



Ministerial Expense Claims

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INTRODUCTION

The Government of Alberta routinely posts information about ministerial office expenses and international travel expenses on its websites. This information is provided in summary form. Individuals may make a request under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to obtain related records.

A basic principle of the FOIP Act is to give the public access to the records of a public body. Any exceptions to the right of access should be applied in a limited and specific way to provide as much access to information as possible.

The purpose of this Bulletin is to provide general guidance on severing travel expense claim records in response to a FOIP request.

DESCRIPTION OF THE RECORDS

A travel expense claim typically consists of an expense form which summarizes the expenses, and supporting documents, such as:

- bus and plane tickets and boarding passes
- taxi or airport bus receipts
- hotel receipts
- restaurant receipts
- car rental agreements
- parking receipts
- supplies or services, such as incidental office supplies that may have been needed by the employee (e.g. marker pens) or photocopying and faxes

These records may contain personal information including an individual's name, employee identification number, home or office address, phone numbers, and payment card numbers. As most receipts contain dates and times, the information can also show where an individual was at a particular time.

The FOIP Act requires public bodies not to disclose personal information if doing so would be an unreasonable invasion of privacy. Some information contained in expense claim records, such as credit and procurement card numbers, could be misused to commit fraud.

For these reasons, records related to travel expenses must be carefully reviewed, before any records are released to a FOIP applicant, to determine whether an exception in the Act applies.

RECEIPT OF THE REQUEST

When a public body receives a request for expense claim records, some preliminary matters may arise. There may be a need to clarify the request.

An applicant who submits a request for records regarding a Minister's international travel or office expenses may be unaware that summary information is available on government websites. It may be helpful to alert an applicant to the availability of this information.

In the case of a request for ministerial expenses, an applicant may be unaware that the FOIP Act does not apply to personal and constituency records of Ministers (**section 4(1)(m)**). A person cannot obtain records relating to matters arising from a Minister's role as an MLA, to political matters such as election campaigns, or to a Minister's private life and personal or business interests. Expenses relating to these matters would not, in any case, be included in a claim for reimbursement by the government, although some related information may appear on a receipt attached to a claim.

Records relating to a Minister's various government responsibilities are managed by the public body that is responsible for the program to which the records relate. A request or part of a request for a Minister's expense claim records may need to be transferred to an agency, board or commission that reimbursed a claim.

It may be unclear whether an applicant is requesting only the expense claim or the receipts supporting the claim. This should be clarified early in the process.

A public body may wish to disclose records that were not expressly requested by the applicant, such as

records showing that all or part of an expense paid by the government was reimbursed by an official or employee (e.g. personal expenses billed on the same invoice as expenses payable by the public body). The public body would not normally charge a fee for such records.

CONSIDERATIONS WHEN REVIEWING RECORDS

Unreasonable invasion of personal privacy (section 17)

Section 17 of the Act protects the privacy of individuals whose personal information may be contained within records responsive to a FOIP request. Whenever a request for records includes third-party personal information, the public body must determine whether disclosure would be an unreasonable invasion of the third party's personal privacy.

Section 17(1) establishes a mandatory exception to disclosure of personal information if the disclosure would be an unreasonable invasion of personal privacy. When this is the case, the public body must refuse to disclose the information. **Section 17(1)** may apply differently to the personal information of an official or employee of the government and to an individual whose expenses were included in the claim.

Employment responsibilities of public officials (section 17(2)(e))

Section 17(2) sets out those circumstances where disclosure of personal information is not considered to be an unreasonable invasion of a third person's personal privacy.

Section 17(2)(e) states that the disclosure of particular employment information about officers, employees or members of public bodies is not an unreasonable invasion of personal privacy. The rationale is that more information should be available about individuals who are paid out of public funds.

Section 17(2)(e) establishes that the disclosure of information about the job responsibilities of an employee is not an unreasonable invasion of privacy. This would include facts surrounding the employee's responsibility to conduct business in a location outside of their office, necessitating the expenditure of funds

for travel. It would not be an invasion of privacy to disclose information about the locations visited and the dates of travel.

Public scrutiny (section 17(5)(a))

Section 17(5) sets out the criteria for determining whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy. **Section 17(5)** provides that, in determining whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy under **section 17(1)** or **(4)**, a public body must consider all the relevant circumstances.

Section 17(5)(a) allows for consideration of whether the disclosure of personal information is desirable for the purpose of subjecting the activities of the Government of Alberta to public scrutiny.

