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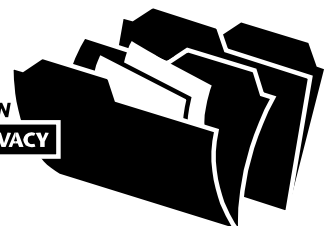
# Annual Report 2000-2001

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**FREEDOM OF INFORMATION  
AND PROTECTION OF PRIVACY**

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November 2001

Honourable Ken Kowalski  
Speaker  
Legislative Assembly of Alberta  
325 Legislature Building  
10800 – 97 Avenue  
Edmonton, Alberta  
T5K 2B6

Dear Sir:

In accordance with Section 81 of the *Freedom of Information and Protection of Privacy Act*, I have the honour to submit the sixth annual report on the operation of this Act for the fiscal year ended March 31, 2001.

Respectfully submitted,

*Original signed by  
David C. Coutts*

David C. Coutts  
Minister

## Minister's Message

Alberta has a lot of good news to share about how the *Freedom of Information and Protection of Privacy Act* (FOIP) is working. In the six years since the FOIP Act first took effect, for example, our provincial government bodies handled over 9,000 requests for information and completed over 90 per cent of them in 60 days or less. Albertans value their right to access information and we have succeeded in providing FOIP services very effectively.

For the 2000 – 2001 fiscal year, I am pleased to report several significant accomplishments:

- The administration of the FOIP program was reviewed and recommendations for improvement are now being implemented.
- Advisory support to public bodies was increased in order to assist them in administering the Act. A help desk was put into place and a number of guidelines on administering the legislation were developed.
- A redesigned FOIP web site was launched at the provincial FOIP 2000 conference. The site offers easily accessible and up-to-date resource materials to public bodies.
- The province participated in Federal/Provincial/Territorial discussions related to the federal *Personal Information Protection and Electronic Documents Act* and supported the Alberta Economic Development Authority in consulting with business on private sector privacy. Alberta is now actively pursuing a harmonized approach to legislation with other jurisdictions.
- The Government of Alberta, the University of Alberta and the Office of the Information and Privacy Commissioner partnered in developing and delivering an online course in Information Access and Privacy Protection – the first of its kind in Canada. These groups are also working together to develop a full certificate program, subject to continued funding and support by current and new partners.

Alberta's *Freedom of Information and Protection of Privacy Act* is a crucial part of this government's commitment to openness and accountability – balanced by our irrefutable responsibility to guard the personal information with which we are entrusted. Achieving the ideal balance will continue to be one of our most pressing challenges.

I have no doubt, however, that we are more than well-equipped for the task. I wish to thank the Information and Privacy Commissioner, elected officials, staff in government and local public bodies for their expertise and common sense approach to our complex legislation.

It is a privilege to be part of such an important undertaking.

*Original signed by  
David C. Coutts*

David C. Coutts, MLA  
Minister of Government Services

# Contents

Page

<b>1. Overview and Key Activities</b> .....	3
<b>2. Results Analysis</b>	
(a) Requests to Provincial Government Ministries .....	4
(b) Distribution of Requests Received Under the Act by Provincial Government Ministries .....	9
(c) Requests to Local Public Bodies.....	11
(d) Distribution of Requests Received Under the Act by Local Public Bodies .....	14
<b>3. Financial Information</b>	
(a) Expenditures.....	15
(b) Fees .....	15

The *Freedom of Information and Protection of Privacy Act* has applied to provincial government departments, agencies, boards and commissions, as well as the Legislative Assembly Office and the offices of Legislative Officers since October 1, 1995. On September 1, 1998 the Act was extended to school jurisdictions, on October 1, 1998 to health care bodies, on September 1, 1999 to post-secondary educational institutions, and on October 1, 1999 to local governments. The Act now applies to approximately 1500 public bodies.

Information Management, Access and Privacy coordinates the province-wide administration of the Act, prepares amendments to the legislation and provides ongoing support for provincial government organizations and local public bodies.

Support to public bodies is provided through a variety of forums including regular meetings with FOIP coordinators, training programs, presentations, advisory services, the FOIP Help Desk and publications.

During 2000-01, 24 FOIP training courses were provided for nearly 410 employees of public bodies across the province.

Information Management, Access and Privacy also facilitated a Delegation of Authority workshop for provincial government ministries.

Alberta's sixth annual information and privacy conference, FOIP 2000, was held in Edmonton on May 28 and 29, 2000. Information Management, Access and Privacy provided advice in the planning of the conference, which attracted over 400 registrants. During the two-day conference, nearly 50 speakers offered presentations and workshops, including Alberta's Information and Privacy Commissioner, Mr. Robert Clark and British Columbia's Information and Privacy Commissioner, Mr. David Loukidelis.

