Practical Strategies for Managing Large and Complex Access to Information Requests

Presented by



BROWNLEE LLP
Barristers & Solicitors

Rebecca Kos

Practice Areas:

- Privacy and Access to Information
- Taxation and Assessment
- Municipal & Administrative Law
- Municipal Governance and Authority



Senior Associate

BROWNLEE LLP
Barristers & Solicitors

Competencies

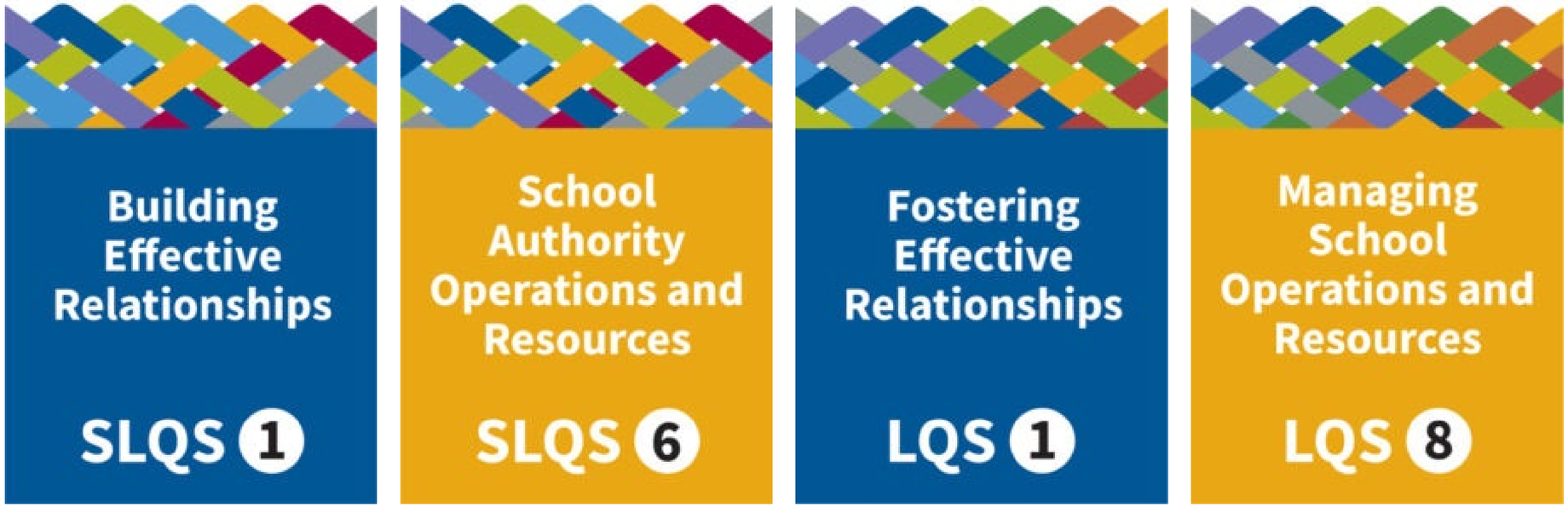


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Difficult requests

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How much experience do you have with difficult ATIA requests?



Myth or Fact?

“A request can be disregarded simply because it will take too much staff time.”



Myth or Fact?

“If an applicant is involved in litigation with the school authority, the school authority still has to assess the request under the ATIA.”



Myth or Fact?

“If a record contains personal information, the entire record must be withheld.”



A Difficult Request Lands on Your Desk…

It's Monday morning.

Your school authority receives an ATIA request seeking all emails, correspondence, reports, meeting minutes and other records that names a particular employee over the past five years. The individual's employment was terminated two weeks ago.

What is your first step?

A. Immediately send an email to all staff asking them to search.

B. Contact legal counsel and assess the scope of the request.

C. Tell the applicant the request is too broad.

D. Start gathering every potentially responsive record.

Purpose of ATIA

1. to allow any person a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in this Act
2. to allow individuals, subject to limited and specific exceptions as set out in this Act, a right of access to personal information about themselves that is held by a public body, and
3. to provide for independent reviews of decisions made by public bodies under this Act and the resolution of complaints under this Act.

