



FOIP News

Issue No. 10, December 11, 2002

“FOIP News” is an electronic newsletter produced by Information Management, Access and Privacy (IMAP), to highlight news relating to Alberta’s *Freedom of Information and Protection of Privacy (FOIP) Act*. FOIP News is issued as needed. Web site links are provided to allow you to easily obtain more information on a news item.

Amendments to the *FOIP Act*

The *Adult Interdependent Relationships Act* was passed by the Legislative Assembly on December 4, 2002. This resulted in three changes being made to the *FOIP Act*. The changes are underlined below.

- 40(1) A public body may disclose personal information only
- (s) so that a spouse or adult interdependent partner, relative or friend of an injured, ill or deceased individual may be contacted,
 - (cc) to the surviving spouse or adult interdependent partner or a relative of a deceased individual if, in the opinion of the head of the public body, the disclosure is not an unreasonable invasion of the deceased’s personal privacy.
- 65(4) The surviving spouse or adult interdependent partner or a relative of a deceased individual may ask the Commissioner to review a decision of a head of a public body under section 40(1)(cc) not to disclose personal information.

Section 3 of *Adult Interdependent Relationships Act* defines an adult interdependent partner. A person is the adult interdependent partner of another person if the person has lived with the other person in a relationship of interdependence for a continuous period of not less than three years, or of some permanence, if there is a child of the relationship by birth or adoption, or the person has entered into an adult interdependent partner agreement with the other person under section 7 of the *Act*.

The *Security Management Statutes Amendment Act* was passed by the Legislative Assembly on December 4, 2002 and resulted in one change being made to the *FOIP Act*. The change is underlined below.

- 20(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to
- (a) harm a law enforcement matter,
 - (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada {or harm the detection, prevention or suppression of espionage, sabotage or terrorism – phrase deleted},
- (b.1) disclose activities suspected of constituting threats to the security of Canada within the meaning of the *Canadian Security Intelligence Service Act (Canada)*.

FOIP Annual Report

The 2001–2002 Annual Report on the *Freedom of Information and Protection of Privacy Act* was tabled in the Legislative Assembly on December 2, 2002. A copy of the report is available at http://www3.gov.ab.ca/foip/annual_reports/pdf/foip2002.pdf.

Collision Report Forms

Several municipalities have contacted the FOIP Help Desk requesting advice on how they can obtain information contained in a motor vehicle accident report from the RCMP, for the purpose of recovering costs.

The RCMP may release information contained in a motor vehicle accident report in accordance with section 81(3) of the *Motor Vehicle Administration Act*. This section provides that a peace officer may release information contained in an accident report to a person or an insurance company or a lawyer, agent or representative of that person or company if that person or company is entitled to recover damages arising out of that accident. The RCMP issued a policy directive to all detachments in fall 2000 to this effect.

If your municipality is having difficulty obtaining the information from the RCMP, please contact Marlene Armstrong, Privacy Commissioner, of the RCMP “K” Division at 780-412-5548. Ms. Armstrong will follow-up with the local detachment on your behalf.

Information & Privacy Commissioner Investigation Report

F2002-IR-007 Calgary Board of Education (CBE)

The Complainant's child had transferred from a private school to a school under the jurisdiction of the CBE. The Complainant said the child's student records from the private school contained incomplete information and did not want the information sent to the CBE. However, the child's student records were transferred to the CBE. The Complainant objected to the transfer of the child's student records to the CBE without signed parental consent.

The *FOIP Act* does not apply to private schools and private colleges but does apply to the CBE. The CBE "collected" personal information when it obtained the child's student records from the private school.

The investigation found that section 6(1) of the *Student Record Regulation* requires that student records follow the student, when a student transfers from one school to another school in Alberta. The investigation also found that section 6(1) of the *Student Record Regulation* authorizes the transfer of student records from one school to another upon the written request of the school receiving the student. Parental consent is not required. The investigation concludes that the CBE's collection of the child's student records from the private school was in compliance with the collection provisions set out in the *FOIP Act*.

Meeting Calendar

Municipal - Southern Alberta FOIP Regional Alliance	January 16, 2003	Lethbridge
Post-Secondary FOIP Network	January 17, 2003	Edmonton
Municipal - Central Alberta Network of Information Management	January 31, 2003	Banff
School Jurisdictions FOIP Network	January 31, 2003	Nisku
Municipal – Edmonton Regional FOIP Alliance	February 6, 2003	Sherwood Park
Health Sector Information Access and Privacy Network	March 3, 2003	Edmonton

FOIP Training

The dates of the upcoming courses are:

- Introduction and Privacy: Edmonton, Jan. 21 Calgary, Feb.19
- Access to Information: Edmonton, Jan. 22 Calgary, Feb. 20
- Managing a FOIP Program: Edmonton, Jan. 23 Calgary, Feb. 21

For more information and additional course dates please see the training calendar. The calendar is available on the FOIP Web site at http://www3.gov.ab.ca/foip/other_resources/training/index.cfm.

Did You Know...

... The International Association of Privacy Officers is offering their third annual Privacy Summit in Washington D.C. on February 26-28, 2003. More information is available at <http://www.privacyassociation.org/html/conferences.html>

... The 13th Annual Conference on Computers, Freedom & Privacy is being held April 1-4, 2003 in New York City. More information about the conference is available at <http://cfp2003.org/cfp2003/>

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If you have an e-mail address, please let us know. Send an e-mail to foiphelpdesk@gov.ab.ca stating your name and organization and we will add you to our e-mail distribution list.