

FOIP News

Issue No. 11, June 2003



“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.

FOIP Act and Regulation

As a result of the recent review by the Select Special FOIP Act Review Committee, changes have been made to the FOIP Act and Regulation.

FOIP Regulation

The FOIP Regulation was amended on June 24, 2003. The amendment regulation is available at www.gov.ab.ca/home/Orders_in_Council/2003/603/2003_292.html.

FOIP Amendment Act, 2003 (Bill 28)

The *Freedom of Information and Protection of Privacy Amendment Act, 2003* (S.A. 2003, c. 21) received royal assent on May 16, 2003.

The Act came into force on royal assent, except for sections 16 and 24(a). Section 16 amends the FOIP Act to allow the Information and Privacy Commissioner to review a decision of the Registrar of Motor Vehicle Services (Part 5, Division 1.1). Section 24(a) amends the *Traffic Safety Act* to provide for access to information in the motor vehicle registry. These amendments do not affect the administration of the FOIP Act.

A FOIP Bulletin describing the changes to the Act is available at www3.gov.ab.ca/foip/guidelines_practices/bulletins/bulletin14.cfm.

A table of concordance comparing the FOIP Act as of June 1, 2003 to the last version, dated January 1, 2002 is available at www3.gov.ab.ca/foip/legislation/index.cfm.

A new office consolidation of the FOIP Act and Regulation is expected to be available from the Queen’s Printer next month.

Private Sector Privacy Legislation

Personal Information Protection Act (Bill 44)

Bill 44, the *Personal Information Protection Act*, was tabled in the Legislature by the Minister of Government Services on May 14, 2003. This Act when proclaimed will help protect the personal information of the public held by private sector organizations operating in Alberta as well as the personal information of their employees. It governs the collection, use and disclosure of personal information by organizations in a manner that recognizes and balances

- the right of an individual to have his or her personal information protected, and
- the need of the organization to collect, use or disclose personal information for purposes that are reasonable.

It is expected that this bill will be passed in the Fall 2003 and proclaimed January 1, 2004.

IMAP has created a private sector privacy Web site (www.psp.gov.ab.ca). More information and resources will be posted on the Web site as they are developed.

The Act will not apply to public bodies subject to the FOIP Act.

Other Legislation News

Health Information Amendment Act, 2003 (Bill 10)

This Act amending the *Health Information Act* received royal assent on May 16, 2003 and is now in force. Section 59 of the *Health Information Act* was deleted and amendments were made to permit the disclosure of some health information to family members about recent health services received by a deceased person. The Bill is available at www.assembly.ab.ca (click on Bills and Amendments and select "Bill 10").

Ombudsman Amendment Act, 2003 (Bill 21)

This amendment Act received royal assent on May 16, 2003 and will provide authority for the Ombudsman to review health records during a process of investigating a complaint made against a regional health authority, the Alberta Cancer Board, the Alberta Mental Health Board and others. Bill 21 is available at www.assembly.ab.ca (click on Bills and Amendments and select "Bill 21").

Electronic Transactions Act

The *Electronic Transactions Act* became law on April 1, 2003. This law removes barriers to electronic commerce and ensures Alberta's laws keep pace with a changing world where a broad range of financial and other business transactions take place electronically. The key features of the *Electronic Transactions Act* include:

- Consent by both parties is required before business is conducted electronically.
- Electronic signatures and records have the same legal status as paper-based and written information.
- People can continue to use traditional, paper-based approaches in dealing with government, public organizations or in the business sector. But if they choose to use electronic communications, they can be assured that electronic transactions have the same legal status as paper-based approaches.
- Alberta's electronic commerce laws are consistent with other Canadian and international jurisdictions.

The Act may be obtained from the Queen's Printer at www.qp.gov.ab.ca. The key components of the legislation are explained for public sector organizations, businesses and individuals in a guide available at www.innovation.gov.ab.ca/min/sec/pub/content/pdf/eta_guide.pdf.

Youth Criminal Justice Act (Canada)

The *Youth Criminal Justice Act* replaced the *Young Offenders Act* on April 1, 2003. The new YCJA is very similar to the *Young Offenders Act* in regard to the use and disclosure of information by schools. The YCJA adds an additional reason for disclosure, when necessary to “facilitate the rehabilitation of the young person.” Schools can obtain more information about the YCJA and its impact from the Alberta School Boards’ Association, the Canadian School Boards’ Association’s *Need to Know* guide at www.cdnsba.org or the Justice Canada Web site, www.canada.justice.gc.ca.

