

Freedom of
Information
and Protection
of Privacy

ANNUAL REPORT

2009-10

Government
of Alberta ■

NOVEMBER 2010

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

Dear Sir:

In accordance with Section 86 of the *Freedom of Information and Protection of Privacy Act*, I have the honour to submit the 15th annual report on the operation of this Act for the fiscal year ended March 31, 2010.

Respectfully submitted,

Original signed by

Heather Klimchuk
Minister

MINISTER'S MESSAGE

I am honoured to present the 2009-10 FOIP annual report.

Rapidly evolving technology is changing the way government and other public bodies work. The world has changed so much in recent years with the Internet, identity theft and the ability to transmit information at the push of a button. Social media in particular has dramatically altered how citizens obtain information and form opinions. The need for making sure personal and private information is protected has never been greater.

As well, there are increasing expectations for public bodies to share information with openness and transparency, while also protecting personal and private information. Achieving that balance is the key. Here in Alberta, our access and privacy legislation seeks to achieve that balance. It ensures public access, but it also protects Albertans' personal information.

Service Alberta provides advice and assistance to public bodies on access to information and protection of privacy matters and ensures that personal information of Albertans held by the Government of Alberta is appropriately secured.

Provincial government bodies have responded to nearly 35,000 requests for information since the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) came into effect and local public bodies have responded to over 12,000 requests.

Significant accomplishments for the 2009-10 fiscal year include:

- Commenced planning and research activities to support the 2010 review of the FOIP Act.
- Established a new training delivery contract that makes FOIP training more accessible and affordable to public bodies throughout the province.
- Added a new course to the FOIP training program to assist public body staff with ensuring contracts are compliant with the FOIP Act.
- Supported the selection of software to enable government departments to review and release records electronically.
- Redesigned the FOIP website to provide public bodies and the public with improved access to the FOIP legislation, publications and other information resources.
- Continued to advise ministries on new legislative initiatives to promote a consistent approach to access and privacy administration across the government.

In 2010, the Legislative Assembly appointed an all-party special committee to conduct the third review of the FOIP Act. The committee is comprised of members from the Standing Committee on Health. I look forward to the committee's recommendations on improvements to the Act.

As public bodies embrace new technologies to engage citizens in meaningful dialogue and to make information more accessible, we must all strive to stay at the forefront of the latest developments and put into place policies and practices to deal effectively with access and privacy issues that arise. I commend the Information and Privacy Commissioner, elected officials, staff in government and local public bodies for their ongoing commitment to Alberta's *Freedom of Information and Protection of Privacy Act*.

Original signed by

Heather Klimchuk, MLA
Minister of Service Alberta

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ACCESS AND PRIVACY

2009-10 HIGHLIGHTS

The following achievements provide a snapshot of the FOIP program this year.

- Commenced planning and research activities to support the 2010 review of the FOIP Act
- Arranged for experts to deliver special presentations for FOIP staff across government
- Established a new training delivery contract that makes FOIP training more accessible and affordable to public bodies throughout the province
- Trained more than 1,000 employees from government and local public bodies
- Added a new course to the FOIP training program to assist public body staff with ensuring contracts are compliant with the FOIP Act
- Supported the selection of software to enable government departments to review and release records electronically
- Advised government ministries on access and privacy considerations in 16 legislative initiatives
- Responded to more than 1,700 questions directed to the FOIP help desk
- Redesigned the FOIP website to provide public bodies and the public with improved access to the FOIP legislation, publications and other information resources
- Received more than two million hits on the FOIP website
- Contributed to the planning and delivery of Alberta's 14th annual information and privacy conference
- Worked with federal, provincial and territorial counterparts to harmonize access and privacy legislation and to share resources

MAKING FOIP WORK FOR ALBERTA

Alberta's FOIP Program

Service Alberta provides leadership, strategic direction and support to public bodies subject to the *Freedom of Information and Protection of Privacy Act* (the FOIP Act). These bodies include provincial government departments, agencies, boards and commissions, as well as a diverse range of local public bodies operating across Alberta. The role of Service Alberta is to ensure that Albertans are able to exercise their right under the FOIP Act to request access to records and that they can rely on public bodies to protect their personal information.

The department provides training, information resources and professional development for staff in public bodies who are responsible for the day-to-day administration of the Act. This ensures they have the support they need to run an effective FOIP program. Service Alberta also keeps ahead of new issues and trends, and ensures that the legislation keeps pace with the changing world.

Effective Legislative Framework

The FOIP Act requires a periodic review of the legislation to determine whether any improvements are needed. Service Alberta's role in this process includes providing advisory and technical support to the all-party committee of the Legislative Assembly that will be reviewing the Act in 2010. The committee is mandated to seek public input and to make recommendations for changes required to the legislation.

A process was established a few years ago to review and comment on any access or privacy implications in new legislative initiatives. This process promotes a consistent approach to access and privacy in legislation across the government. The department consulted with ministries on 16 pieces of legislation in 2009-10.

Learning Opportunities

Access and privacy is an evolving field and staff are encouraged to participate in activities that expose them to the latest developments in the field. Regular information sessions were held with government, school board, post-secondary and municipal FOIP staff. These meetings provide an opportunity for the department to convey information about activities and for public bodies to share information and strategies to address common issues. For example, information about the 2009 amendments to the *Personal Information Protection Act* were provided to FOIP Coordinators to heighten their awareness of the privacy concerns of stakeholders and contractors of public bodies subject to the *Personal Information Protection Act*.

FOIP Quick Facts

- In 2009-10, the Government of Alberta responded to 96 per cent of access requests within 60 days.
- The government has responded to more than 34,600 access requests since the FOIP Act came into effect.
- Local public bodies have responded to nearly 12,500 access requests.