The FOIP Help Desk responded to nearly 1,100 inquiries.

Information Management, Access and Privacy published a fully revised Guidelines and Practices Manual, which reflects legislative amendments as well as Commissioner's Orders released up to July 2000.

A new guide on personal information sharing agreements was issued. This guide is intended to help FOIP Coordinators understand issues related to the sharing of personal information with other public bodies or with organizations that are not subject to the Act.

Substantial revisions were made to the Contract Manager's Guide. This guide helps contract managers in provincial government public bodies determine how the Act affects the contracting process. While the guide was written for a government audience, local public bodies will find the information useful as well.

The newly redesigned FOIP web site was launched at the FOIP 2000 Conference. In the 2000-01 fiscal year, there were more than 157,800 visits to the web site. The web site continues to provide users with easy access to information on the Act. The FOIP home page can be found at: [www3.gov.ab.ca/foip](http://www3.gov.ab.ca/foip).

On January 1, 2001, Canada enacted the *Personal Information Protection and Electronic Documents Act* requiring federally regulated business to offer Canadian citizens privacy rights for personal information in their custody or control. This Act will apply to the provincially regulated private sector on January 1, 2004 unless provincial legislation is enacted first. Information Management, Access and Privacy is working cooperatively with other provinces to develop a strategy to respond to the federal law. Part of the strategy will be to develop a harmonized legislative approach that provinces can adopt to ensure that there will not be a patchwork of laws across the country to which the private sector will have to respond.

**2(a) Requests to Provincial Government Ministries**

**Requests Received**

Government ministries routinely release a great quantity and variety of information. The FOIP Act is used only when information is not available through regular channels.

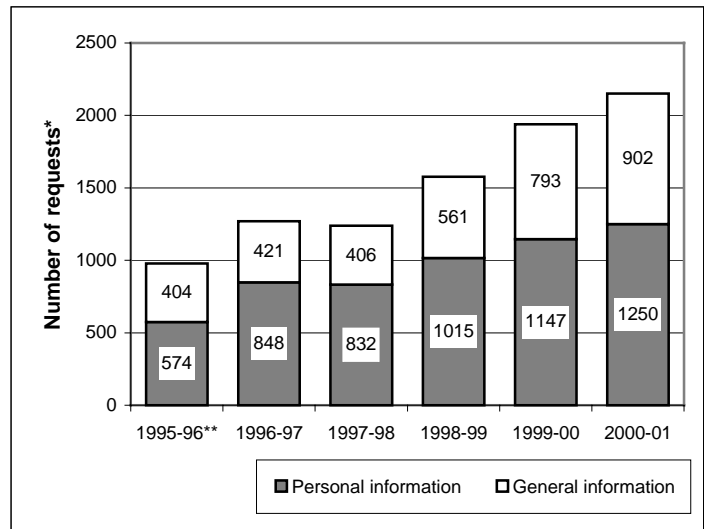
In the fiscal year from April 1, 2000 to March 31, 2001, a total of 2,152 FOIP requests were received by government departments, agencies, boards and commissions. This number has increased by 11% from the 1,940 requests received in the previous fiscal year.

In 2000-01 there were nine requests for correction of personal information. This has increased from seven such requests received in the previous fiscal year.

In 2000-01, 58% of the requests received were from individuals seeking records containing information about themselves.

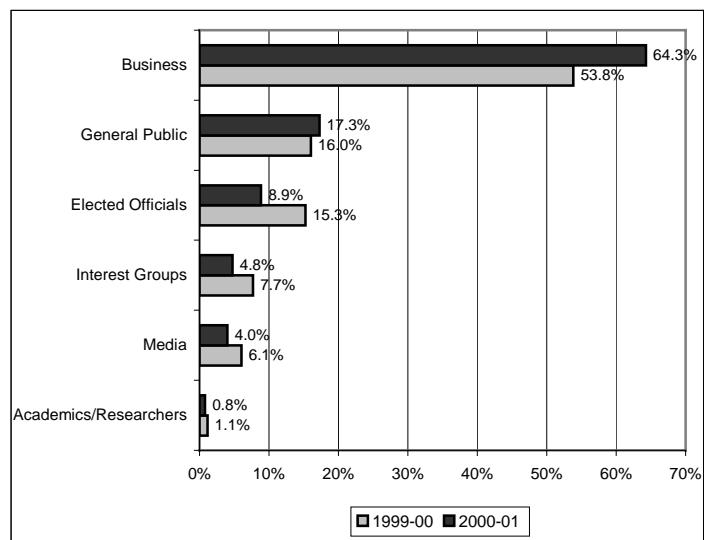
The remaining 42% of requests were made for general information. In this category, the top users of the Act were businesses, with 64% of requests, the general public with 17% of requests, elected officials with 9% of requests, interest groups with 5% of requests and the media with 4% of requests.