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Difficult Requests

- High volume
- Vexatious or repetitive
- Multi-issue
- Litigation-adjacent

High Volume

- Thousands of records
- Multiple custodians
- Broad time periods



Vexatious or Repetitive Requests

- Repeated requests on the same subject
- Requests intended to disrupt operations

Multi – Issue Requests

Personal information

Third-party business information

Privileged communications

Litigation Adjacent Requests

- Active litigation
- Anticipated litigation

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What can I do?

1. Keep calm and contact legal counsel.
2. Consider whether there are grounds to disregard the request.
3. Seek clarification or narrowing of the request.
4. Provide a fee estimate.
5. Consider whether a time extension is appropriate.



…And contact legal counsel early.

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Disregarding a Request

- Section 9 gives the public body the authority to disregard a request.
- The public body must meet the statutory requirements of one of section 9(1)(a) – (e)
- **Order ATIA2026- DEI-02**

Clarification Required

- **Section 7(3) of the ATIA**
  - Permits a request for clarification where a request does not provide enough detail to locate or identify a record within a reasonable time with reasonable effort, as required by section 7(2) of the ATIA.

- **Order ATIA2026- DEI-02**
  - Request for clarification

Fee Estimate

General request: $25 initial fee

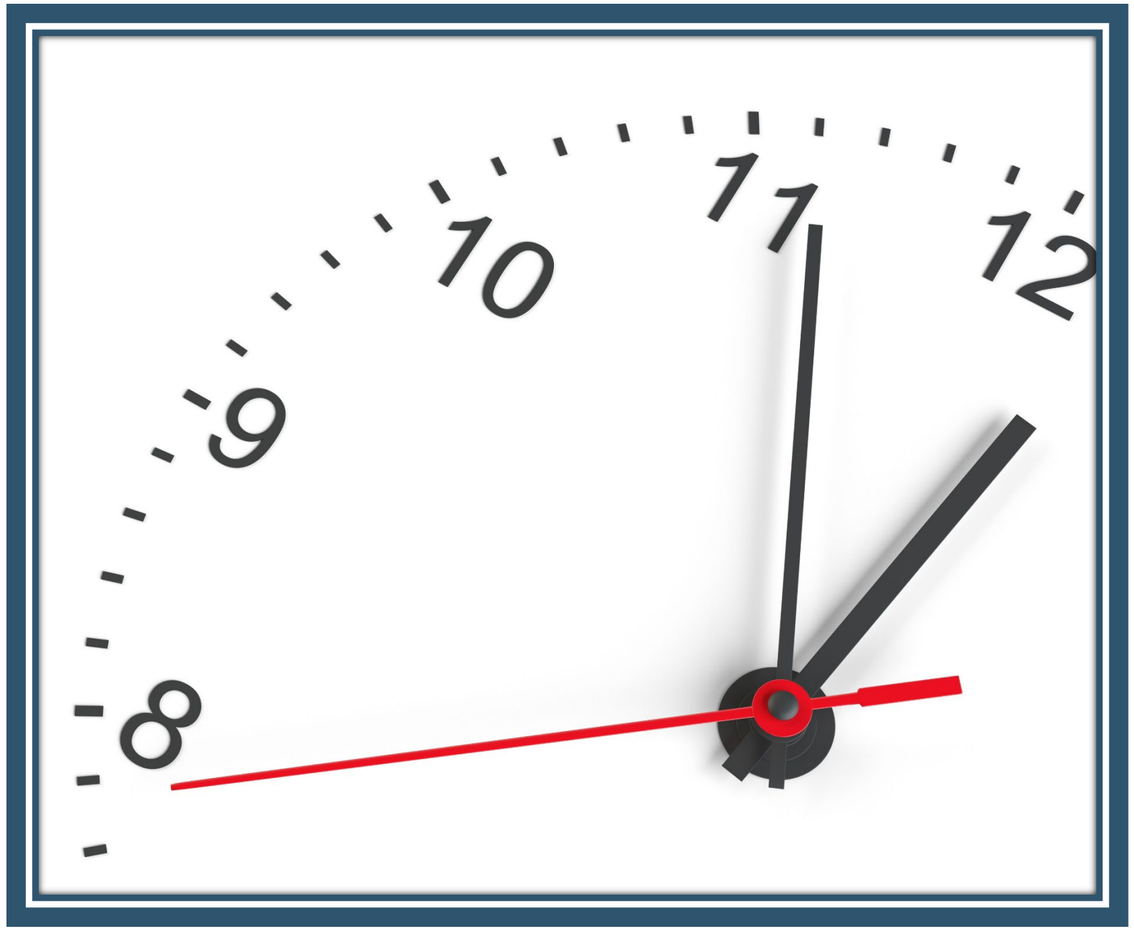
Own personal information: no initial fee