Experts were invited to give special presentations to FOIP Coordinators on new developments on a range of topics. Alberta Justice and Attorney General staff provided an update on issues and activities relating to the preservation of information and records for litigation and e-discovery purposes.

The Assistant Information and Privacy Commissioner gave a presentation on changes to that office's inquiry procedures that are intended

to streamline administrative processes so that cases can proceed in a timely manner. Another presentation highlighted the Commissioner's updated requirements for privacy impact assessments under the *Health Information Act*.

FOIP Quick Facts

The majority of FOIP requests received by the Alberta government are made by businesses.

In October 2009 the Office of the Information and Privacy Commissioner held a seminar to mark the international Right to Know Week. Service Alberta promoted the seminar by encouraging FOIP staff to attend it.

The department supports an annual access and privacy conference. The 2009 conference was held in Edmonton June 10-12. Local and national experts shared their insights and provided information to help delegates build expertise. Speakers included Alberta's Information and Privacy Commissioner Frank Work, Q.C.; Gary Dickson, Information and Privacy Commissioner for Saskatchewan; Robert Marleau, Information and Privacy Commissioner of Canada; Chantal Bernier, Assistant Privacy Commissioner of Canada; Stephanie Perrin, Director of Integrity Policy and Risk Management, Service Canada; Don Sheehy, Associate Partner, Deloitte; and David Gollob, Senior Vice-President, Policy and Communications, Canadian Newspaper Association.

FOIP Quick Facts

More FOIP requests are made by individuals to local public bodies than by any other category of user.

Supporting FOIP Staff

One of the challenges facing FOIP offices is the growing volume of records that are available in electronic format only. Printing these documents to prepare them for release to the public is time consuming and costly. In recent years several

software products have been developed that allow documents to be prepared for release electronically. A number of government departments have recently acquired one of these software products through a competitive process using a list of requirements and a Request for Proposals document developed by Service Alberta.

Service Alberta's FOIP help desk receives calls and e-mails from FOIP staff and the public who have questions about the legislation. The help desk responded to more than 1,700 queries in 2009-10.

FOIP Quick Facts

Calls from the public account for 51 per cent of queries to the FOIP help desk.

Publications and Resources

Service Alberta has over 50 publications and resources available to help FOIP staff understand and apply the FOIP Act. These publications are reviewed and updated as needed to reflect legislative amendments, decisions of the Information and Privacy Commissioner, and policy or procedural changes. For example, several publications were reviewed in 2009-10 to reflect changes in inquiry procedures at the Commissioner's office.

Two issues of FOIP News, an electronic newsletter for local public bodies, were published. The newsletter keeps the lines of communication open with all local public bodies, not just those able to participate in network meetings. The newsletter typically highlights decisions of the Information and Privacy Commissioner that are particularly significant for local public bodies. The newsletter also includes announcements about new and revised publications and upcoming courses, meetings and events. The newsletters are available on the FOIP website for easy reference.

The FOIP website was redesigned in 2010. New features were added to enable users to more quickly find information and to share content

with others. The website continues to provide users with easy access to key information on the FOIP Act including the legislation, publications and frequently asked questions and contact information for public bodies. It also includes summaries of decisions under the FOIP Act made by the Information and Privacy Commissioner, as well as links to the full text of the decisions.

FOIP Quick Facts

There were more than two million visits to the FOIP website this year.

Training Program

Service Alberta offers standard training courses on a regular schedule so that public bodies can send new staff for FOIP training. In 2009-10, a new training delivery contract was established through a competitive process. The contract includes both Edmonton and Calgary-based instructors which makes FOIP training more accessible and affordable to public bodies throughout the province.

The instructor-led training program includes three one-day courses for employees who are responsible for FOIP and half-day courses for employees who require an overview of the basic concepts of protection of privacy and access to information. A new course on managing contracts under the FOIP Act was added to the program this year.

FOIP Quick Facts

1,005 employees completed FOIP training:
520 from provincial government bodies,
485 from local public bodies.

Training courses are scheduled for delivery in Edmonton and Calgary, and additional courses are held around the province as requested. In the past year, 1,005 employees from government and local public bodies successfully completed the training. A total of 42 courses were held, including 24 courses delivered at public body workplaces.

The department also offers an online privacy course to meet the need for flexible, timely training. A new feature is being added to the course to enable public bodies to be notified when their staff have completed a course. Participants will also receive a certificate of completion.

The groundwork was laid for a new online course for public bodies and their contractors. Once completed, the course will provide a basic overview of the concepts of privacy and access to information, what is expected of the contractor and its employees, and what a prospective contractor needs to consider when bidding on a contract with a public body.

FOIP Quick Facts

Trainers travelled to Banff, Calgary, Rainbow Lake, Red Deer and Vulcan.

Cross-Ministry Initiatives

Service Alberta participated in a number of cross-ministry initiatives involving access to information and protection of privacy. One of these was the Child and Youth Data Laboratory, an innovative research initiative that studies how provincial government programs can work together to achieve positive outcomes for children and youth. A procurement process was developed for software that will enable improved analysis and reporting of provincial ministry data.

The department also participated in the Alberta Children and Youth Initiative by reviewing training materials and provided input on the Provincial Approach to Student Information (PASI) project led by Alberta Education.

National Initiatives

Alberta continued to participate in a national committee of federal, provincial and territorial governments to promote the harmonization of access and privacy legislation. The committee's work often leads to sharing of educational and other resources.

FOIP STATISTICS

Requests to Provincial Government Departments, Agencies, Boards and Commissions

Number of requests made to the Alberta government

Government departments, agencies, boards and commissions (provincial government bodies) routinely release information to the public. The FOIP Act is used only when information is not available through regular channels.

