

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REASON 1 – Failure to provide sufficient detail – 11(3)(a)

This provision applies when an applicant does not provide sufficient detail in the request to enable a public body to identify a requested record. To “clarify” a request is to make clear what the applicant is seeking so that the public body is able to identify the requested record. To “narrow” means to reduce the scope of the request, i.e. decrease the number of records requested/timeframe of the request. If the public body can identify the requested records, but is seeking to narrow the scope of the request, the public body cannot apply for a time extension under this provision. When applying under this provision, the public body must explain why more detail is required to identify a record.

Please explain the difficulty with the wording of the request or why the request is not clear:

What attempts were made to clarify the request with the applicant?

Please describe the number of attempts, the dates of the attempts and provide copies of any communications with the applicant

What date was the request was clarified?

REASON 2 – Applicant did not respond to request for clarification as soon as practicable – 11(3)(b)

This provision applies when a public body has asked the applicant, in writing, to clarify a request and the applicant has not responded to the public body as soon as practicable. To “clarify” a request is to make clear what the applicant is seeking so that the public body can identify the requested record. To “narrow” means to reduce the scope of the request (i.e. decrease the number of records requested). If the public body can identify the requested record, but is seeking to narrow the scope of the request, the public body cannot apply for a time extension under this provision.

If a request for clarification was made in writing and the applicant does not respond within 20 business days after receiving the request, the public body may deem the request abandoned and need not apply for a time extension.

When applying under this provision, the public body must explain why it requires additional clarification from the applicant to process the request.

Please explain why the public body required clarification of the request from the applicant:

When was the applicant contacted, in writing, to obtain clarifications?

Please include all dates and provide copies of any written communications with the applicant

When did the applicant provide a response to the public body’s request for clarification?

Please include all dates and provide copies of any written communications with the applicant

REASON 3 – Large number of records requested or to be searched – 11(3)(c)

This provision applies when a large number of records have been requested or must be searched.

Approximate total number of pages of relevant records:
Approximate number of pages of physical records searched:
Approximate number of pages of electronic records searched:
How does the volume of this request compare with average request volume?
Do records need to be searched outside of the public body? If so, where? <i>For example: archives</i>
<p>Has the search been completed at this time?</p> <p><input type="radio"/> Yes <input type="radio"/> No If yes, when was it completed? If not:</p> <p>Approximate number of pages already searched:</p> <p>Amount of time spent to date searching electronic records:</p> <p>Amount of time spent to date searching physical records:</p> <p>Total amount of time to date spent performing search:</p> <p>Approximate additional time required to search electronic records:</p> <p>Approximate additional time required to search physical records:</p> <p>Approximate time required to perform the search:</p>
<p>What steps were taken to conduct the search?</p> <p><i>Please provide as many details as possible</i></p>

REASON 4 – Unreasonable interference with public body’s operations – 11(3)(c)

This provision applies when the nature of the request is such that responding within the time period set out in s. 11 of the Act would interfere unreasonably with the operations of a public body.

Keep in mind that the following factors are not relevant:

- *The public body has not been allocated sufficient resources*
- *Long term or systemic problems*
- *Internal processes (e.g. delays in sign-offs)*
- *Personal commitments*
- *Pre-planned events (e.g. retirements, vacations)*
- *Previous time extension taken and no work done on file*
- *Type of applicant (e.g., media, political, etc.)*

The determination of what constitutes an unreasonable interference in the operation of a public body rests on an objective assessment of the facts. What constitutes an unreasonable interference will vary depending on the size and nature of the public body.

How would meeting the time limit unreasonably interfere with the operations of the public body?

How many active requests is the public body currently processing?

How does the size and scope of this access or correction request compare to the average requests received by the public body?

Has the public body seen an increase in access or correction requests in the past few months?

☐ Yes ☐ No *If yes, please explain*

Has the Coordinator’s workload significantly increased in the past few months?

☐ Yes ☐ No *If yes, please explain*

Has the Coordinator had an unexpected leave?

☐ Yes ☐ No

If yes, does the public body have an alternate or back-up Coordinator who is able to assist in the processing this access/correction request?

How has this access or correction request affected the public body's staff's resources and current workload?

Were staff members reallocated from other activities to respond to the access or correction request?

☐ Yes ☐ No

Did the public body encounter any computer or technical problems while processing the request?