**Number of FOIP requests received by provincial government ministries since October 1, 1995**



\* Excludes requests for correction  
 \*\* The FOIP Act was proclaimed on October 1, 1995

**General information requests received by provincial government ministries in 2000-01 by type of applicant**



**Section 2 (cont'd)**
**Results Analysis**
**Distribution of General Requests under the Act Received by Provincial Government Ministries – by Source, April 1, 2000 to March 31, 2001**

Public Body	Business	General Public	Elected Officials	Interest Groups	Media	Academics/ Researchers	Total Requests
Environment	468	17	5	6	2	3	501
Municipal Affairs	57	5	3	0	1	0	66
Human Resources and Employment	10	22	5	10	2	0	49
Treasury	4	12	21	3	5	0	45
Community Development <i>including Provincial Archives</i>	6	9	4	6	3	3	31
Justice	0	22	1	0	6	1	30
Health and Wellness	4	5	8	4	2	0	23
Learning	0	5	4	7	2	0	18
Infrastructure	8	4	2	1	1	0	16
Gaming <i>including Alberta Gaming &amp; Liquor Commission</i>	2	5	3	0	5	0	15
Child and Family Service Authorities	3	12	0	0	0	0	15
Executive Council	3	1	9	0	0	0	13
Resource Development	8	1	3	0	0	0	12
Children's Services	0	5	6	0	0	0	11
Agriculture, Food and Rural Development	1	5	0	1	0	0	7
Alberta Energy and Utilities Board	2	2	1	0	1	0	6
Economic Development	0	2	1	3	0	0	6
Government Services	0	5	1	0	0	0	6
Workers' Compensation Board	1	4	0	0	1	0	6
Alberta Pensions Administration Corporation	1	4	0	0	0	0	5
Persons with Developmental Disabilities Boards	0	1	0	0	3	0	4
International and Intergovernmental Relations	0	3	1	0	0	0	4
Assured Income for the Severely Handicapped Appeal Panel	0	2	0	0	0	0	2
Legislative Assembly Office	0	0	1	1	0	0	2
Public Affairs Bureau	0	0	0	0	2	0	2
Social Care Facilities Review Committee	0	1	1	0	0	0	2
Agriculture Financial Services Corporation	0	1	0	0	0	0	1
Alberta Opportunity Company	1	0	0	0	0	0	1
Innovation and Science	1	0	0	0	0	0	1
Labour Relations Board	0	0	0	1	0	0	1
Law Enforcement Review Board	0	1	0	0	0	0	1
<b>Total</b>	<b>580</b>	<b>156</b>	<b>80</b>	<b>43</b>	<b>36</b>	<b>7</b>	<b>902</b>

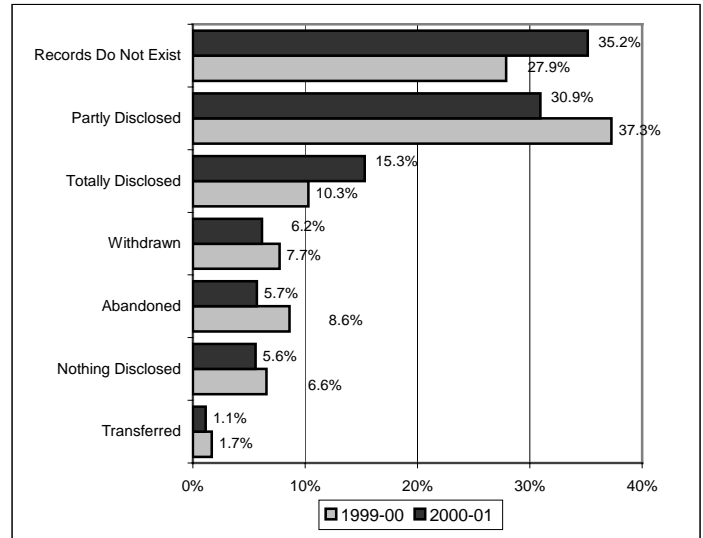
## Section 2 (cont'd)