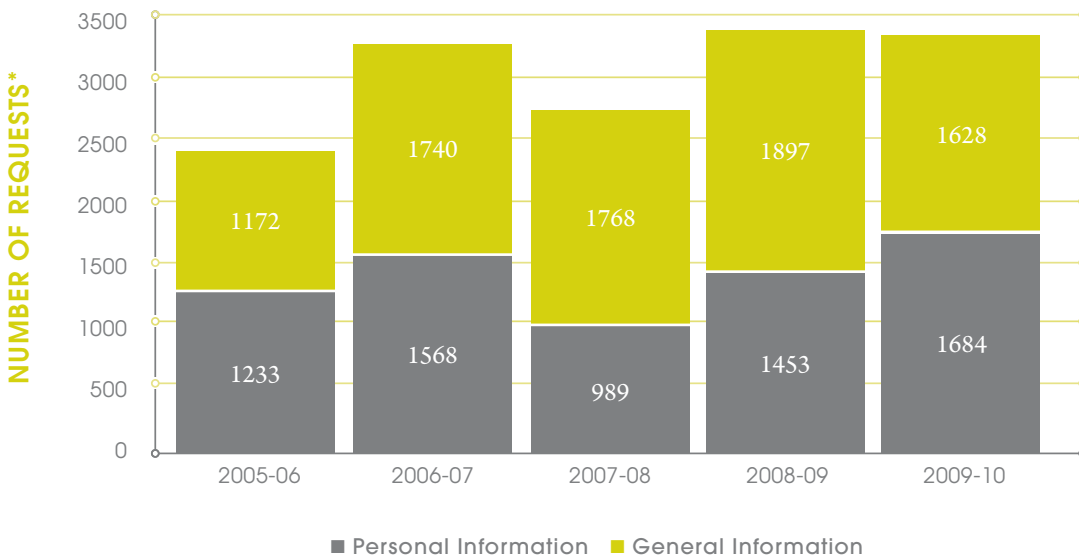
Statistical reports of FOIP requests are submitted by all ministries including the Executive Council; the Legislative Assembly Office; the Offices of the Auditor General, the Ombudsman, the Chief Electoral Officer, the Ethics Commissioner, and

the Information and Privacy Commissioner; and agencies, boards and commissions designated in the FOIP Regulation. FOIP requests are tracked manually or electronically by each public body.

In fiscal year 2009-10, 3,312 FOIP requests were received by government departments, agencies, boards and commissions. This is a one per cent decrease from the 3,350 requests received the previous fiscal year.

In 2009-10, there were 10 requests for correction of personal information. This is an increase from six such requests received the previous fiscal year.

Number of FOIP requests received during the last five years



*Excludes requests for correction of personal information.

Top 10 - Requests for General Information

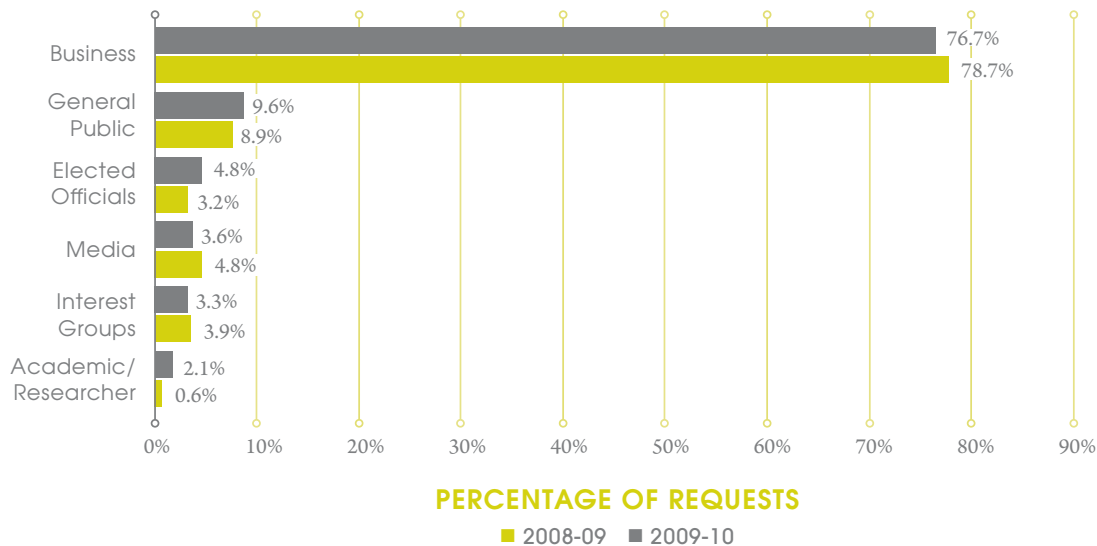
Environment	1091
Alberta Securities Commission	49
Health and Wellness	44
Employment and Immigration	37
Transportation	36
Sustainable Resource Development	33
Justice and Attorney General	32
Energy Resources Conservation Board	25
Executive Council	24
Culture and Community Spirit / Education	19

Top 10 - Requests for Personal Information

Child and Family Services Authorities	467
Employment and Immigration	422
Advanced Education and Technology	223
Solicitor General and Public Security	164
Seniors and Community Supports	118
Children and Youth Services	66
Culture and Community Spirit	52
Service Alberta	40
Workers' Compensation Board	35
Justice and Attorney General	18

