

APPENDIX 3 MODEL LETTERS

Introduction

The following sample letters are provided to assist public bodies in corresponding with applicants, third parties and others in the processing of access requests. The sample letters are intended to provide general guidance and may be altered to suit the circumstances of each request.

The letters are as follows:

- A Acknowledgment of request
- A.1 Notice of processing an access request under the *Health Information Act*
- B Notification during a continuing request
- C Transfer of request
- D Notice regarding extension of time limit
- E Fee estimate
- F Abandonment of a request
- G Response to access request – Granting access
- H Response to access request – Access to all or part of record(s) refused
- I Response to access request – Record does not exist
- J Refusal to confirm or deny existence of a record
- K Letter to Speaker of the Legislative Assembly regarding parliamentary privilege
- L Notice to third party under section 30
- M Notice to applicant under section 30(5)
- N Notice to third party regarding decision under section 31
- O Notice to applicant regarding decision under section 31
- P Notice to third party under section 32 (disclosure in the public interest)
- Q Notice to third party under section 32 after disclosure of information
- R Notice to third party of disclosure of personal information under section 17(2)(b)
- S Acknowledgment of receipt of correction request
- S.1 Notice of processing a request for correction or amendment under the *Health Information Act*
- T Notification concerning a request for correction or annotation
- U Notice to public bodies regarding correction or annotation of personal information
- V Initial letter to expert under section 18(2)
- W Letter transmitting records to expert under section 18(2)

Model Letter A – Acknowledgment of request

Purpose: To acknowledge receipt of the applicant's request for information, to ask for clarification of a request and/or to request that initial fees be paid in order that the request may be considered complete and processing can commence.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

Your request for access to [describe the information requested] under the *Freedom of Information and Protection of Privacy Act* (the Act) was received by [public body] on [date].

Option A.1: General acknowledgment

We will provide the information available to you under the Act as quickly as possible. Although the Act allows us a maximum of 30 days to respond, we will reply sooner than [date], if possible.

Option A.2: Need to supply more details

Unfortunately, your request for access to information does not provide sufficient specific details to identify the records you may be requesting. [Name of public body] cannot begin to process your request until we receive additional information to help us [identify the record *or* make the request more specific]. Please help us to clarify your request by supplying any of the following details of which you are aware:

[List details you are requesting]

Option A.3: Failure to include initial fee

Unfortunately, you did not include the initial fee of \$25.00. The Act allows us 30 days to respond to your request, but this time period will not commence until the initial fee has been received. Please forward the fee to [appropriate address within the public body] as quickly as possible.

The processing of the request will commence immediately upon the receipt of your fee.

Model Letter A – Acknowledgment of Request (continued)

Option A.4: Acceptance of continuing request

We note that you wish your request to have continuing status under section 9 of the Act. [Name of public body] is granting the request continuing status, and a schedule indicating the period of the request and on what dates the continuing request will be deemed to be received and activated is attached. You will be notified on each of these dates that the request process has begun and when a response can be anticipated.

If you find this schedule unsatisfactory, please write to me or call me at [telephone number].

Option A.5: Rejection of continuing request

We note that you wish your request to have continuing status under section 9 of the Act. [Name of public body] does not grant your request [state reasons]. For these reasons, we will only respond to this request as a single access request for records that currently exist.

Option A.6: Clarification of request

We have now had an opportunity to discuss your request with you [state method and date]. We agreed that the request would now focus on [describe the subject and/or the information agreed upon]. If this understanding is not correct, please contact me at [telephone number] as soon as possible. This letter serves as a notice that it is this request that [name of public body] is proceeding to process. We will provide the information available to you under the Act as quickly as possible. Although the Act allows us a maximum of 30 days to respond, we will reply sooner than [date], if possible.

If you have any questions, please write to me or call me at [telephone number].

Model Letter A – Acknowledgment of Request (continued)

Conclusion for options A.3 to A.6

Section 65 of the *Freedom of Information and Protection of Privacy Act* provides that you may make a written request to the Information and Privacy Commissioner to review this matter. You have 60 days from the date of this notice to request a review by writing to the Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

[If the nature of the request warrants it, the public body may also wish to include the following paragraph.]

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

When requesting a review, please provide the Office of the Commissioner with the following information:

1. The reference number noted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request form that you sent to [name of public body].

Sincerely,

[Name]

[Title]

**Model Letter A.1 – Notice of processing an access request under the
Health Information Act**

*Purpose: To acknowledge receipt of the applicant's request for information, and to give notice that all or part of the request will be processed under the Health Information Act. **This model letter is only to be used by a public body that is also a custodian under the Health Information Act.***

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

Your request for access to [describe the information requested] under the *Freedom of Information and Protection of Privacy Act* was received by [public body] on [date].

Some [or all] of the record(s) you requested contain information to which the *Health Information Act (HIA)* applies. The request for these record(s) is deemed to be a request under section 8(1) of the *HIA* and that Act applies to the processing of your [or part of your] request.

Please see the attached letter related to your [or that part of your] request [attach a letter acknowledging receipt of the access request under the *HIA* – use Model Letter A from Appendix 2 – *Health Information Act Guidelines and Practices*].

If you have any questions, please write to me or call me at [telephone number].

Sincerely,

[Name]

[Title]

Model Letter B – Notification during a continuing request

Purpose: To notify a requester who has made a continuing request that work has begun on processing records at a particular date set out in the schedule required by section 9 of the Act.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

Option B.1: No fee required

[Name of public body] is commencing to process your continuing request concerning [set out general subject] in accordance with the established schedule. The processing, due to commence on [date], is now under way. We will make every effort to provide the information requested as quickly as possible and no later than [date].