For fees over $150: provide an estimate – Schedule 1 *Access to Information Act Regulation*, Alta Reg 133/2025

Time Extensions

- Section 16(1) permits up to 30 additional business days on specified grounds.

- Grounds include applicant agreement, large volume and consultation needs.





Searches

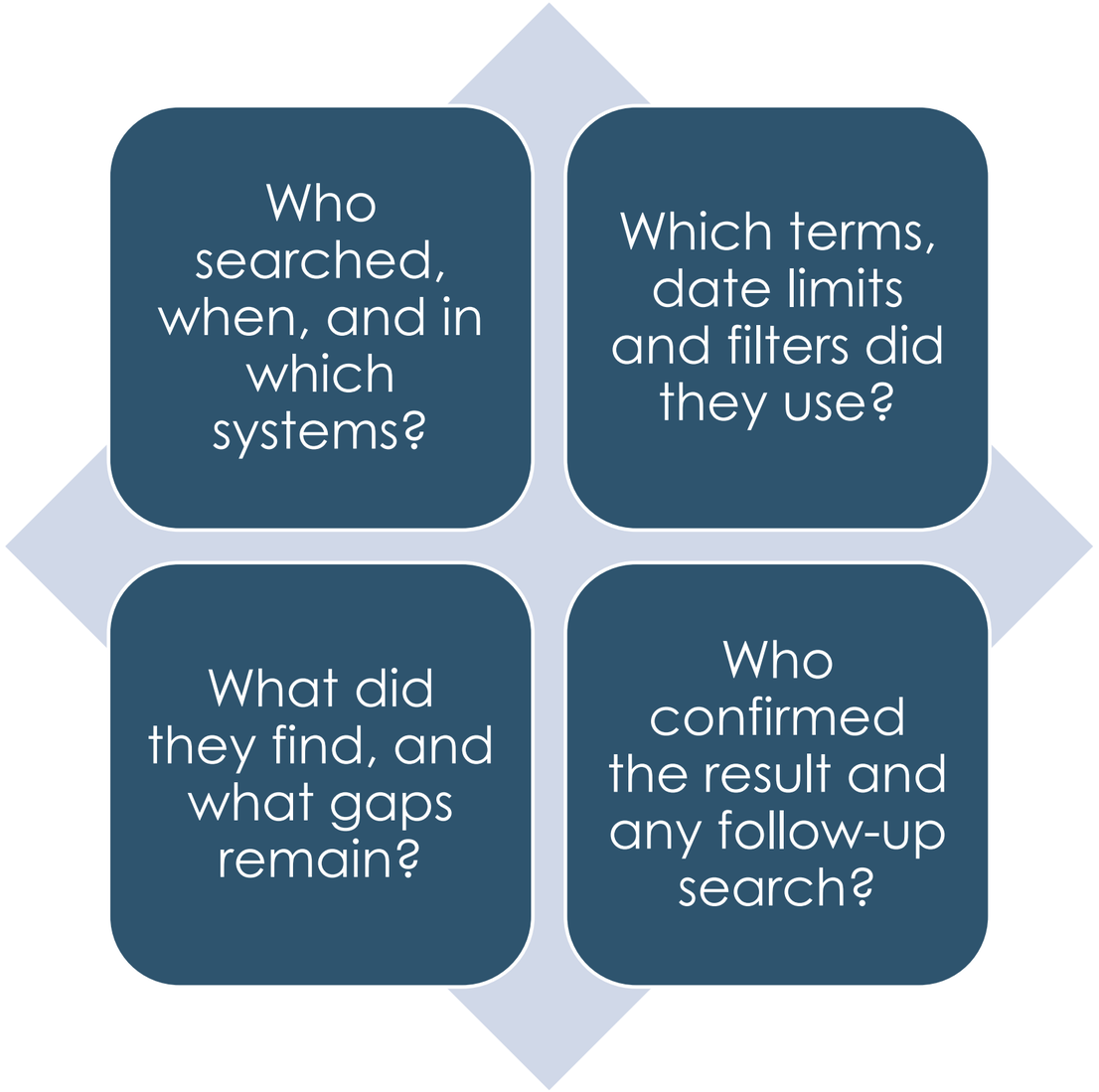
A search plan and a record of what staff did

