

## Frequently Asked Questions about Elections

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*The Freedom of Information and Protection of Privacy (FOIP) Act aims to strike a balance between the public's right to know and the individual's right to privacy, as those rights relate to information held by public bodies in Alberta.*

### GENERAL

- 1. Can a public body, as defined in the FOIP Act, disclose personal information to the Chief Electoral Officer of Alberta for the purpose of establishing a register of electors?**
  - Yes. Section 13 of Alberta's *Election Act* states the Chief Electoral Officer shall establish and maintain on a regular basis, a register of electors that may be created or revised by using personal information held by a public body as defined in the FOIP Act, if in the opinion of the Chief Electoral Officer the information is necessary for these purposes (section 13(2)(b.1)). This means that the Chief Electoral Officer can ask at his/her own discretion for any personal information in the custody or under the control of a public body.
  - Upon request, public bodies must disclose personal information for this purpose (section 13(2.1) of the *Election Act*). The disclosure would be in accordance with **section 40(1)(f)** of the FOIP Act, a disclosure for a purpose in accordance with an enactment that requires the disclosure.
  - Even though the Chief Electoral Officer can ask a public body for any personal information, the information about persons in the register is limited to: residential address; mailing address; postal code; surname, given name, middle initial; telephone number; gender; day, month and year of birth; date the individual became a resident of Alberta (if resident less than six months); any identification number assigned by a public body to distinguish a person from another person (section 13(5) of the *Election Act*).
  - A public body may charge a reasonable fee for providing the information, but the fee may not exceed an amount that represents the actual cost of producing a copy of the information (section 13(2.2) of the *Election Act*).
  
- 2. What personal information can an enumerator ask for when conducting an enumeration under Alberta's *Election Act*?**
  - Section 30(2) of the *Election Act* states each enumerator shall contact residences, either in person, by telephone or by mail, to determine if they are Canadian citizens, are at least 18 years of age, have been or will have been ordinarily resident in Alberta for at least 6 months, and are ordinarily resident in the electoral division and subdivision. Each enumerator must also collect information required by section 13(5)(a) to (e) of the *Election Act* for the

purpose of the register the Chief Electoral Officer is required to establish and maintain by section 13 of the Act. This information consists of residential address; mailing address; postal codes; surname, given name, middle initial; telephone number; gender; and day, month and year of birth.

## **MUNICIPAL ELECTIONS**

- 3. Can municipalities collect information about voters under the *Local Authorities Election Act*?**
  - Yes. **Section 33(a)** of the FOIP Act allows public bodies to collect any information that they are authorized to collect by other legislation. This means that municipalities can collect the information that section 49 of the *Local Authorities Election Act* permits them to collect to prepare a voters list.
  - The information should be collected directly from the person it is about, unless the municipality has enacted a bylaw under section 49(1)(b) of the *Local Authorities Election Act* that allows indirect collection, for example, from other members of the household.
  
- 4. Can a lodge or health care facility disclose information about residents for the purpose of a municipal election?**
  - The lodge or health care facility could disclose the number of residents without consent, as that information is not personal information about an individual.
  - A facility subject to the FOIP Act could disclose a list of residents or patients if it has the consent of each resident or patient (**section 40(1)(d)** of the FOIP Act) whose name is disclosed.
  - A facility subject to the *Health Information Act* (HIA) could disclose a list of residents or patients if it has the consent of each resident or patient (section 34 of HIA) whose name or registration information is disclosed.
  
- 5. Can a municipality disclose the names of individuals who have signed a candidate's nomination form?**
  - Section 28(4) of the *Local Authorities Election Act* provides for eligible voters to examine the filed nomination forms after 12 noon on nomination day. The examination may take place during regular business hours and in the presence of the returning officer, deputy or secretary. This means filed nomination forms may only be viewed, not photocopied and distributed.
  - The disclosure would be in accordance with **section 40(1)(e)** of the FOIP Act, a disclosure for the purpose of complying with an enactment of Alberta.
  
- 6. Can a municipality provide a list of voters to candidates for municipal office?**
  - If a list of voters has been prepared in accordance with section 50(1) of the *Local Authorities Election Act*, the municipality may disclose the list to candidates under section 50(2).
  - The disclosure would be in accordance with **section 40(1)(e)** of the FOIP Act, a disclosure for the purpose of complying with an enactment of Alberta.

- Contact information of property owners should not be disclosed from the assessment roll, as that would likely be viewed as an unreasonable invasion of privacy. See question 40 of the *Frequently Asked Questions for Municipalities* for the rationale.

**7. Can a municipality disclose to the public, including the media, a candidate's contact information, such as their mailing address, telephone number, fax number, or e-mail address?**

- Section 28(4) of the *Local Authorities Election Act* allows for a person who is eligible to vote to examine the filed nominations during regular business hours and in the presence of the returning officer, after 12 noon on nomination day. A person viewing the nomination forms could obtain the contact information of a candidate from that candidate's nomination form.
- Under **section 40(1)(d)** of the FOIP Act, a municipality could disclose a candidate's contact information with the consent of the candidate. Municipalities may want to have candidates complete a form consenting to their contact information being disclosed to the public, the media, other candidates, and being posted on its web site.

**8. Should a municipality maintain a list of individuals (name and address) who have picked up nomination papers or a nomination package for an upcoming local election?**

- Municipal Affairs has advised that municipalities do not need to create such lists. Nomination form packages can be picked up or dropped off by any person and they should not be required to give their names when picking up forms.

**For more information contact:**

▶ **[Your Municipality's FOIP Coordinator](#)**

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- FOIP Act and Regulation  
- FOIP Guidelines and Practices  
- Annotated FOIP Act