New Guides From Ontario

Posting Information on Web Sites: Best Practices for Schools and School Boards

The Ontario Information and Privacy Commissioner, the Upper Grand District School Board, and the Peterborough, Victoria, Northumberland and Clarington Catholic District School Board have jointly published *Posting information on web site: best practices for schools and school boards*. The publication addresses what types of personal information schools and school boards post on their Web sites and whether consent is needed from the individuals identified. It is available at www.ipc.on.ca/scripts/index_.asp?action=31&P_ID=14135&N_ID=1&U_ID=0&LG_ID=1.

Inspection Reports and the Municipal Freedom of Information and Protection of Privacy Act

The Town of Newmarket and the Ontario Information and Privacy Commissioner have jointly published *Inspection reports and the Municipal Freedom of Information and Protection of Privacy Act*. The publication outlines how the Act might apply to inspection reports prepared by the Town of Newmarket. It is available at www.ipc.on.ca/scripts/index_.asp?action=31&P_ID=14421&N_ID=1&PT_ID=11205&U_ID=0.

AlbertaFirst.Com Ltd.

AlbertaFirst.Com Ltd. is a not-for-profit company involving the partnership of approximately 155 Alberta municipalities and the Province of Alberta. The company maintains and operates a Web site, www.albertafirst.com, that maintains a business directory to which member municipalities may submit business licence information to promote economic growth and diversification.

Member municipalities are encouraged to obtain authorization from business operators prior to submitting business information. Alberta Economic Development has developed an authorization form for this purpose. Any questions on this matter can be directed to Don Russell, Privacy Advisor, Alberta Economic Development at 780-415-9177 or Don.Russell@gov.ab.ca.

OIPC Access and Privacy Attitudes Survey

Between March 15 and 28 of this year GPC Canada conducted a telephone survey of access and privacy attitudes with 1,004 Albertans for the OIPC. The survey found that privacy continues to be an important issue for Albertans. A copy of the report is available on the Commissioner's Web site at www.oipc.ab.ca/ims/client/upload/survey_2003.pdf

OIPC Orders and Investigation Reports

Since the last newsletter, a number of orders, investigations reports and other decisions have been released by the OIPC that relate to local public bodies.

City of Calgary	F2002-008	January 6, 2003
	F2002-IR-009	April 2, 2003
	F2002-IR-012	June 18, 2003
	F2003-002	June 19, 2003
The Banff Centre	F2002-009	January 8, 2003
University of Alberta	F2002-030R	January 29, 2003
SAIT	s. 55 decision	February 11, 2003
Calgary Police Service & Law Enforcement Review Board	F2003-006	April 16, 2003
NAIT	F2002-IR-010	May 8, 2003
Northland School Division No. 61	F2002-IR-011	May 27, 2003
Edmonton Police Service	F2003-010	June 9, 2003
Edmonton Public Schools	2000-IR-009	June 10, 2003
Livingstone Range School Division No. 68	F2003-IR-002	June 10, 2003
Northern Lights School Division #69	F2003-IR-003	June 23, 2003

FOIP Training

The fall 2003-04 training calendar is available on the FOIP Web site at www3.gov.ab.ca/foip/other_resources/training/index.cfm.

Meeting Calendar

Health Sector Information Access and Privacy Network	September 15, 2003	Edmonton
Municipal - Southern Alberta FOIP Regional Alliance	September 16, 2003	Lethbridge
Municipal – Edmonton Regional FOIP Alliance	September 18, 2003	Sherwood Park
Municipal - Central Alberta Network of Information Management	September 18, 2003	Ponoka
Post-Secondary FOIP Network	October 3, 2003	Olds
School Jurisdictions FOIP Network	October 24, 2003	Nisku

Did You Know...

...**IMAP has moved**. Our new address is:

Information Management, Access and Privacy
Alberta Government Services
3rd Floor, Commerce Place
10155 – 102 Street
Edmonton, Alberta T5J 4L4

Our telephone and fax numbers remain the same.

...**September 25 & 26, 2003** are the dates for the Office of the Information and Privacy Commissioner for British Columbia's [conference](#). The theme is *The State of Accountable Government in a Surveillance Society* and the location is the Victoria Conference Centre.

...**October 2 & 3, 2003** are the dates for Ontario's access and privacy conference in Toronto.

...**A postal code** can contain as few as 3 households in an urban area, with an average of 14 households. In rural areas the average is 200 households.

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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.