Option B.2: Deposit required

As indicated in the letter of [date of original fee estimate for the continuing request], [name of public body] will process your continuing request concerning [set out general subject] in accordance with the schedule established, when the deposit for this scheduled instalment of the request is received. Please forward the deposit of [\$ amount] made payable to [the Minister of Finance and Enterprise or appropriate officer of public body]. This reply must be sent to [name of officer, office and address of public body] and should quote the reference number provided at the top of this letter. When we have received your deposit, processing of your request will proceed.

If you have any questions now or during the processing of this portion of your request, please write or call me at [telephone number].

Sincerely,

[Name]

[Title]

Model Letter C – Transfer of request

Purpose: To advise an applicant that his or her access request or request for correction of personal information has been transferred.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

Your request for [information or correction of your personal information] has been forwarded to [name of public body, address and telephone number] and this body has agreed to process it. Your request was transferred on [date] under [section 15 or 37] of the *Freedom of Information and Protection of Privacy Act* because [name of public body] [explain the reason for the transfer; i.e., the record was produced by or for the other public body or the other public body was the first to obtain the record, or the record is in the custody or under the control of the other public body].

[Name of the other public body] will respond to you before [date – 30 days from the date the other public body received the transferred request] unless it extends the time limit for responding to you under section 14. [Name of FOIP Coordinator] at [public body] will contact you shortly to acknowledge receipt of this request.

If you have any questions, please write to me or call me at [telephone number].

Sincerely,

[Name]

[Title]

cc: [Other public body contact]

Model Letter D – Notice regarding extension of time limit

Purpose: To advise an applicant of a time extension taken to process a request.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

[Name of public body] received your request for access to information on [date].

Normally, [name of public body] responds to a request for information within 30 days after receiving the request. However, the *Freedom of Information and Protection of Privacy Act* provides that a public body may extend this time limit under certain circumstances.

Option D.1: Time extension to clarify request

In this case, there is a need for us to obtain more information from you before we can identify the records that deal with the subject of your request. We will need a time extension of [number of days] to do this and identify the applicable records.

Option D.2: Consultation with third party or parties or other public body or bodies

A preliminary review of the records you have requested indicates that extensive consultations with other parties including [name of third party or parties or public body or bodies] may be required before we can fully process your request. This consultation is necessary for us to deal completely with the records that are the subject of your request. We will require a time extension of [number of days] to carry out this process.

Option D.3: Large number of records

Your request involves a large number of records. The volume of information involved cannot be processed within the usual 30-day limit. An extension of time of [number of days] will allow [name of public body] to provide you with a complete response to your request.

Model Letter D – Notice regarding extension of time limit (continued)

Option D.4: Multiple concurrent requests

[You or you and others working for the same organization or working in association with you] have made multiple concurrent requests. We have consulted with the Information and Privacy Commissioner about the difficulties this causes in terms of responding to all requests within the 30-day time limit in the Act. The Commissioner has given us permission to extend the time for responding by [number of days].

Conclusion for all options

A response to your request will be ready no later than [proposed date]. We will try to respond sooner, if possible.

If you have any questions regarding this time extension, please contact [name and job title] at [business address] or telephone [number].

If you feel this time extension is unjustified, section 65 of the *Freedom of Information and Protection of Privacy Act* provides that you may ask the Information and Privacy Commissioner to review this decision. You have 60 days from the date of this notice to request a review by writing to the Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

[If the nature of the request warrants it, the public body may also wish to include the following paragraph.]

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

When requesting a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request form that you sent to [name of public body].

Sincerely,

[Name]
[Title]

Model Letter E – Fee estimate

Purpose: To advise an applicant of the amount of fees that will be involved in processing a request.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

[Name of public body] received your request for access to information on [date]. Section 93 of the *Freedom of Information and Protection of Privacy Act* provides that fees may be charged for providing you with the information that you requested.

Fees over and above the initial fee paid at the time you made the request are assessed because [provide rationale for fees being assessed].

The fee for providing the records you have requested is estimated to be [\$ amount]. We have calculated this amount as follows:

[Provide calculation]

Option E.1: Deposit required

Please reply to us in writing within 20 days of the date of this notice indicating that you accept this estimate and enclose a deposit of [\$ amount] made payable to [the Minister of Finance and Enterprise or appropriate officer of public body]. This reply must be sent to [name of officer, office and address of public body] and should quote the reference number provided at the top of this letter. When we have received your response and deposit, processing of your request will continue.

Option E.2: No deposit required

Please reply to us in writing within 20 days of the date of this notice indicating that you accept this estimate and will pay these fees when requested to do so. Please send the reply to [name of officer, offices and address of public body] and quote the reference number provided at the top of this letter. When we have received your response, processing of your request will continue.

Model Letter E – Fee estimate (continued)

Option E.3: Refusal of fee waiver

Your request for a fee waiver cannot be granted [state reason]. Please reply to us in writing within 20 days of the date of this notice indicating that you accept this estimate and enclose a deposit of [specify amount]. Please send the reply to [name of officer, offices and address of public body] and quote the reference number provided at the top of this letter. When we have received your response, your request will be processed.

If you find the fees a burden to you, we would be pleased to discuss approaches to processing the request that may reduce the fees and still provide the information you require. Please write or call [name, title, address and telephone number], who may be able to assist you.