This provision recognizes that in some cases, the desirability of public scrutiny of the internal workings of a public body will prevail over the protection of personal privacy. Public scrutiny is not necessarily limited to instances where wrongdoing is alleged. It may be appropriate to disclose some personal information in order to demonstrate that the public body's financial policies are being observed.

Safety (section 17(5))

Section 17(5) requires the head of a public body to consider all relevant factors when considering disclosing personal information. The provisions listed are not the only considerations that a head of a public body may take into account.

In rare circumstances it may be necessary to withhold personal information contained in travel expense records if releasing the information about the employee could threaten his or her safety. For example, this could be the case if an employee had received threats and divulging a regular travel schedule could place him or her in danger.

Harm to economic interests of a public body (section 25)

Section 25 provides protection for the business interests of a public body. Under **section 25(1)(c)**, a public body may withhold information if the disclosure could reasonably be expected to result in a financial loss to the Government of Alberta.

This may be the case for procurement card numbers, credit card numbers and pre-paid account numbers. Some records, such as procurement card statements, may contain a credit card number and that number may also be included in a bar code.

An inactive payment card number could be released without fear of financial loss, unless it is part of a series of sequential cards issued to the public body. If it is part of a series of cards issued to the public body, releasing the number may increase the risk that a fraudster could guess an active payment card number issued to the public body.

BEST PRACTICES IN SEVERING EXPENSE ACCOUNT RECORDS

The table below describes some typical records that may form part of a travel expense claim. For each, the information in the records to which an exception may apply is described as a best practice in relation to the personal information. The suggested practice is a guideline only.

INFORMATION TO WHICH AN EXCEPTION MAY APPLY	BEST PRACTICE
RESTAURANT RECEIPT	
Credit/procurement/debit card number; card expiry date	Withhold s. 25(1)(c) if a government card Withhold s. 17(1) if a non-corporate card
Employee's signature	Release
Server's name (typically first name only)	Release
Liquor purchased and reimbursed by employee	Withhold s. 17(1)

HOTEL BILL	
Name of employee	Release
Home address; home phone number; name of movie/game rented; itemized list of laundry; items charged to hotel bill which had been paid for or reimbursed by the employee; phone numbers called	Withhold s. 17(1)
Work address; work phone number	Release
Credit/procurement/debit card number; card expiry date	Withhold s. 25(1)(c) if a government card Withhold s. 17(1) if a non-corporate card
Loyalty program plan number, points earned and balances	Withhold s. 17(1)
CAR RENTAL AGREEMENT	
Home address; home phone number; driver's licence information	Withhold s. 17(1)
Credit/procurement/debit card number; card expiry date	Withhold s. 25(1)(c) if a government card Withhold s. 17(1) if a non-corporate card
Loyalty program plan number, points earned and balances	Withhold s. 17(1)
TAXI RECEIPT, AIRPORT SHUTTLE BUS RECEIPTS	
Driver's name or signature	Release
Credit/procurement/debit card number; card expiry date	Withhold s. 25(1)(c) if a government card Withhold s. 17(1) if a non-corporate card
Home address	Withhold s. 17(1)
COPY OF A PERSONAL CHEQUE	
Home address; home phone number; names of other individuals; bank name, branch number, account numbers and bar codes	Withhold s. 17(1)
CREDIT/PROCUREMENT CARD STATEMENT	
Credit/procurement/debit card number; card expiry date; credit limit; bar code containing credit card number information	Withhold s. 25(1)(c) if a government card Withhold s. 17(1) if a non-corporate card
Description of items purchased then reimbursed by employee	Withhold s. 17(1)
IMAGIS vendor number	Withhold s. 25(1)(c)
BUS AND AIRLINE TICKETS AND BOARDING PASSES	
Name of employee	Release
Credit/procurement/debit card number; card expiry date	Withhold s. 25(1)(c) if a government card Withhold s. 17(1) if a non-corporate card
Loyalty program plan number, points earned and balances	Withhold s. 17(1)
PARKING RECEIPTS, SUPPLIES AND SERVICES	
Credit/procurement/debit card number; card expiry date	Withhold s. 25(1)(c) if a government card Withhold s. 17(1) if a non-corporate card

Currency

This Bulletin takes into consideration decisions issued by the Office of the Information and Privacy Commissioner of Alberta up to February 29, 2008.

Purpose

FOIP Bulletins are intended to provide FOIP Coordinators with more detailed information for interpreting the *Freedom of Information and Protection of Privacy Act*. They supply information concerning procedures and practices to assist in the effective and consistent implementation of the FOIP Act across public bodies. FOIP Bulletins are not a substitute for legal advice.

Further Information

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