## Results Analysis

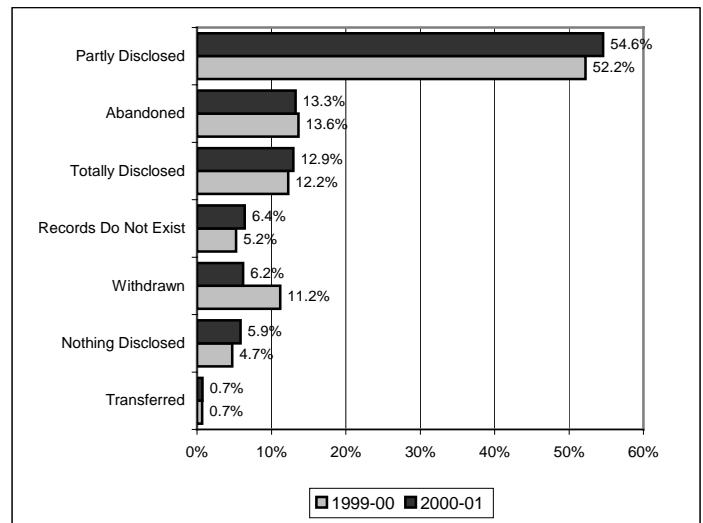
For general requests, provincial government ministries disclosed or partially disclosed all of the records nearly 46% of the time. Records did not exist 35% of the time. Requests for records were abandoned or withdrawn by the applicant or transferred to another public body 13% of the time. No records were disclosed for less than 6% of requests.

For personal requests, provincial government ministries disclosed all or part of the records 68% of the time. Requests were abandoned or withdrawn by the applicant or transferred to another public body 20% of the time. Records did not exist for 6% of requests. No records were disclosed for less than 6% of requests.

### Outcome of general information requests received by provincial government ministries in 2000-01



### Outcome of personal information requests received by provincial government ministries in 2000-01





### Exceptions and Exclusions

When public bodies sever information from a record, or withhold a record, they must indicate which section of the Act was used to authorize the decision. The following table summarizes the sections of the Act that were cited when records were not completely disclosed.

The number of occurrences indicates the number of requests where that section of the Act was used. Because several sections may be used on a single request, the number of occurrences is not related to the number of requests completed.

Section of the Act Used	Exceptions	Number of Occurrences
16	Third party - personal information	876
23	Advice from officials	164
19	Law enforcement	69
26	Legal privilege	59
11	Refuse to confirm or deny existence of a record	44
15	Third party - business/tax interests	41
21	Cabinet and Treasury Board confidences	21
24	Harmful to economic or other interests of a public body	15
28	Information otherwise available to the public	14
20	Intergovernmental relations	12
18	Confidential evaluations/Identity of participants	10
17	Individual or public health or safety	6

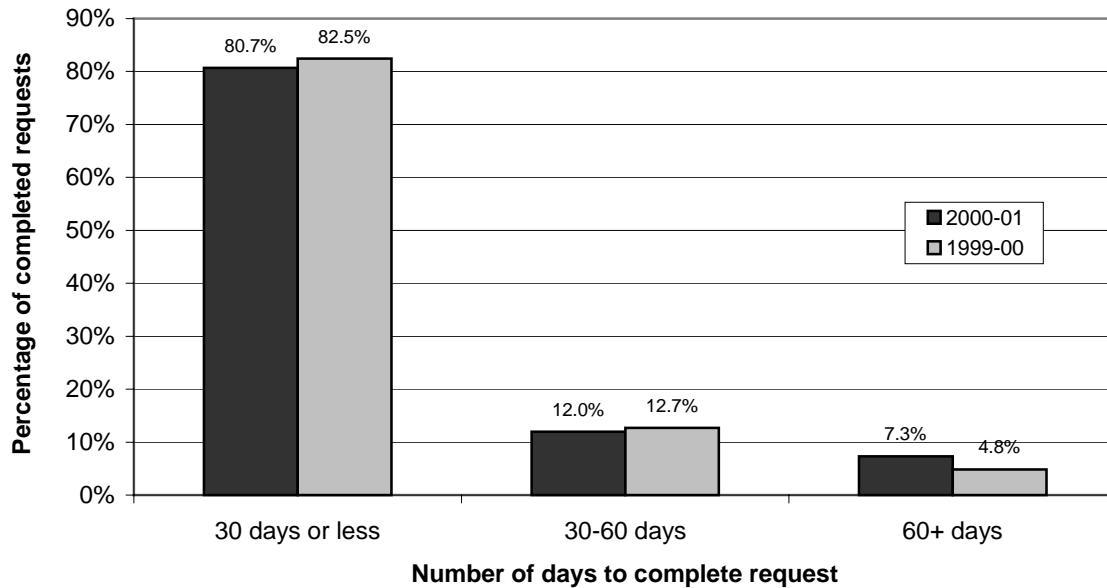
Section of the Act Used	Exclusions	Number of Occurrences
5	Paramountcy of other acts/regulations	332
4(1)l	Records created by or for MLAs and/or Executive Council	43
4(1)h	Registry records	21
4(1)c	Officers of the Legislature	17
4(1)g	Incomplete prosecutions	7
4(1)a	Court or judicial records	6
4(1)d	Question to be used on examination or test	2
3(b)	Previously available	2
4(1)b	Quasi-judicial notes, communications or draft decisions	1
4(1)i	Personal/constituency record of a member of Executive Council	1
4(1)f	Material deposited in the Provincial Archives or a public body archives	1