For options E.1 and E.2

Section 93(4) provides some limited situations where fees can be reduced, or waived entirely, if you cannot afford to pay or there are other reasons that justify excusing the fee, or if the record relates to a matter of public interest. If you believe that one of these circumstances applies to you, you should raise it with the officer mentioned above.

[You may wish to include a copy of the relevant pages of *FOIP Guidelines and Practices* on the subject of fee waivers or the Bulletin on Fee Waivers.]

Conclusion for all options

If you have any questions, please write or call the officer named above or myself at [telephone number].

Section 65 of the *Freedom of Information and Protection of Privacy Act* allows you to ask the Information and Privacy Commissioner to review this fee estimate and any decision made on a request for a fee waiver. The Act allows you 60 days from the date you receive this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

[If the nature of the request warrants it, the public body may also wish to include the following paragraph.]

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

Model Letter E – Fee estimate (continued)

When requesting a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to [name of public body].

Sincerely,

[Name]

[Title]

Model Letter F – Abandonment of a request

Purpose: To inform the applicant that his or her request is going to be considered abandoned under section 8. The time line to allow the applicant to reactivate the request within 6 months is a suggested guideline, not a requirement of the Act. Public bodies may choose to alter this according to the nature of the request or the records involved.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

Option F.1: Abandonment indicated

You indicated to us on [date] that you were abandoning your request [reference number and subject]. If you wish to reactivate your request at any time up to [date 6 months from the date of closure], you may do so without making another request or submitting an initial fee. After that date, you will have to submit another request and any initial fee that may be required.

Option F.2: Abandonment not indicated

We have not received any communication concerning your request since [date of letter seeking further information or requesting fee]. For this reason, we are closing the file on your request [reference number and subject]. If you wish to reactivate your request at any time up to [date 6 months from the date of closure], you may do so without making another request or submitting an initial fee. After that date, you will have to submit another request and any initial fee that may be required.

If you have any questions, please write or call me at [telephone number].

If you disagree with this decision, section 65 of the *Freedom of Information and Protection of Privacy Act* provides that you may ask the Information and Privacy Commissioner to review this decision. You have 60 days from the date of this notice to request a review by writing to the Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

Model Letter F – Abandonment of a request (continued)

[If the nature of the request warrants it, the public body may also wish to include the following paragraph.]

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

When requesting a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter
3. A copy of your original request for information that you sent to [name of public body].

Sincerely,

[Name]

[Title]

Model Letter G – Response to access request – Granting access

Purpose: To inform an applicant that access will be granted.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request Under Consideration]

I am responding to your request of [date] for access to information.

We are pleased to provide access to [specify subject and records generally].

Option G.1: Copy attached

A copy of the record is attached.

Option G.2: Applicant to view originals

You have requested an opportunity to examine the original records rather than receive copies of them. We invite you to examine the record(s) at [place and address] on [date] at [time]. If you are unable to examine the records at that time, please contact [name and telephone number] to make alternate arrangements.

Option G.3: Records cannot be copied

The record(s) you have requested cannot be copied because [provide reason]. We invite you to examine the original record(s) at [place and address] on [date] at [time]. If you are unable to examine the record(s) at that time, please contact [name and telephone number] to make alternate arrangements.

Option G.4: Fees required

As we informed you in our fee estimate of [date], your request has now been processed and fees totaling [\$ amount and calculation, if previous deposit received] must be paid before access can be provided.

Model Letter G – Response to access request – Granting access (continued)

Please make your cheque or money order payable to [Minister of Finance and Enterprise or appropriate officer of local public body] and send it to [name of officer, office and address of public body].

If you feel that your request has not been answered completely or that you require further clarification, please contact [name and job title] at [business address and telephone number].

Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the assessment of a fee or any other matter concerning this response to your request. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

[If the nature of the request warrants it, the public body may also wish to include the following paragraph.]

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to [name of public body].

Sincerely,

[Name]

[Title]

Model Letter H – Response to access request – Access to all or part of records refused

Purpose: To inform an applicant that access to all or part of the records requested has been refused.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

I am replying to your request of [date] for access to [general subject of records].

Option H.1: Total denial

Unfortunately, access to all the information that you requested is refused under section(s) [put in an explanation, including the detailed sections on which refusal is based].

Option H.2: Some records available

I am pleased to inform you that access is being provided to [specify particular records].

- A copy of the record(s) is attached; or
- You requested to examine the original records rather than receive copies. We invite you to examine the record(s) at [place and address] on [date] at [time]. If you are unable to examine the records at that time, please contact this office to make alternative arrangements; or
- The record(s) to which you are being given access cannot be copied. We invite you to examine the original record(s) at [place and address] on [date] at [time]. If you are unable to examine the record(s) at that time, please contact this office to make alternative arrangements.

Access to all other records has been denied under section(s) [give precise references] of the *Freedom of Information and Protection of Privacy Act*.

Option H.3: Severed information

Some of the records you requested contain information that is withheld from disclosure under the *Freedom of Information and Protection of Privacy Act*. We have severed the excepted information so that we could disclose to you the remaining information in the records.

Model Letter H – Response to access request – Access to all or part of record(s) refused (continued)

The severed information is withheld from disclosure under sections [provide section numbers and descriptors] of the Act. The detailed sections supporting the excising of particular information are [provided in the attached list or indicated on the face of each record].