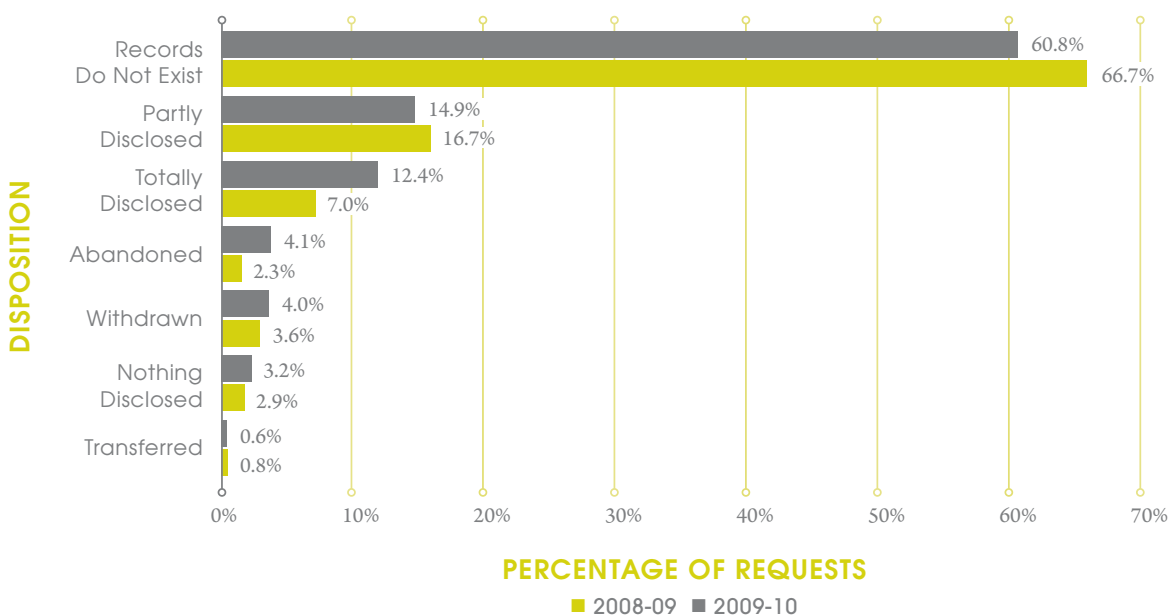
Who made access requests

In 2009-10, 51 per cent of access requests received by government public bodies were from individuals seeking records containing information about themselves. The remaining 49 per cent of requests were made for general information. In this category, the top users were businesses and members of the public.

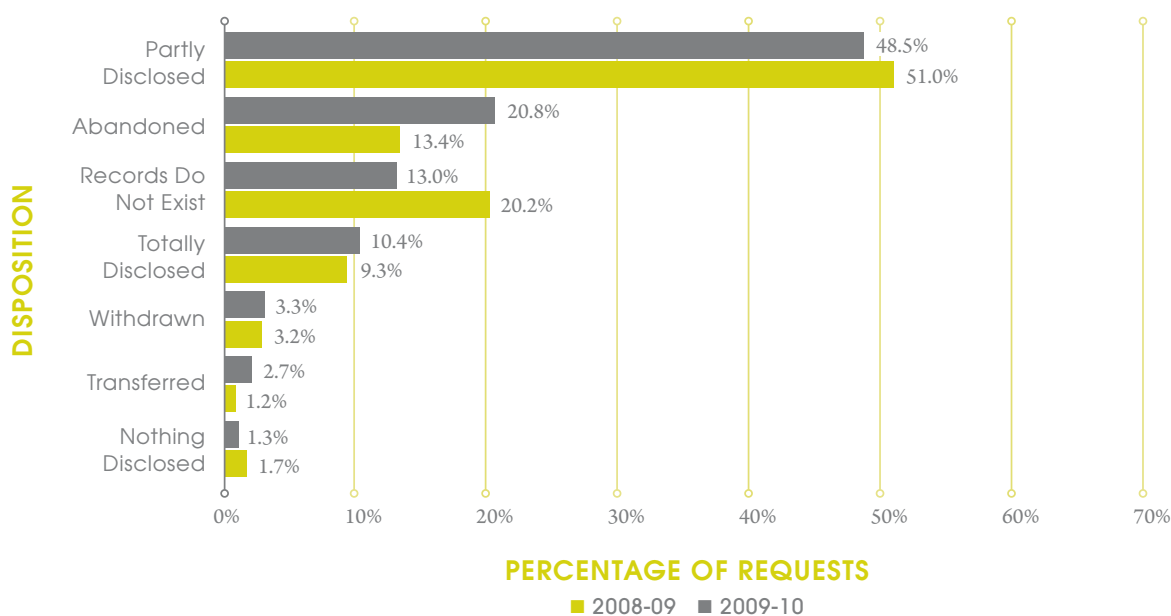


How access requests were processed

Provincial government bodies disclosed or partly disclosed records in 27 per cent of general information requests. In 61 per cent of requests, the applicant requested records that did not exist. Nine per cent of requests were abandoned or withdrawn by the applicant, or transferred to another public body. No records were disclosed in three per cent of requests.



Provincial government bodies disclosed or partly disclosed records in 59 per cent of personal information requests. Twenty-seven per cent of requests were abandoned or withdrawn by the applicant, or transferred to another public body. In thirteen per cent of requests, the applicant requested records that did not exist. No records were disclosed in one per cent of requests.



Why information was not released

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

The number of occurrences indicates the number of requests where a particular 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.