**Response Times**

The Act states that normally a request must be completed within 30 days of the date it was received. The Act allows the head of a public body to extend this time to 60 days under three circumstances. An extension may be allowed if more time is needed to consult with another public body or with a third party, if the request does not provide sufficient detail to allow identification of the requested record, or if a large number of records is involved.

Nearly 93% of requests were completed within 60 days of receiving the requests. This total represents 80% completed within 30 days, and 12 % within 30 to 60 days. The remaining requests were completed in more than 60 days.

**Percentage of requests completed in 60 days or less**



**Section 2 (cont'd)****Results Analysis****2(b) Distribution of Requests under the Act Received by Provincial Government Ministries, April 1, 2000 to March 31, 2001**

Public Body	General Information Requests	Personal Information Requests	Correction of Personal Information	Total Requests
Child and Family Service Authorities*	15	541	1	557
Environment	501	4	0	505
Human Resources and Employment	49	290	0	339
Health and Wellness	23	101	0	124
Children's Services	11	94	0	105
Justice	30	73	0	103
Workers' Compensation Board	6	72	6	84
Municipal Affairs	66	0	0	66
Treasury	45	4	1	50
Community Development <i>including Provincial Archives</i>	31	14	0	45
Learning	18	14	0	32
Gaming <i>including Alberta Gaming &amp; Liquor Commission</i>	15	3	0	18
Government Services	6	12	0	18
Infrastructure	16	0	0	16
Executive Council	13	2	0	15
Resource Development	12	0	0	12
Persons with Developmental Disabilities Boards*	4	6	0	10
International and Intergovernmental Relations	4	5	0	9
Agriculture, Food and Rural Development	7	1	0	8
Alberta Energy and Utilities Board	6	1	1	8
Agriculture Financial Services Corporation	1	6	0	7
Alberta Pensions Administration Corporation	5	2	0	7
Economic Development	6	0	0	6
Public Affairs Bureau	2	1	0	3
AISH Appeal Panel	2	0	0	2
Legislative Assembly Office	2	0	0	2
Personnel Administration Office	0	2	0	2
Social Care Facilities Review Committee	2	0	0	2
Innovation and Science	1	0	0	1
Labour Relations Board	1	0	0	1
Law Enforcement Review Board	1	0	0	1
Office of the Information and Privacy Commissioner	0	1	0	1
Alberta Opportunity Company	1	0	0	1
Children's Advocate	0	1	0	1
<b>Total Requests</b>	<b>902</b>	<b>1250</b>	<b>9</b>	<b>2161</b>

\* Details on next page

**Section 2 (cont'd)****Results Analysis****Details of Requests under the Act Received by Child and Family Service Authorities, April 1, 2000 to March 31, 2001**

<b>Child and Family Service Authorities</b>	<b>General Information Requests</b>	<b>Personal Information Requests</b>	<b>Correction of Personal Information</b>	<b>Total Requests</b>
Ma'mowe Capital Region	6	191	1	198
Calgary Rocky View	4	112	0	116
Diamond Willow	0	40	0	40
Sakaigun Asky	0	32	0	32
Region 13	0	22	0	22
Sun Country	2	17	0	19
Southeast Alberta	0	19	0	19
Ribstone	0	18	0	18
Keystone	1	16	0	17
Sakaw-Askiy	0	17	0	17
West Yellowhead	1	15	0	16
Awasak	1	14	0	15
Hearthstone	0	10	0	10
Neegan Awas'sak	0	10	0	10
Windsong	0	4	0	4
Region 14	0	3	0	3
Silver Birch	0	1	0	1
<b>Total all Authorities</b>	<b>15</b>	<b>541</b>	<b>1</b>	<b>557</b>

**Details of Requests under the Act Received by Persons with Developmental Disabilities Boards, April 1, 2000 to March 31, 2001**

<b>Persons with Developmental Disabilities (PDD) Boards</b>	<b>General Information Requests</b>	<b>Personal Information Requests</b>	<b>Correction of Personal Information</b>	<b>Total Requests</b>
Calgary Region Community Board	3	2	0	5
Michener Centre Facility Board	1	2	0	3
Central Region Community Board	0	1	0	1
Edmonton Region Community Board	0	1	0	1
<b>Total all Boards</b>	<b>4</b>	<b>6</b>	<b>0</b>	<b>10</b>

**2(c) Requests to Local Public Bodies**

**Requests Received**

By October 1, 1999, all local public bodies were subject to the FOIP Act. 2000-01 was the first reporting period where all local public bodies provided statistical information for a complete fiscal year.