Option H.4: Excluded records

The following records that you requested [describe records] are excluded from the scope of the *Freedom of Information and Protection of Privacy Act* under section [provide paragraph of section 4]. Therefore, we are not disclosing these records to you.

OR

We are disclosing [all or part of the particular records] outside the provisions of the *Freedom of Information and Protection of Privacy Act* and a copy of these is attached.

[If fees are to be charged, reference should be made to the options for additional wording in Model Letter G.]

Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the decision [not to disclose information that you requested] OR [that the records you requested are excluded from the scope of the Act]. You have 60 days from the receipt of this notice to request a review by writing the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

[If the nature of the request warrants it, the public body may also wish to include the following paragraph.]

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to [name of public body].

Sincerely,

[Name]

[Title]

Model Letter I – Response to access request – Record does not exist

Purpose: To advise an applicant that a record does not exist.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

I am writing about your request of [date] for access to information under the *Freedom of Information and Protection of Privacy Act*.

I regret to inform you that a search by [name of public body] has failed to retrieve any records relating to the subject of your request. [Outline all steps taken to locate records and, if the records have been destroyed, provide information, if possible, as to when and under what authority this was done.]

If you have any questions about this letter, please write or call me at [telephone number].

Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the finding that records relevant to the request [could not be located or have been destroyed]. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

[If the nature of the request warrants it, the public body may also wish to include the following paragraph.]

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to [name of public body].

Sincerely,

[Name]

[Title]

Model Letter J – Refusal to confirm or deny existence of a record

Purpose: To respond to an applicant where it is necessary to "neither confirm nor deny" the existence of a record.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

I am writing about your request of [date] for access to information concerning [specify subject].

We are unable to confirm or deny the existence of the record(s) you have requested. However, if such information did exist, it would be withheld from disclosure under sections [specify sections and descriptors] of the *Freedom of Information and Protection of Privacy Act*.

If you have any questions about this decision, please write or call me at [telephone number].

Under section 65 of that Act, you may ask the Information and Privacy Commissioner to review this decision. You have 60 days from the date of this notice to ask for a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

[If the nature of the request warrants it, the public body may also wish to include the following paragraph.]

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to [name of public body].

Sincerely,

[Name]

[Title]

**Model Letter K – Letter to Speaker of the Legislative Assembly regarding
parliamentary privilege**

Purpose: To obtain a determination from the Speaker of the Legislative Assembly as to whether or not records contain information subject to parliamentary privilege.

[Reference number]

[Date]

[Speaker's name and address]

Dear [Name of Speaker]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

[Name of public body] has received a request under the *Freedom of Information and Protection of Privacy Act*. The request is for records concerning [subject of request] and we believe that the records attached to this letter may contain information that is subject to parliamentary privilege under section 27(1) of the Act.

I would appreciate your assistance in making a determination, as required under section 27(3) of the Act, as to whether or not parliamentary privilege applies in this case. We received the request on [date] and must respond to the applicant by [date]. Your prompt attention to this matter would also be most appreciated.

If you have any questions regarding the records or the request do not hesitate to call me at [telephone number].

Sincerely,

[Head of public body]

[Title]

Attachment

Model Letter L – Notice to third party under section 30

Purpose: To advise a third party that an applicant has requested access to information that affects their business interests or personal privacy.

[Reference number]

[Date]

[Third party's name]

Dear [Third party's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

[Name of public body] has received a request under the *Freedom of Information and Protection of Privacy Act* (the Act) to disclose [describe the records as they relate to the third party]. A copy of the information that pertains to you accompanies this letter [include a copy of the record whenever possible without disclosing information that is excepted under the Act].

[Make a note of the portion of the record that is being considered for severing, if that is the case.]

If you are not the appropriate party to receive this Notice, or if another third party may also have an interest in the information or be affected by the disclosure of the information, please notify me at the telephone number noted at the end of this letter.

We would appreciate receiving your views regarding disclosure of this information.

Option L.1: Business interests (section 16)

As section 16 of the Act indicates, [name of the public body] must disclose information to the applicant unless:

- the records contain certain types of information as described on the attached sheet; and
- the information was supplied in confidence; and
- the disclosure of the information could reasonably be expected to result in one or more of the harms specified on the attached sheet.

A public body must refuse to disclose information that was collected on a tax return, or collected for the purposes of determining tax liability or in collecting a tax.

A copy of section 16 of the Act is attached to this letter to assist you. After reviewing the material, please provide your views on the disclosure of the records in writing to [me, or name and job title] by [date]. You have 20 days in which to respond to this notice [insert the actual date when the response is due, if possible]. You may either: (1) consent to the disclosure of the information; or, (2) make written representations explaining why the information should not be disclosed.

Model Letter L – Notice to third party under section 30 (continued)

If you wish to have any of the information pertaining to your business withheld, it is important that you provide clear and specific reasons that focus on the type of harm that may result as specified in section 16 of the Act.

Your input and other relevant factors will be considered when deciding whether to disclose the requested information. Please note that, if we do not receive written representations from you by [date], we are required under the Act to make a decision based on the information that we have available. I will write to you by [date] to inform you of [public body's] decision.

Option L.2: Personal privacy (section 17)

As section 17 of the Act (attached) indicates, [name of the public body] is required to withhold personal information if it is determined that disclosure would be an unreasonable invasion of a third party's personal privacy.

Because disclosure of the requested records might be an unreasonable invasion of your personal privacy, your input would be valuable in helping us decide whether to disclose them.