The Search Plan

- List issues, custodians and likely record locations.
- Consider all records under the school authority's control.
- Assign search terms, date ranges and return deadlines.



Search Documentation



Search Record Example

Custodian: System Education Leader

Date searched: November 5, 2026

Systems searched: Outlook, Teams, shared drive

Search terms: Project name, contractor name

Date range: January–December 2025

Results: 125 potentially responsive records

Gaps or limitations: Archived mailbox not searched

Follow-up: IT asked to retrieve archived emails

Confirmation search: Reviewed by request coordinator

Exceptions to Disclosure

Common Exceptions

- Section 20: personal privacy.
- Section 19: third-party business interests.
- Section 32: privileged information.
- Review records individually and apply exceptions only where statutory requirements met
- Sever and disclose the remaining information



Personal Privacy

- Identify whose personal information appears in the record.
- Distinguish the applicant's information from information about others.
- Assess whether meaningful information can remain after severing.

Third-party Business Interests

- Protected type: trade secrets or commercial, financial, labour relations, scientific or technical information of a third party.
- Supplied in confidence: expressly or implicitly
- Expected harm: evidence that disclosure could reasonably cause a specified harm, such as significant competitive harm or undue financial loss or gain.

Privileged Information

- Solicitor-client privilege: confidential communications between lawyer and client for the purpose of seeking or giving legal advice.

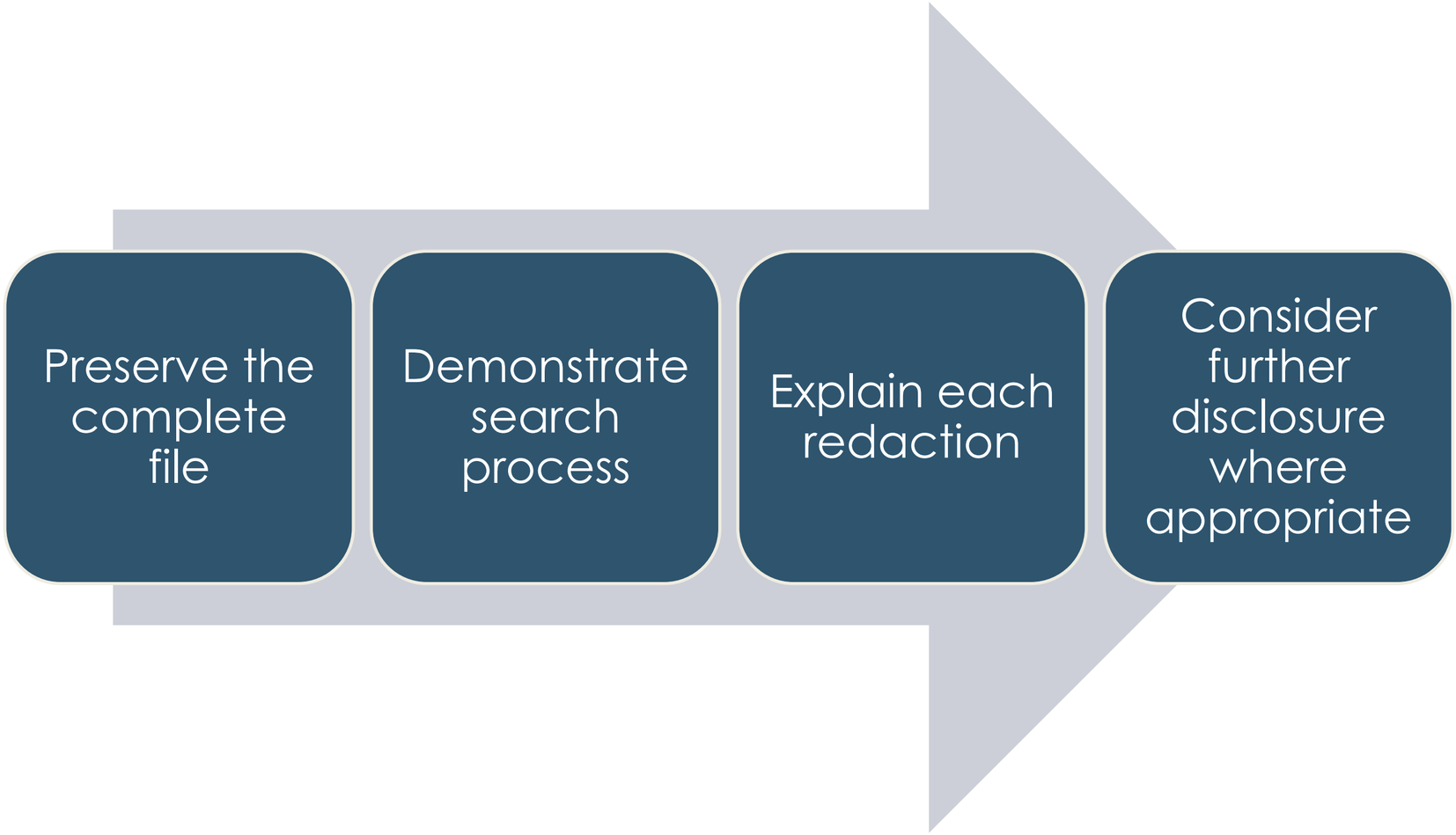
- Litigation privilege: records created for the dominant purpose of existing or reasonably anticipated litigation.