In 2000-01, statistics were received from 99% of local public bodies. Eleven local public bodies did not submit a statistical report although they were asked to provide information on FOIP requests at least three times.

In the fiscal year 2000-01, local public bodies received a total of 620 FOIP requests. This number is up 18% from the 528 requests received in the previous fiscal year.

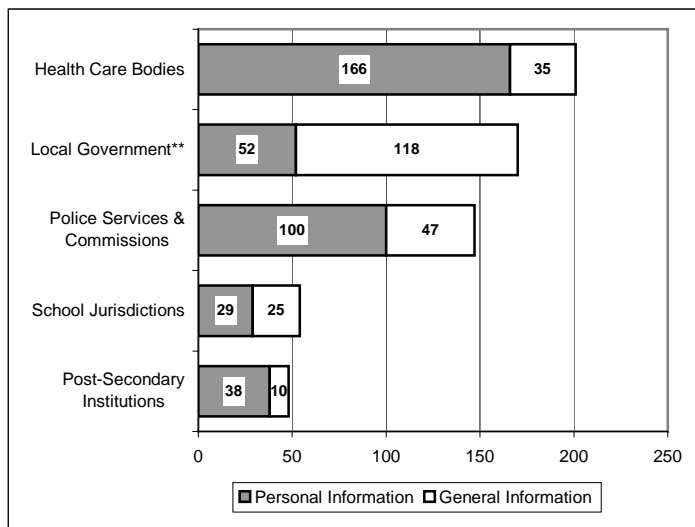
In 2000-01, there were 13 requests for correction of personal information. This is up from seven such requests received in the previous fiscal year.

In 2000-01, 385 or 62% of requests received were from individuals seeking records containing information about themselves.

The remaining 38% of requests were made for general information. In this category, the top users of the Act were the general public, with 54% of requests, followed by businesses with 19% of requests, interest groups with 13% of requests, the media with nearly 12% of requests and academics/researchers with 2% of requests. No requests were received from elected officials in 2000-01.

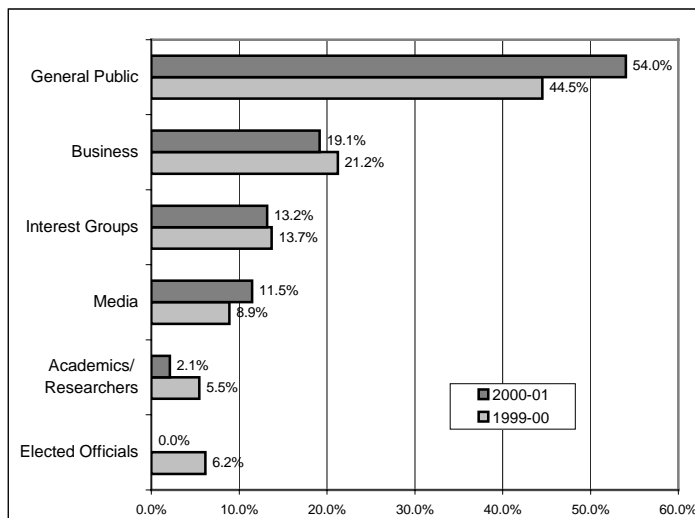
Health care bodies received the most FOIP requests, 201 in the fiscal year. This is down from 211 requests received in 1999-00. The majority of the requests, 83%, were for personal information and 17% were for general information. Twelve requests for correction of personal information were also received.

**Number of FOIP requests received by local public bodies in 2000-01**



\* Excludes requests for correction.  
 \*\* Includes municipalities, improvement districts, special areas, regional service commissions, drainage and irrigation districts, housing management bodies, Metis settlements and General Council, and public libraries.

**General information requests received by local public bodies in 2000-01 by type of applicant\***



\* This chart reflects a correction to the 1999-00 statistics, which resulted from a printing error.

Local government bodies received 170 requests. This number is up 31% from 2000-01. 69% of requests were for general information. Municipalities received the majority (160) of the requests received by the local government sector. Housing management bodies received eight requests and two requests were received by public libraries. Metis settlements, drainage districts and irrigation districts reported no requests.