You have 20 days from the date on this notice to respond [insert actual date when response is due, if possible]. After reviewing the accompanying material, please write to [me, or name and job title] by [date] indicating whether you consent to the disclosure of the information or explaining why you feel the information should be withheld.

Your input and other relevant factors will be considered when deciding whether to disclose the requested information. Please note that, if we do not receive written representations from you by [date], we are required under the Act to make a decision based on the information that we have available. I will write to you by [date] to inform you of [public body's] decision.

For further information concerning your rights and responsibilities under the *Freedom of Information and Protection of Privacy Act*, please refer to the accompanying Explanatory Notes [either Third Party Notice re: Business Interests, or Third Party Notice re: Personal Information].

If you have any questions, please write to me or call me at [telephone number].

Sincerely,

[Name]

[Title]

Model Letter L – Notice to third party under section 30 (continued)

Explanatory Note

Notice under Section 16 Third Party Business Interests

The *Freedom of Information and Protection of Privacy Act* provides a right of access to records held by public bodies.

We have received a request for access to records in which you have an interest. We are required to provide access to as much of the requested records as possible. We may withhold only the information covered specifically in the Act's exceptions.

We are notifying you in order to give you an opportunity to express any concerns that you may have about disclosure of the records. To be withheld from disclosure, the third party business information must meet *all three* of the criteria in section 16 of the Act, harm to the business interests of a third party.

These criteria are:

1. The information is a trade secret or commercial, financial, labour relations, scientific or technical information of a third party.
2. The information was supplied, implicitly or explicitly, in confidence. There must be evidence that the information has been consistently treated in a confidential manner.
3. One or more specified harms will occur if the information is disclosed. The disclosure of the information will:
 - harm significantly the competitive position or interfere significantly with the contractual or other negotiations of the third party;
 - result in similar information no longer being supplied to the public body where it is in the public interest that similar information continues to be supplied (this does not apply where a statute or regulation requires that the information be supplied);
 - result in undue financial loss or gain to any person or organization; or
 - reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer, or other person or body appointed to resolve or inquire into a labour dispute.

Model Letter L – Notice to third party under section 30 (continued)

Explanatory Note (continued)

Notice under Section 16 Third Party Business Interests

A public body must refuse to disclose any information about a third party that was collected on a tax return or collected for the purpose of determining tax liability or collecting a tax.

You have two options:

1. You may consent in writing to the disclosure of all or some of the information; or
2. If you feel that the provisions in section 16 apply to some or all of the information in the requested records, you may make written representations to us. Your representations should be directed only to information you would like to have withheld from disclosure. It must provide detailed evidence to support your claim for the exception. Please mark the exact portions of the records you wish to have withheld.

Your representations will be one of the factors that we consider in deciding whether or not to disclose all or part of the records. If we decide to disclose all or part of the records, you will be notified beforehand. If you disagree with the decision, you may ask the Information and Privacy Commissioner to review the decision.

For further information, please contact [name of coordinator, name of public body, address, telephone and fax numbers].

Model Letter L – Notice to third party under section 30 (continued)

Explanatory Note

Third Party Notice under Section 17 Protection of Personal Privacy

The Freedom of Information and Protection of Personal Privacy Act balances the public's right of access to records with the need to protect the privacy of individuals whose personal information is held by public bodies.

We have received a request under the Act by another person or organization for access to your personal information. We are notifying you in order to give you an opportunity to express any concerns that you may have regarding the disclosure of the personal information.

You have two options:

1. You may consent in writing to the disclosure of some or all of the information; or
2. You may make tell us, in writing, your concerns about the disclosure of the information, and explain why it would be an unjustified invasion of your privacy.

We will consider your representations in deciding whether or not to disclose the requested personal information. If it is decided that some or all of the information is to be disclosed, we will notify you before this takes place. If you disagree with that decision, you may ask the Information and Privacy Commissioner to review the decision.

For further information, please contact [name of coordinator, name of public body, address, telephone and fax numbers].

Model Letter M – Notice to applicant under section 30(5)

Purpose: To advise an applicant that a third party will be consulted about disclosure of the requested information.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

On [date], I received your request for access to records held by [name of public body].

The requested records contain information that, if disclosed, may affect the interests of another person or organization. We have contacted the affected party, as required under section 30 of the Act, to provide them with an opportunity to consent to disclosure or to make representations explaining why disclosure would be [an unreasonable invasion of their personal privacy or may harm their business interests]. We will notify you of our decision regarding your request by [date].

If you have any questions, please write to me or call me at [telephone number].

Sincerely,

[Name]

[Title]

Model Letter N – Notice to third party regarding decision under section 31

Purpose: To advise a third party of decision on disclosure.

[Reference number]

[Date]

[Third party's name and address]

Dear [Third party's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

Option N.1: Third party representations received objecting to disclosure; public body decides to refuse access to the records

Thank you for your views on the disclosure of [describe requested records as they relate to the third party].

After considering your representations in favour of refusing disclosure of these records, [name of public body] has decided to refuse the applicant's access request. This decision is based on [insert specific sections of the Act and the reasons those sections apply].

Upon notification of our decision, the applicant has 60 days to ask for a review by the Information and Privacy Commissioner. If that happens, the Commissioner may contact you as an interested party.

Option N.2: Third party representations received objecting to disclosure; public body decides to give access to all or part of the records

Thank you for your views on the disclosure of [describe requested records as they relate to the third party].