Sections of the Act Used	Exceptions	Number of Information Occurrences
17	Third party – personal information	999
27	Privileged information	313
24	Advice from officials	211
21	Intergovernmental relations	115
16	Third party – business/tax interests	86
20	Law enforcement	82
25	Harmful to economic or other interests of a public body	37
29	Information otherwise available to the public	33
12	Refuse to confirm or deny existence of a record	22
18	Harmful to individual or public safety	14
26	Testing procedures, tests and audits	12
22	Cabinet and Treasury Board confidences	11
19	Confidential evaluations	6

Sections of the Act Used	Exclusions	Number of Information Occurrences
4(1)a	Court/judicial records	87
4(1)l	Registry records	47
4(1)q	Communications between MLAs and/or members of Executive Council	28
5	Other legislation paramount	12
4(1)k	Incomplete prosecution records	11
4(1)d	Records of Officers of the Legislature	10
4(1)g	Examination/test questions	10
4(1)o	Personal/constituency records of members of Executive Council	10
4(1)p	Speaker/MLA records in Legislative Assembly Office	8
6(4)b	Ministerial briefing for a session of the Legislative Assembly	4
6(4)a	Ministerial briefing for a new portfolio	2
4(1)b	(Quasi) judicial notes, communications, draft decisions	1
6(7)	Audit records of the Chief Internal Auditor of Alberta	1

Response times

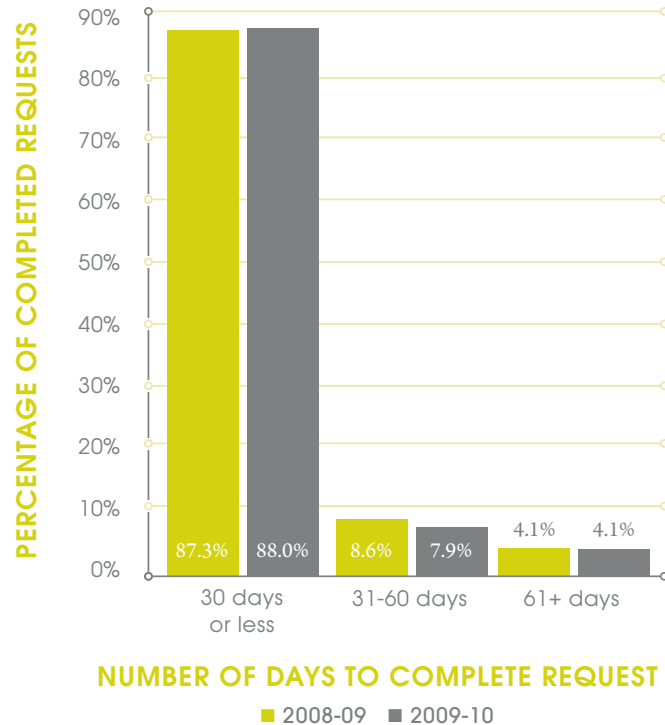
A total of 96 per cent of requests received by provincial government bodies were completed within 60 days. This total represents 88 per cent completed within 30 days and eight per cent within 31-to-60 days. The remaining requests were completed in more than 60 days.

The FOIP Act states that normally a request must be completed within 30 days of the date it was received. However, the Act allows the head of a public body to extend this for an additional 30 days under three circumstances: 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.

Provincial government bodies continue to turn around a high volume of FOIP requests within a short timeframe. Albertans continue to have timely and effective access to government information.

FOIP Quick Facts

97 per cent of requests are handled without complaint to the Information and Privacy Commissioner.



Fees paid

The fee schedule for processing FOIP requests is set out in Schedule 2 of the FOIP Regulation. In 2009-10, provincial government bodies collected fees of less than \$92,000. Fee information is not available for local public bodies.

General information requests

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

When a request is received, a fee estimate is prepared. If the estimate is less than \$150, only the initial fee of \$25 is collected.

Personal information requests

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

Total fees collected

Type of fee	Amount collected	
	2009-10	2008-09
General information requests		
Initial fees	\$36,300	\$43,400
Other general	\$33,500	\$44,000
Personal information requests		
Copying	\$21,600	\$20,400
Total	\$91,400	\$107,800

Fees waived

Public bodies and the Information and Privacy Commissioner may waive fees if the applicant cannot afford payment; if 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 by provincial government bodies is shown in the following table:

Total fees waived

Type of request	Amount waived	
	2009-10	2008-09
General information requests	\$6,775	\$5,606
Personal information requests	\$2,350	\$3,387
Total	\$9,125	\$8,993

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.