Police services and commissions received 147 requests, an increase of 38% from the previous fiscal year. 68% of the requests were for personal information.

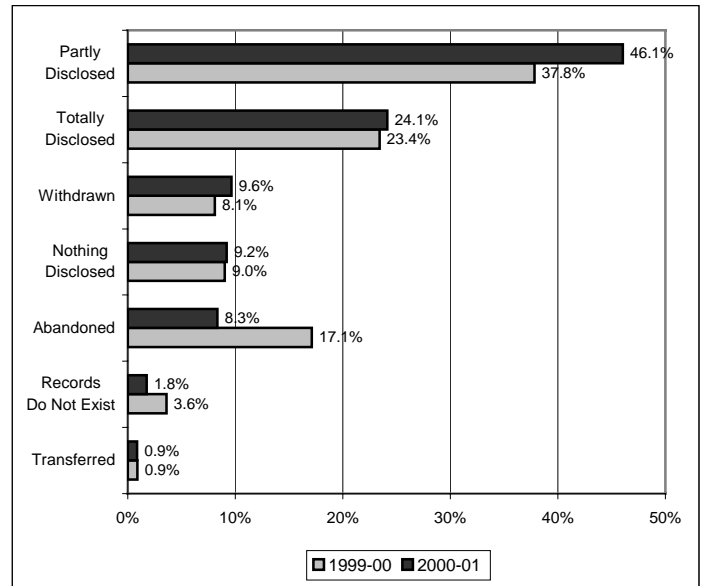
School jurisdictions received 54 requests. This is an increase of 32% from the previous fiscal year. The requests were nearly evenly divided between general and personal requests.

Post-secondary educational institutions received 48 requests. This is an increase of 24% from the previous fiscal year. 79% were requests for personal information.

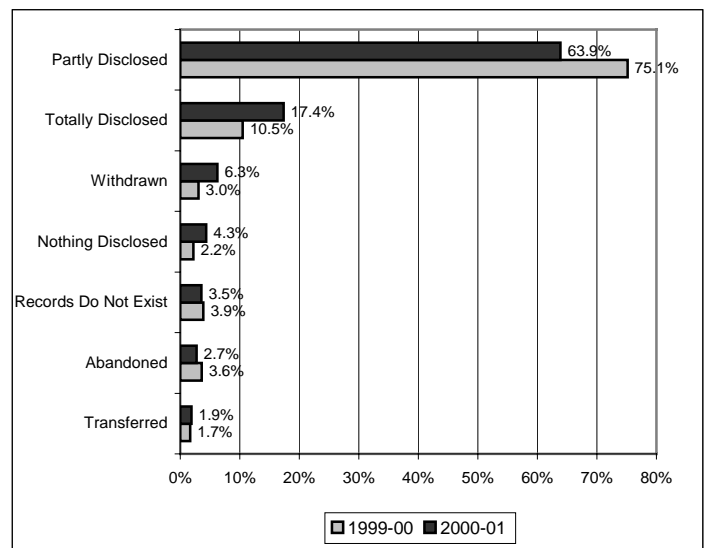
For general requests, local public bodies disclosed or partly disclosed all of the records over 70% of the time. Records did not exist nearly 2% of the time. Requests for records were abandoned or withdrawn by the applicant or transferred to another public body 19% of the time. No records were disclosed for 9% of requests.

For personal requests, local public bodies disclosed all or part of the records over 81% of the time. Records did not exist less than 4% of the time. Requests for records were abandoned, withdrawn or transferred to another public body 11% of the time. No records were disclosed for 4% of requests.

**Outcome for general information requests received by local public bodies in 2000-01**



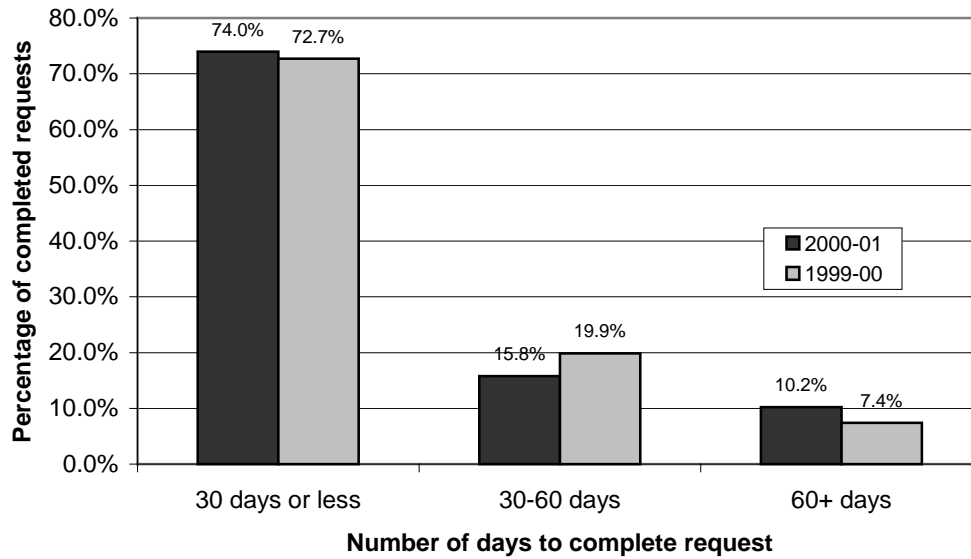
**Outcome of personal information requests received by local public bodies in 2000-01**