After considering your representations in favour of refusing disclosure of these records and other relevant factors, [name of public body] has decided to give the applicant access to the records [or access to the records subject to exceptions permitted or required under the Act]. [If access is subject to exceptions, describe the parts of the records that will be disclosed and the parts that will be withheld. Provide copies or insert specific sections of the Act under which information will be withheld, and the reasons the sections apply. If full access, insert explanation of why sections 16 or 17 do not apply to the information that was the subject of the third party's representations.] This decision is based on [insert specific sections of the Act and the reasons those sections apply].

You may ask the Information and Privacy Commissioner to review the decision to disclose these records. You have 20 days from the date of this notice to request a review by writing the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

**Model Letter N – Notice to third party regarding decision under section 31
(continued)**

If no request for a review is made within 20 days, the applicant will be given access to the records.

Option N.3: Third party consented to disclosure of information; public body decides to refuse access to the records because another exception applies

Thank you for your views on the disclosure of [describe requested records as they relate to the third party].

After considering all the relevant factors, [name of public body] has decided to refuse the applicant access to these records. The decision is based on [insert specific sections of the Act under which information will be withheld, and the reasons the sections apply – *note that information cannot be withheld under sections 16 or 17 if the third party that is involved has consented to disclosure; however, another exception may apply.*]

This decision was made by [name and job title].

Upon receipt of the response to this request, the applicant has 60 days to ask the Information and Privacy Commissioner to review this decision.

Option N.4: Third party consented to disclosure; public body decides to give access to all or part of the records

Thank you for your views on the disclosure of [describe requested records as they relate to the third party].

[Name of public body] has decided to give the applicant access to these records [or access to these records subject to exceptions permitted or required under the Act]. [If access is subject to exceptions, provide copies or describe the parts of the records that will be disclosed and the parts that will be withheld. Insert specific sections of the Act under which information will be withheld, and the reasons those sections apply – *note that information cannot be withheld under sections 16 or 17 if the affected third party has consented to disclosure; however, another exception may apply.*]

This decision was made by [name and job title].

[Insert this paragraph if the applicant will be given access subject to exceptions.] After receiving these records, the applicant has 60 days to ask for a review by the Information and Privacy Commissioner.

Option N.5: No response received from third party; public body decides to refuse access to the records

We have not received your reply to our letter of [date of third party notice] which requested your views on disclosure of [describe records as they relate to the third party]. [Name of the public body] has decided to refuse the applicant access to these records. This decision is based on [insert specific sections of the Act and the reasons those sections apply].

**Model Letter N – Notice to third party regarding decision under section 31
(continued)**

This decision was made by [name and job title].

The applicant has 60 days to ask the Information and Privacy Commissioner to review this decision. If that occurs, the Commissioner may contact you as an interested party.

Option N.6: No response received from third party; public body decides to give access to all or part of the records

We have not received your reply to our letter of [date of third party notice], which requested your views on disclosure of [describe records as they relate to the third party]. [Name of the public body] has decided to give the applicant access to these records [or access to these records subject to exceptions permitted or required under the Act]. [If access subject to exceptions is given, provide a copy or describe the parts of the records that will be disclosed and the parts that will be withheld. Insert specific sections of the Act under which information will be withheld, and the reasons those sections apply.]

This decision was made by [name and job title].

Conclusion for Options N.2 and N.6

Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the decision to disclose these records. You have 20 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

[If the nature of the request warrants it, the public body may also wish to include the following paragraph.]

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If no request for review is made within 20 days [insert final date for requesting a review, if possible], we will give the applicant access to the records. If you have any questions, please write to me or call me at [telephone number].

[Insert the following paragraph if applicant will be given access subject to exceptions.] The applicant has the right to ask the Information and Privacy Commissioner to review the decision to deny access to a part of the records.

Sincerely,

[Name]
[Title]

Model Letter O – Notice to applicant regarding decision under section 31

Purpose: To advise an applicant of a decision regarding disclosure under the third party notification process.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request under Consideration]

Option O.1: Third party representations received objecting to disclosure and public body decides to refuse access to the records

We have reached a decision about your request of [date] for access under the *Freedom of Information and Protection of Privacy Act* to [briefly state subject of records requested].

After considering all relevant factors, including representations received from the third party whose interests could be affected by the disclosure of the records, we have refused access to the requested records based on [insert specific sections of the Act and the reasons those sections apply].

This decision was made by [name and job title].

Option O.2: Third party representations received objecting to disclosure or no response received from third party and public body decides to give access to all or part of the record(s)

I am writing about your request of [date] for access under the *Freedom of Information and Protection of Privacy Act* dealing with [subject of record(s)].

We have notified the affected third party and have given that party [those parties] an opportunity to make representations. [Name of public body] has decided to give access to the records you requested [or access to the records you requested, subject to exceptions permitted or required under the Act].

[If applicable] You should be aware that you will be required to pay [\$ amount] in fees before final access may be provided.

This decision was made by [name and job title].

The third party has 20 days to request that the Information and Privacy Commissioner reviews this decision. If the third party does not request the Commissioner to review this decision, we will give you access to the records on [date].

[For full access, insert the details of providing access.]

Model Letter O – Notice to applicant regarding decision under section 31 (continued)

[For access subject to exceptions, describe the parts of the records that will be disclosed and the parts that will be withheld. Insert specific sections of the Act under which information will be withheld, and the reasons those sections apply. Provide access details.]

Option O.3: Third party consents to disclosure of information; the public body decides to give access to all or part of the records

I am writing about your request of [date] for access under the *Freedom of Information and Protection of Privacy Act* to [describe requested records].