Requests to Local Public Bodies

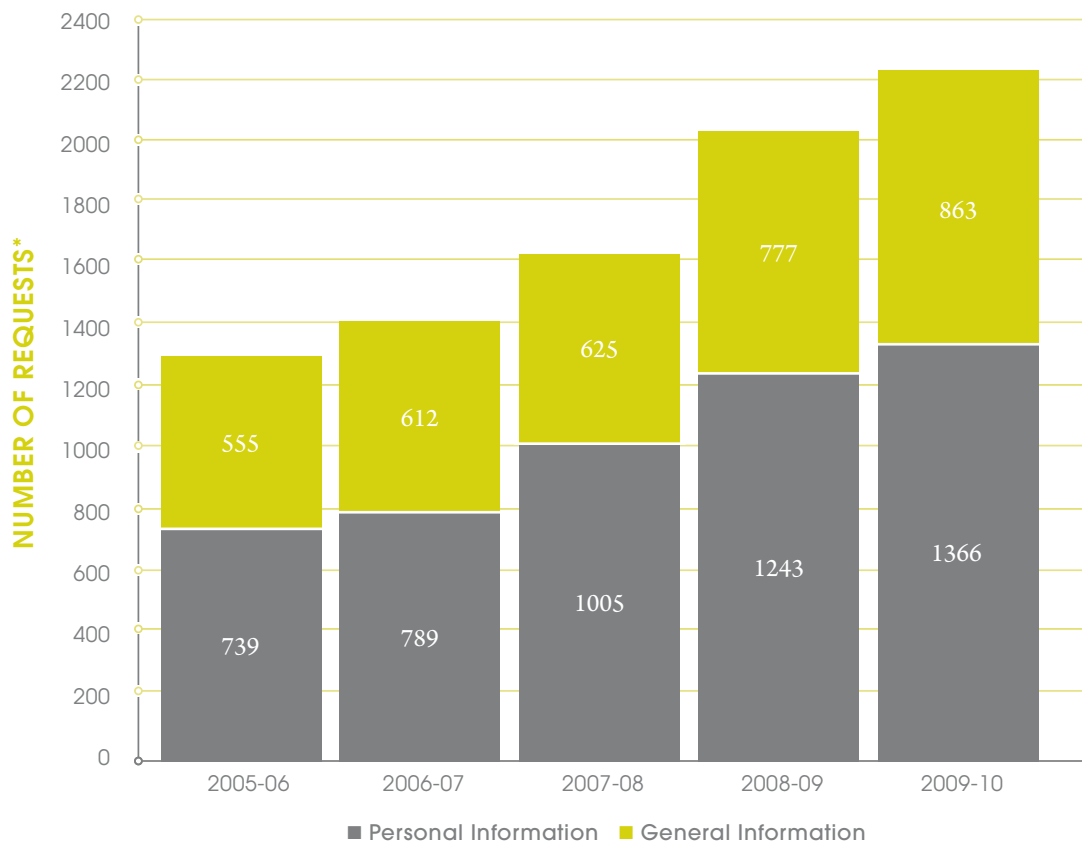
Number of requests made to local public bodies

Local public bodies include local government (municipalities, Métis settlements, irrigation districts, drainage districts, housing management bodies, and public libraries), school jurisdictions, post-secondary institutions, health care bodies, and police services and commissions.

In 2009-10, 948 local public bodies provided statistics, indicating that they received 2,229 FOIP requests. This is an increase of 10 per cent over the 2,020 requests received the previous fiscal year.

In 2009-10, there were 12 requests to correct personal information compared to eight requests received the previous fiscal year.

Number of FOIP of requests received during the last five years



*Excludes requests for correction of personal information.

Sectors that received access requests

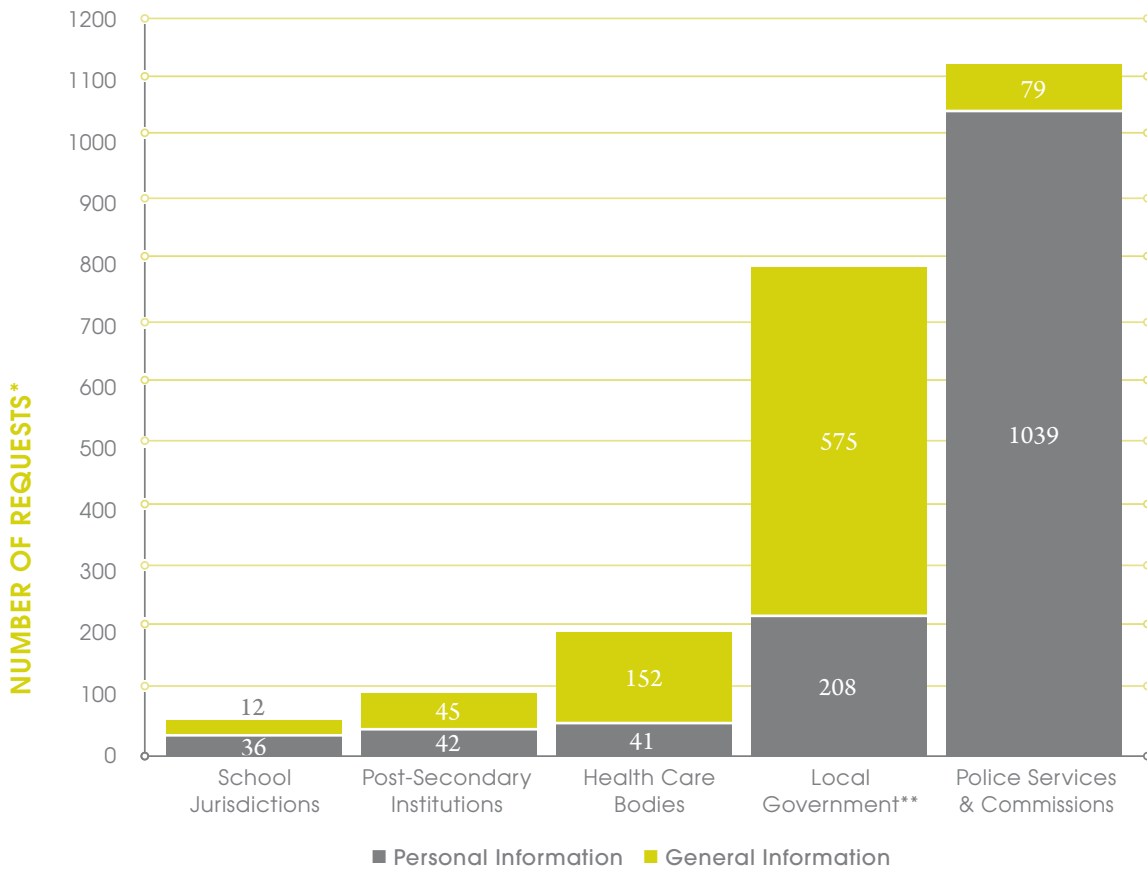
Police services and commissions received 1,118 FOIP requests compared to 1,068 requests received in 2008-09; 93 per cent of these requests were for personal information.