**Response Times**

Overall, 90% of requests made to local public bodies were completed within 60 days of receiving the requests. This total represents 74% completed within 30 days, and nearly 16% within 30 to 60 days. 10% were completed in more than 60 days.

**Percentage of local public body requests completed in 60 days or less**



**2(d) Distribution of Requests under the Act Received by Local Public Bodies,  
April 1, 2000 to March 31, 2001**

Local Public Body	General Information Requests	Personal Information Requests	Correction of Personal Information	Total Requests
Calgary Health Region	12	130	10	152
Calgary Police Service	7	62	0	69
City of Calgary	35	25	1	61
Edmonton Police Service	14	31	0	45
City of Edmonton	26	6	0	32
Calgary Board of Education	10	16	0	26
Lethbridge Police Service	23	1	0	24
University of Alberta	3	15	0	18
Alberta Mental Health Board	5	12	0	17
Capital Health Authority	4	10	1	15
Calgary Catholic School District	8	0	0	8
Headwaters Health Authority	8	0	0	8
Mount Royal College	0	8	0	8
University of Calgary	3	5	0	8
City of Lethbridge	3	4	0	7
Town of Canmore	3	3	0	6
Edmonton Public Schools	1	4	0	5
Leduc County	5	0	0	5
All other local public bodies*	65	53	1	119
<b>Total Requests</b>	<b>235</b>	<b>385</b>	<b>13</b>	<b>633</b>

\* 72 local public bodies received four or fewer requests.



**3(a) Expenditures**

Information Management, Access and Privacy spent \$1,219,805 in 2000-01. Additional costs were incurred by each of the public bodies subject to the Act. Expenditures by the Office of the Information and Privacy Commissioner are also related to the administration of the Act and are reported annually by that Office.

**3(b) Fees**

The fee schedule for processing FOIP Requests is set out in Schedule 2 of the FOIP Regulation. In 2000-01, provincial government ministries collected fees of just over \$47,700. Fee information is not available for local public bodies.

**General information requests**

For general information requests, a \$25 initial fee is charged. Additional charges may be applied for time spent locating, retrieving and preparing records for disclosure, computer programming and processing, and copying of records. Additional fees cannot be charged for the time that is spent reviewing records to determine the need for severing information.

The Act allows for continuing requests, where the request remains active for a specified period of time up to two years. The initial fee for a continuing request is \$50.

When a request is received, a fee estimate is prepared. If the estimate is less than \$150, no additional fees are collected from the applicant.

**Personal information requests**

Applicants requesting their own information pay only copying charges, and only if the charges exceed \$10.

**Total fees collected by provincial government ministries**

Type of fee	Amount collected	
	2000-01	1999-00
General information requests		
Initial fees	\$19,725	\$16,950
Other general fees	15,742	17,595
Personal information requests		
Copying	12,260	12,799
<b>Total</b>	<b>\$47,727</b>	<b>\$47,344</b>

**Fee waivers by provincial government ministries**

Public bodies and the Information and Privacy Commissioner may waive fees if the applicant cannot afford payment, the record relates to a matter of public interest, or for any other reason that it is deemed fair to excuse payment.

The amount of these fee waivers is shown in the following table.

Type of request	Amount waived	
	2000-01	1999-00
General information requests	\$ 1,232	\$ 9,446
Personal information requests	108	1,203
<b>Total</b>	<b>\$1,340</b>	<b>\$10,649</b>

Fees are often reduced or eliminated by clarifying requests and providing only the records actually needed by the applicant. The value of fees eliminated in this way cannot be calculated.

For more information:

Alberta Government Services  
Information Management, Access and Privacy  
16<sup>th</sup> Floor, Commerce Place  
10155 – 102 Street  
Edmonton, Alberta  
T5J 4L4

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