The affected third party has consented to the disclosure of the information. I am pleased to advise you that [name of public body] has decided to provide access to the records you requested [or access to the records you requested, subject to exceptions permitted or required under the Act].

The decision was made by [name and job title].

[For full access, provide details of giving access.]

[For access subject to exceptions, describe the parts of the records that will be disclosed and the parts that will be withheld. Insert specific sections of the Act under which information will be withheld, and the reasons those sections apply – *note that information cannot be withheld under sections 16 and 17 if the affected third party has consented to disclosure; however, another exception may apply.*]

Option O.4: Third party consented to disclosure of information; public body decides to refuse access to the records under another exception

I am writing about your request of [date] for access under the *Freedom of Information and Protection of Privacy Act* to [describe requested record(s)].

The affected third party has consented to the disclosure of the information. However, access to the requested record(s) is refused on the basis of [insert specific sections of the Act and the reasons those sections apply].

This decision was made by [name and job title].

Model Letter O – Notice to applicant regarding decision under section 31 (continued)

Conclusion for all options

Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review [this decision] OR [this decision to deny access to the record(s)] OR [any aspect of this decision] OR [any decision to deny access to a part of these records]. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

[If the nature of the request warrants it, the public body may also wish to include the following paragraph.]

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Commissioner's office with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to [name of public body].

If you have any questions, please write to me or call me at [telephone number].

Sincerely,

[Name]
[Title]

Model Letter P – Notice to third party under section 32 (disclosure in the public interest)

Purpose: To give a third party notice, before the fact, that information concerning the party will be disclosed through use of the public interest override.

[Reference number]

[Date]

[Third party's name and address]

Dear [Third party's name]:

Re: Disclosure of Information in the Public Interest

Section 32 of the *Freedom of Information and Protection of Privacy Act* requires a public body to disclose information

1. about a risk of significant harm to the environment, to the health or safety of the public, a group of people or an individual; or
2. the disclosure of which is, for any other reason, clearly in the public interest.

In accordance with this requirement, [name of public body] intends to disclose information that relates to you, in the public interest. [Describe how the information relates to the third party. Explain why section 32 applies to the records in question. Provide a copy of the record if a record exists.]

We would appreciate receiving your views regarding disclosure of these records. Because of the urgency of the circumstances, I ask that you contact me [address, telephone and fax numbers] by [date and time] if you wish to make representations explaining why the records should not be disclosed.

Sincerely,

[Name]

[Title]

Attachment

Model Letter Q – Notice to third party under section 32 after disclosure of information

Purpose: To advise a third party, after the fact, that information concerning the party has been disclosed under the public interest provision.

[Reference number]

[Date]

[Third party's name and address]

Dear [Third party's name]:

Re: Notice of Disclosure of Information under the *Freedom of Information and Protection of Privacy Act*, section 32(4)

[Name of public body] has disclosed information that relates to you in compliance with the requirements of section 32 of the *Freedom of Information and Protection of Privacy Act*. This Act requires a public body to disclose information

1. about a risk of significant harm to the environment, to the health or safety of the public, a group of people, or an individual; or
2. the disclosure of which is, for any other reason, clearly in the public interest.

The information disclosed is [explain the information, provide a copy of the record if a record exists, and explain why section 32 applies to the information]. This decision was made by [name and job title].

Sincerely,

[Name]

[Title]

Attachment

cc: Information and Privacy Commissioner

Model Letter R – Notice to third party of disclosure of personal information under section 17(2)(b)

Purpose: To advise an individual that personal information about him or her has been disclosed because there are compelling circumstances affecting someone's health or safety

[Date]

[Third party's name and address]

Dear [Third party's name]:

Re: Disclosure of Information for Health or Safety

On [date], [Name of public body] disclosed personal information about you to [name of person and/or organization that received information]. The information consisted of [describe the information disclosed].

The information was disclosed in accordance with section 17(2) of the *Freedom of Information and Protection of Privacy Act*, which states that personal information may be disclosed if there are compelling circumstances affecting anyone's health or safety.

The Act requires that we notify you of this disclosure.

If you have any questions, please write to me or call at [telephone number].

Sincerely,

[Name]

[Title]

Model Letter S – Acknowledgment of receipt of correction request

Purpose: To acknowledge receipt of the applicant's request to correct his or her personal information.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request for Correction under Consideration]

Your request for correction of your personal information under the *Freedom of Information and Protection of Privacy Act* was received by [name of public body] on [date].

We will respond to your request by [date], or sooner if possible.

If you have any questions, please write to me or call me at [telephone number].

Sincerely,

[Name]

[Title]

Model Letter S.1 – Notice of processing a request for correction or amendment under the *Health Information Act*

Purpose: To acknowledge receipt of the applicant's request to correct his or her health information and to give notice that all or part of the request will be processed under the FOIP Act. This model letter is only to be used by a public body that is also a custodian under the Health Information Act.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request for Correction or Amendment under Consideration]

Your request for correction or amendment of information [describe requested correction or amendment] under the *Freedom of Information and Protection of Privacy Act* was received by [name of public body] on [date].

Some [or all] of the records you requested to be corrected or amended contain information to which the *Health Information Act (HIA)* applies. The request for correction or amendment of those records is deemed to be a request under section 13 of the *HIA* and that Act applies to the processing of your [or that part of your] request.

Please see the attached letter related to your [or that part of your] request [attach a letter acknowledging receipt of request for correction under the *HIA* – use Model Letter H from Appendix 2 – *Health Information Act Guidelines and Practices*].