Local government bodies received 783 FOIP requests during the fiscal year compared to 627 requests received the previous year. Of these requests, 73 per cent were for general information. Municipalities received the majority (766) of the requests received by the local government sector.

Health care bodies received 193 FOIP requests compared to 168 requests received the previous year; 79 per cent of these requests were for general information.

Post-secondary educational institutions received 87 FOIP requests compared to 72 requests received the previous fiscal year; 52 per cent of these requests were for general information.

School jurisdictions received 48 FOIP requests compared to 85 requests received the previous year; 75 per cent of these requests were for personal information.



*Excludes requests for correction of personal information.

**Includes municipalities, improvement districts, special areas, regional service commissions, drainage and irrigation districts, housing management bodies, Métis settlements/General Council, and public libraries.

Top 10 - Requests for General Information

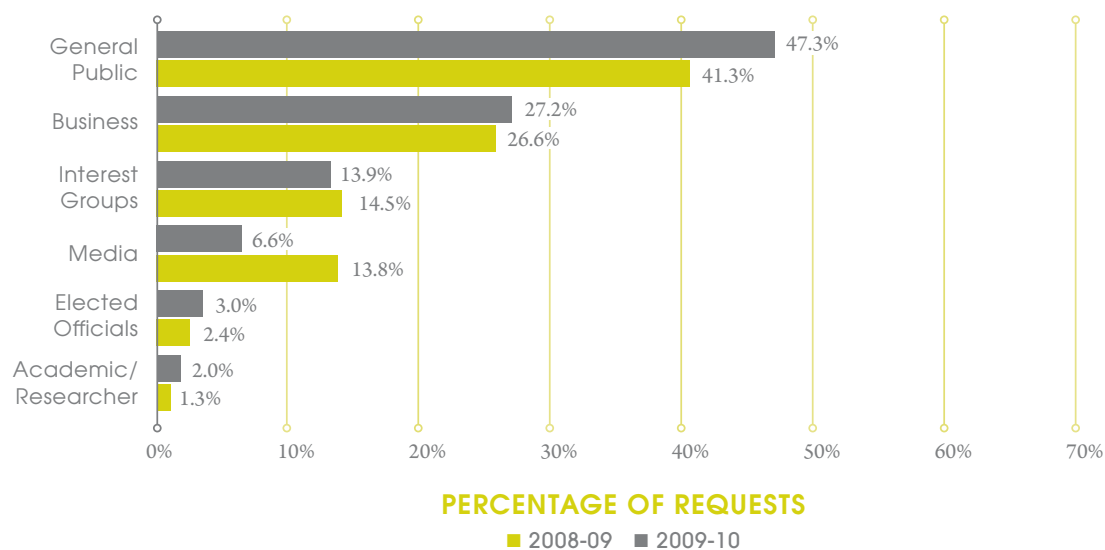
Rocky View County	184
Alberta Health Services	152
City of Calgary	117
City of Edmonton	110
Edmonton Police Service	37
City of St. Albert	34
Calgary Police Service	31
County of Thorhild No. 7	10
Leduc County	10
Town of Stony Plain	10

Top 10 - Requests for Personal Information

Calgary Police Service	733
Edmonton Police Service	228
City of Calgary	100
Lethbridge Regional Police Service	68
City of Edmonton	43
Alberta Health Services	36
University of Calgary	16
Parkland School Division No. 70	14
University of Alberta	13
City of St. Albert	11

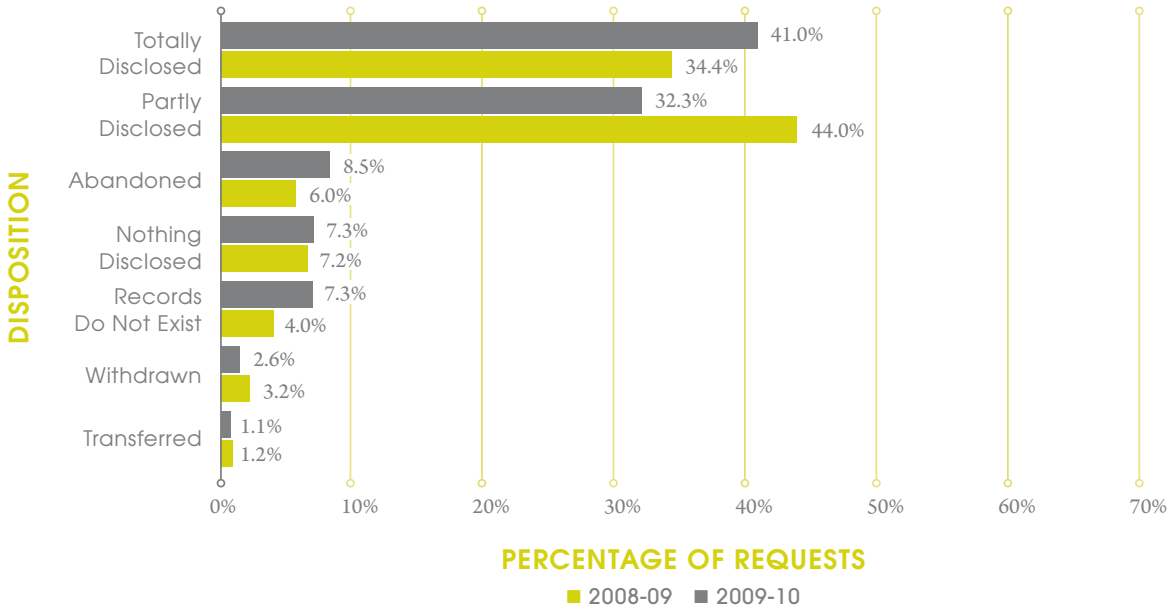
Who made access requests

In 2009-10, 61 per cent of the access requests received by local public bodies were from individuals seeking records containing information about themselves. The remaining 39 per cent of requests were made for general information. In this category, the top users were members of the public and businesses.

