

**Clarifying Access Requests**

Guide to Clarifying Access Requests

# Purpose

This document provides guidance to Applicants and Public Body Designated Access Officers (DAO) to understand the clarification process.

# Why clarification may be requested

When an access to information request is received, the ATIPP Office prioritizes working with Applicants to assist them to formulate a request that will help them receive the information they are looking for.

Applicants may not be fully aware of the details related to the functions and operations of Public Bodies and the process of gathering information for access requests. An access request may also be submitted by an Applicant without the necessary details for a Public Body’s Designated Access Officer (DAO) to identify specific responsive information.

Clarifying the request helps the Applicant and Public Body sort out any misunderstood details and may reduce the possibility of fees or time extensions to process the request.

# Timeline (Business Days)

# Process for clarifying request

1. ATIPP Office receives an access request and consults with the Designated Access Officer (DAO) from the responsive Public Body to determine if clarification is needed.
2. The Public Body has **2 business days** to determine if further clarification is needed from the Applicant.
3. Once the DAO identifies what needs to be expanded on or is missing, a request for clarification is made by the Public Body and the ATIPP Office will communicate to the Applicant the request for clarification.
4. The Applicant has opportunity to not only respond to any questions the Public Body has, but also to ask the Public Body any questions the Applicant has that will help them find the specific information they want. The Applicant may choose to communicate through the ATIPP Office or directly with the DAO of the Public Body.
5. The Applicant may choose to:
	* 1. Provide more context;
		2. Narrow scope of request;
		3. Submit their request unaltered.
6. If the Applicant and the Public Body are able to better clarify the request through consultation the Access and Privacy Officer (APO) will formally accept the clarified request.
7. If the APO in consultation with the Applicant and the Public Body are unable to resolve any requests for clarification the APO will make a decision to accept the request as it stands or refuse the request. The APO will make this decision as soon as it is apparent that consultation is not productive, but not later than **10 business days** after an access request is submitted.
8. The Applicant is provided a notice of acceptance and response due date, or a notice of refusal with reasons for the refusal.

# Examples

1. **A request for information is made about correspondence and records relating to a particular incident that occurred in a government office. Timeframe is for 2 years of records.**
* During consultation the Applicant explains that the timeframe is needed because they are unsure when the incident occurred, but that it was sometime in the past two years.
* The Public Body is able to identify the exact date on which the incident occurred and the date on which a report on the incident was filed.
* The Applicant and the Public Body agree to shorten the time frame to the period between the date the incident occurred and 6 months after the report was filed.
1. **A request for all information about the management of game animals in a particular region over the past 5 years**
* The Public Body is able to provide a sample of the types of records this search would produce. These include correspondence, reports and multiple drafts of these reports, media talking points, information in a database and briefing notes. There is a large volume of material and the Public Body advises the Applicant that a fee is likely to be charged.
* During discussions with the Applicant the Public Body determines that the Applicant is most interested in the number of each type of animal harvested in the region under each type of permit.
* The Applicant and the Public Body agree a record created from the Public Body’s database with this information will meet the Applicant’s needs. The volume of the request is reduced and no fees are charged.
1. **The Applicant is very concerned that the government does not properly protect citizens’ personal information. They want all records that show information has been improperly treated.**
* During consultation the Applicant is made aware that privacy breach reporting is mandatory under the ATIPP Act and that summaries of these breaches must be published on-line.
* The Applicant is able to identify from the on-line summaries a list of privacy breach reports they are interested in. The request is changed and the Public Body provides copies of these specific reports that have had any third party
* personal information redacted.

# Things to consider

1. **A request for information may be better broken down into multiple, separate requests. This is especially true if different parts of the request will go to different program areas or staff within a Public Body. It can also be helpful when there are different timeframes associated with different subjects of interest.**

**This table can assist determining if breaking a request into multiple parts is useful.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Subject** | **Timeframe** | **Info Type** | **Program/Activity/Employee** |
| 1 |  |  |  |  |
| 2 |  |  |  |  |
| 3 |  |  |  |  |
| 4 |  |  |  |  |
| 5 |  |  |  |  |
| 6 |  |  |  |  |
| 7 |  |  |  |  |

1. **Each access to information request is different and therefore each request for clarification is different. The following is a list of questions for either the Applicant or the Public Body that may help determine which information is wanted by the Applicant and which is the information the Public Body holds that may be most useful.**

**Different questions will be useful for each request.**

|  |  |
| --- | --- |
| General | Is information missing about the timeframe?  |
|  | Are the types of records wanted clear? (Correspondence, reports, everything….) |
|  | Are all terms and acronyms used understood the same by both the Applicant and the Public Body? |
|  | Is information available elsewhere? (RCMP, other Public Body) |
|  | Is information publically available? (Open Government, Google) |
|  | Is information of a type that is “generally excluded” under the Act? |
| Personal Information Requests | Does the Public Body need more personal information to identify responsive records? (Date of birth, maiden name) |
|  | Does the Applicant have the authority to request this personal information? |
| Timeframe | Can the timeframe be limited to recent information because past responsive records are available on the Access Information Registry? |
| Program/Activity/Staff | Which program/activity/staff would have responsive records? |
|  | Can the request easily be divided by program/activity/staff? |
| Types of Records | What types of records contain the information? |
|  | Are some of these records more responsive information dense? Example – Report instead of emails. |
|  | Can the request easily be divided by type of record? |
|  | Is information in some of these types of records more likely to be withheld? |
|  | Can a record easily be generated that answers the question? |
| Subject Information | Does the request relate to particular incident(s)? |
|  | Does the request relate to particular subject(s)? |

1. **The Public Body likely has information that the Applicant does not. Providing additional information to the Applicant can help them clarify the information they are requesting and identify what specific areas of the Public Body they would like searched.**

**This table suggests the types of information a Public Body may hold that could be useful to an Applicant when narrowing a request.**

**Different types of information will be useful depending on each individual request.**

|  |  |  |  |
| --- | --- | --- | --- |
| Timeframe | Program/Activity/Staff | Types of Records | Subject Information |
| More accurate timeframe information if available. (Example – month a report was released or incident occurred.) | List of program/activity/staff who might have responsive records.  | List of types of records likely to be responsive. | Details around incident(s) that are unclear in the request. |
| Additional information around life events if request for personal information (Example: years Applicant in school, receiving senior benefits, enrolled in child dental program)  | What types of information each program/activity/staff would be expected to hold. | Volume of each type of likely responsive record. | Details around subject(s) that are unclear in the request. |
|  | Volume of information each program/activity/staff would be expected to hold. | Type of information contained in each type of record likely to be responsive. |  |
|  |  | Likely value of information in each type of record likely to be responsive. |  |