If you have any questions, please write or call me at [telephone number].

Sincerely,

[Name]

[Title]

Model Letter T – Notification concerning a request for correction or annotation

Purpose: To advise an individual whether or not a request for correction has been agreed to and, where it has not, that the record has been annotated.

[Reference number]

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: *Freedom of Information and Protection of Privacy Act*
[Request for Correction under Consideration]

Option T.1: Correction agreed to

Your request for a correction of [error or omission] has been agreed to by [name of public body] and your record has been corrected as you requested.

A copy of your new record incorporating the correction accompanies this notice [or you can inspect the corrected record at – name and address of appropriate office].

Option T.2: Correction refused

Your request for a correction of [error or omission] has been refused by [name of public body], but [your record has been annotated recording the correction that you requested and the fact that it was not made OR the correction that you requested and the fact that it was not made has been linked to your record]. A copy of the completed form used to make the annotation is included with this notice. If you wish additional information to be included in the annotation, please provide it to us in writing.

The following public bodies, [name public bodies], to which the information has been disclosed over the last year have been informed of the facts of [the correction or annotation] and requested to amend their files to reflect this information.

[In the case of refusal] You may request the Information and Privacy Commissioner to review our decision to refuse to correct your personal information. The Act allows you 60 days from the date you receive this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

**Model Letter T – Notification concerning a request for correction or annotation
(continued)**

If the nature of the request warrants it, the public body may also wish to include the following paragraph:

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for correction which you sent to [name of public body].

If you have any questions, please write to me or call me at [telephone number].

Sincerely,

[Name]
[Title]

Model Letter U – Notice to public bodies regarding correction or annotation of personal information

Purpose: To advise public bodies which have received personal information that a correction or annotation has been made.

[Reference number]

[Date]

[Name of public body]

Dear [Name of official]:

On [date], [name of originating public body] disclosed to you information concerning [name of person requesting correction]. This information has been [corrected and a copy of the corrected record is attached, or annotated in the following way to reflect a correction requested but not made]. Section 36(4) of the *Freedom of Information and Protection of Privacy Act* requires that we notify you of this correction. Please amend your records or link the correction or annotation to them in order to ensure that they contain this new information.

Sincerely,

[Name]

[Title]

Model Letter V – Initial letter to expert under section 18(2)

Purpose: To establish conditions for the disclosure of personal information to an expert under section 18(2).

[Reference number]

[Date]

[Name and address of expert]

Dear [Name of expert]:

Thank you for agreeing to help us make a determination concerning the disclosure of personal information under section 18(2) of the *Freedom of Information and Protection of Privacy Act*. This section provides that the head of a public body may refuse to disclose to an applicant personal information about the applicant if, in the opinion of a physician, a regulated member of the College of Alberta Psychologists, or a psychiatrist, or any other appropriate expert depending on the circumstances of the case, the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's health or safety.

As we have already discussed with you, we wish you to provide an expert opinion as to whether or not [specify general nature of records and health or safety issue] could reasonably be expected to result in immediate and grave harm to [name of applicant]'s [health or safety depending on the circumstances]. However, before releasing the personal information to you, we need to explain to you and obtain your agreement to certain conditions regarding the use and handling of that information that are imposed by section 6 of the Freedom of Information and Protection of Privacy Regulation.

First, you must not use the information except for the purposes of determining whether or not disclosure of the records could reasonably be expected to result in immediate and grave harm to the individual's [specify issue of health or safety].

Second, you accept responsibility for maintaining the security and confidentiality of all personal information found in the records and of any notes you may create from the records.

Third, you agree to [either return all the records and destroy all notes created from the records or destroy all copies of the records and notes taken from them] after you have completed the determination and reported to us.

Once again we thank you for your cooperation. These conditions are established by the Freedom of Information and Protection of Privacy Regulation to protect the privacy of the individual involved and probably reflect confidentiality practices that you already observe in your daily professional activities.

Model Letter V – Initial letter to expert under section 18(2) (continued)

Space is provided at the bottom of this letter for you to indicate, through your signature, that you accept these conditions. Please return the letter to us at [name and address of public body]. If you agree to help us in making this determination about disclosure of the information, the records will be forwarded to you shortly.

If you have any questions about the process or section 18(2), do not hesitate to contact me at [telephone number].

Sincerely,

[Name]

[Title]

I agree to the conditions set out above.

[Signature of expert]

Model Letter W – Letter transmitting records to expert under section 18(2)

Purpose: To transmit records to an expert for the determination as to whether or not to disclose personal information to an applicant under section 18(2) after they have agreed to the conditions of this process in Model Letter U.

[Reference number]

[Date]

[Name and address of expert]

Dear [Name of expert]:

[Name of public body] has received your response to our letter of [date of Model Letter V].

Thank you for agreeing to assist us in making a determination whether or not to disclose personal information under section 18(2) of the *Freedom of Information and Protection of Privacy Act*, and for accepting the conditions placed on this assessment.

The records under consideration are enclosed. We would very much appreciate having your opinion by [date].

When you have completed your review, please return the records to [name and address in public body]

OR

When you have completed your review, please [return all the records and destroy all notes created from the records or destroy all copies of the records and notes taken from them] in accordance with the agreement that we have in place with you.

If you have any questions about the process or section 18(2), do not hesitate to contact me at [telephone number].

Sincerely,

[Name]

[Title]

Attachment