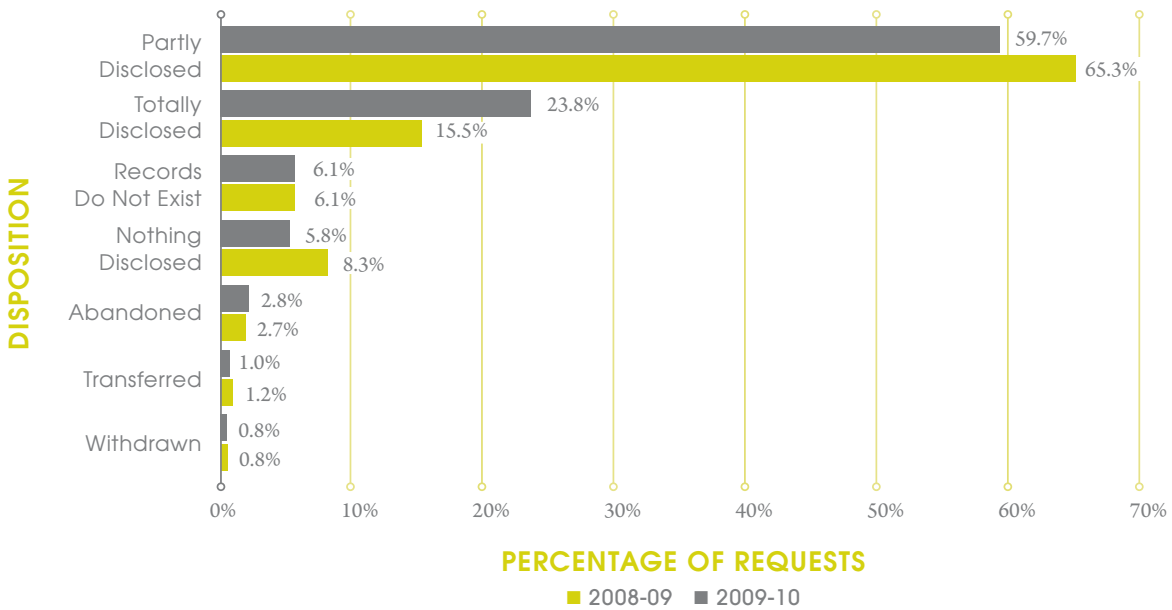


How access requests were processed

Local public bodies disclosed or partly disclosed records in 74 per cent of general information requests. In seven per cent of requests, the applicant requested records that did not exist. Twelve per cent of requests were abandoned, withdrawn by the applicant, or transferred to another public body. No records were disclosed in seven per cent of requests.

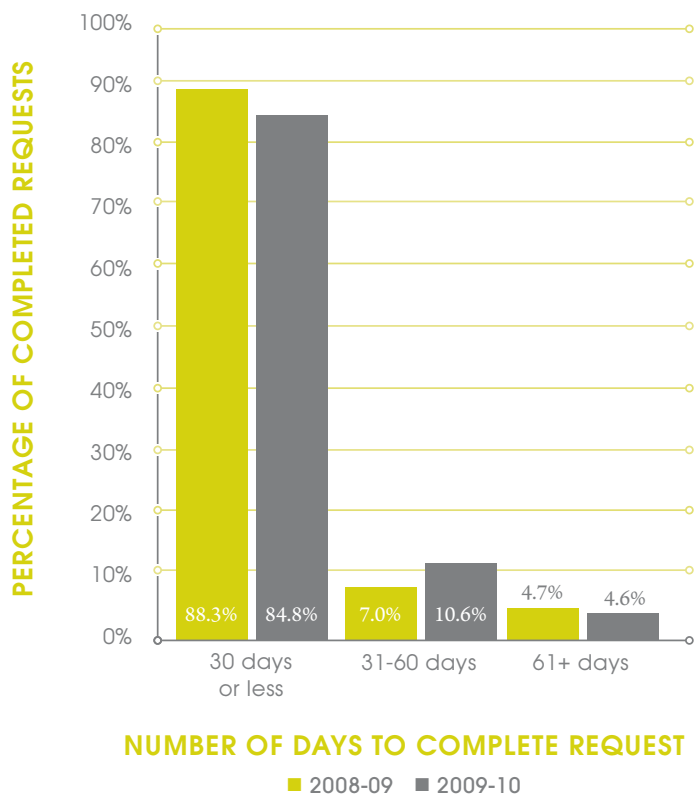


Local public bodies disclosed or partly disclosed records in 83 per cent of personal information requests. In six per cent of requests, the applicant requested records that did not exist. Five per cent of requests were abandoned, withdrawn by the applicant, or transferred to another public body. No records were disclosed in six per cent of requests.



Response times

Overall, 95 per cent of requests made to local public bodies were completed within 60 days of receiving the requests. This total represents nearly 85 per cent completed within 30 days and 11 per cent within 31 to 60 days. Four per cent of requests were completed in more than 60 days.



CONTACT INFORMATION

Access and Privacy Service Alberta

Office hours:	8:15 am to 4:30 pm Monday to Friday
Office phone:	780-422-2657
Help desk phone:	780-427-5848
Toll free:	In Alberta, dial 310-0000 then enter 780-427-5848
Fax:	780-427-1120
E-mail:	foiphelpdesk@gov.ab.ca
Website:	www.servicealberta.ca/foip
FOIP Statistics:	www.servicealberta.ca/foip/resources/statistics.cfm

**Government
of Alberta ■**

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ISSN 1485-5372