☐ Yes ☐ No *If yes, please explain*

Are the requested records in an unusual format (e.g. map, database, etc.)?

☐ Yes ☐ No *If yes, please explain*

Has responding to the access or correction request affected the public body's ability to respond in a timely manner to other access requests or other access and privacy related activities?

☐ Yes ☐ No *If yes, please explain*

REASON 5 – Notification of third party – 11(3)(d)

This provision applies when more time is needed to notify a third party before deciding whether or not to grant access to requested records or make the requested correction(s), and the third party's response to the notification could not reasonably be completed within the time limit. The public body needs to explain why it is necessary to notify the third party in making a decision about access, including how the third party is expected to assist. Note that a "third party" does not include a branch or division of the public body, another public body, or the public body's internal or external legal counsel.

How many third parties need to be notified under s. 21 and/or s. 22 of the Act?
What type of records require third party notification?
Approximate number of pages of records requiring notification:
<p>Have the third parties been notified at this time?</p> <p><input type="radio"/> Yes <input type="radio"/> No</p> <p>If yes, when was the notification letter(s) sent? <i>Please include a copy of the letters</i></p> <p>If no, why not?</p> <p>When does the public body anticipate notifying the third party (parties)?</p>
Date at which the third party (parties) is to provide representations to the public body:

REASON 6 – Consultation with another public body – 11(3)(d)

This provision applies when more time is needed to consult with another public body before deciding whether or not to grant access to requested records or make the requested correction, and the consultation could not reasonably be conducted during the time limit. Also, consultations with another public body do not trigger the notification process stipulated in s.34 of the Act. The public body needs to explain why it is necessary to consult with another public body before making a decision about access or correction, including how the other public body is expected to assist. Note that “another public body” does not include a branch or division of the public body, or the public body’s internal or external legal counsel.

Which other public bodies have been or need to be consulted?
Why are the consultations necessary?
Number of pages of records requiring consultation:
Do all relevant records require consultation? <input type="radio"/> Yes <input type="radio"/> No
Have the public bodies been consulted at this time? <input type="radio"/> Yes <input type="radio"/> No
If yes, what date did the public body ask for consultation? <i>Please include a copy of correspondence</i>
If no, why not?
When does the public body anticipate consulting with other public bodies?
How long were the consultations or how long are they likely to take?

REASON 7 – Third party complaint or court referral – 11(3)(e)

This provision applies when a third party files a complaint under s. 36 with this office or a referral with the Court after having been informed by the public body of its decision to give access to a record containing the third party's personal information or business interest information. The public body can then apply for a time extension of the time limit to allow this office or the Court the time needed to investigate the third party's complaint or referral.

Upon receiving a third party complaint, this office will advise the public body, applicant and third party of the complaint and will advise of the timelines for us to complete our investigation at that time.

Date of complaint to this office or referral to Court of Queen's Bench:

REASON 8 – Request for records relating to a court proceeding – 11(3)(f)

This provision applies where an applicant requests records that relate to a proceeding commenced by a Notice of Action or Notice of Application under the Rules of Court. The legal proceeding in question must be ongoing at the time of the public body's time extension application. This provision does not apply to other kinds of legal proceedings, such as appeal proceedings or proceedings before administrative tribunals such as the Labour and Employment Board or before the Human Rights Commission.

Please note that we do not consider this provision as grounds to put an access request on hold indefinitely. Some matters end up before the courts for years. In our view, if a matter will remain before the courts for an extended period of time, the public body will need to make a decision about the applicant's access rights to such information in keeping with the exceptions to disclosure found under s. 17 to 33 of the Act.

<p>Date Notice of Action or Notice of Application was filed with the Court: <i>Please attach a copy of the Notice of Action or Notice of Application</i></p>
<p>Is the applicant involved in the proceeding? <input type="radio"/> Yes <input type="radio"/> No</p>
<p>Current status of the proceeding:</p>
<p>Date of actual and/or scheduled hearings before the Court:</p>
<p>Anticipated date of final resolution of the matter:</p>
<p>Please provide explanations as to how the records in question relate to the proceeding and why the public body wishes to extend the time limit to respond, rather than making a final decision on access rights at this time:</p>

ADDITIONAL COMMENTS

Provide any further details that may assist us in making a decision with regards to this time extension application.