OIPC Review Triggers

- **Delay**: failure to respond within statutory deadline
- **Missing records**: applicant believes search was inadequate
- **Improper exceptions**: applicant disagrees with information being withheld or severed
- **Extension disputes**: applicant challenges decision to extend response deadline

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Responding to OIPC



Exercise – Managing a Difficult ATIA Request

The Former Teacher's Request

A teacher has recently been terminated from their employment with the School Authority. Following the termination, the former teacher submits an ATIA request seeking:

"All records, emails, text messages, correspondence, meeting minutes, reports, notes and other documents relating to me, my employment, the investigation into the concerns raised about my performance, and the decision to terminate my employment."

The request covers the previous three years and includes records held by:

- The system education leader's office
- Human resources
- The school principal
- Other teachers and school staff
- External investigators and consultants
- Legal counsel

The request may capture:

- Performance evaluations and employment records
- Investigation records, witness statements and interview notes
- Emails and internal discussions about the teacher
- Communications with legal counsel
- Information about other employees, students and witnesses

The former teacher is also involved in an ongoing employment dispute with the School Authority.

You have 30 business days to respond, subject to any valid extension.

Discussion Questions

Question 1 – Managing the request

- What would you do first?
- What options do you have for handling the request?

Question 2 – Searching for records

- How would you organize the search?
- Who would you identify as custodians?
- What systems and locations would you search?
- How would you document the searches?

Question 3 – Reviewing the records

- What potential exceptions or disclosure issues might arise?
- How would you approach reviewing and severing the records?

Question 4 – An OIPC review

Suppose the former teacher receives the School Authority's response and requests an OIPC review, alleging that:

- The School Authority failed to provide all responsive records
- Emails between the system education leader and principal are missing
- The School Authority improperly withheld information relating to the investigation

What would you want to have documented, and how would you respond?

Key Takeaways

Keep calm and involve legal counsel early

Clarify scope

Consider a fee estimate

Consider a time extension

Plan and document a search

Apply exceptions carefully

Build the record needed to explain the decision on review

In Summary

Be proactive.

Have a plan.

Document your process.

A practical and defensible approach to difficult ATIA requests.

QUESTIONS?

BROWNLEE LLP
Barristers & Solicitors

Phone: 780-497-4846
Email: rkos@brownleelaw.com