

# FOIP News

Issue No. 14, July 2004



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“FOIP News” is an electronic newsletter produced by the Access and Privacy Branch, Alberta Government Services, 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.

## Health Information

The *Health Information Act* is currently under review by an all-party committee of the Legislative Assembly. The *Health Information Act* has been in effect since April 2001 and applies to health information in the custody or control of custodians primarily in the publicly funded health sector.

The legislation requires that a Special Committee of the Legislative Assembly begin a comprehensive review of the Act within three years of coming into force. The Committee recently issued a Consultation Guide and has asked for **submissions by Friday August 6, 2004**.

The scope of the review includes the question of whether the *Health Information Act* should be extended to government departments, local public bodies, and other entities. The Guide also specifically questions whether the Act should be extended to cover health information contained in employee files.

If the scope of the *Health Information Act* was extended to cover the health information of employees or clients of local public bodies, local public bodies would administer the FOIP Act for all other personal and general information, and the *Health Information Act* for health information.

If your local public body has a position on this matter, we encourage you to make a submission to the Committee.

The Consultation Guide and transcripts of the Committee’s meetings are available from [www.assembly.ab.ca/HIARReview/index.htm](http://www.assembly.ab.ca/HIARReview/index.htm).

## IMAP Has a New Name

IMAP’s name has changed to Government and Program Support Services to reflect a recent re-organization that resulted in two additional Alberta Government Services areas reporting to this division; Legislative and FOIP Services, and Compliance and Accountability. This has also resulted in the access and privacy program area getting its own name, Access and Privacy Branch. The fourth program area of this division is the Information Management Branch.

## Update on FOIP Publications

The [Contract Manager's Guide](#) has been revised and is now available on the FOIP Web site. Plans are also underway to complete another revision to address the implications of the *Personal Information Protection Act*.

The [Guide to Identifying Personal Information Banks](#) has been revised to reflect the recent amendment to the FOIP Act that requires public bodies to maintain and publish a directory of personal information banks instead of the Minister of Alberta Government Services. The guide is now available on the FOIP Web site.

The Annotated FOIP Act has been updated and is available from the Queen's Printer at [www.qp.gov.ab.ca](http://www.qp.gov.ab.ca).

A new bulletin on the personal information of deceased persons is currently being developed. It is expected to be available later this year.

Several other publications and FAQs have been updated during the past months. Check the FOIP Web site for the most recent version of a publication.

## Managing Web Content

The Information Management Branch has released a new guide, *Managing Web Content: Applying the Information Framework to Web Resources*, for government ministries on managing web content in accordance with the principles and directives of the Government of Alberta's Information Management Framework. This guide provides management principles and strategies for managing web content in the Government of Alberta throughout its life-cycle – from planning, creation and production, ongoing maintenance, through to retention and disposition. The guide discusses collection of personal information and protecting privacy for web-enabled transactions that public bodies may find informative. The guide is available at [www.im.gov.ab.ca/publications/pdf/ManagingWebContentGuide.pdf](http://www.im.gov.ab.ca/publications/pdf/ManagingWebContentGuide.pdf).

## OIPC Orders and Investigation Reports

Since the last newsletter, the following Orders and Investigation Reports have been released by the OIPC that relate to local public bodies. The Orders and Investigation Reports are available on the FOIP Web site.

### **F2002-026, St. Michael's Long term Care Centre and St. Michael's Extended Care Centre Society** (January 23, 2004)

Information and Privacy Commissioner's Office finds that St. Michael's Extended Care Centre Society and St. Michael's Long Term Care Centre disclosed personal information in breach of the FOIP Act.

### **F2004-001, University of Calgary** (February 27, 2004)

Information and Privacy Commissioner's Office finds that the University of Calgary properly exercised discretion regarding the disclosure of student records.

### **F2003-020, Calgary Police Service** (April 20, 2004)

Information and Privacy Commissioner's Office finds that the Calgary Police Service improperly withheld information relating to an individual's employment application.

**F2004-003, University of Alberta** (April 27, 2004)

Information and Privacy Commissioner's Office finds that the University of Alberta properly withheld records on the basis of solicitor-client privilege.

**F2004-010, Edmonton Public School Board No. 7** (May 11, 2004)

Information and Privacy Commissioner's Office finds that the Edmonton Public School Board District No. 7 had authority to disclose personal information to its employees and an individual who made an access request under the FOIP Act.

**F2004-011, City of Calgary** (May 12, 2004)

Information and Privacy Commissioner's Office finds that the City of Calgary properly applied litigation privilege to records regarding a fire.

**F2004-IR-001, Northern Alberta Institute of Technology** (June 17, 2004)

Information and Privacy Commissioner releases an investigation report regarding the disclosure of a NAIT employee's personal information in a news article.

**F2004-IR-002, Conseil scolaire catholique et francophone du Sud de l'Alberta**  
(July 9, 2004)

Information and Privacy Commissioner concludes an investigation regarding a school district's disclosure of personal information about the Complainant's child to other parents, a school bus company and the Alberta Teachers' Association.

## OIPC Publications and News Releases

In January 2004, the Commissioner released a literature review highlighting materials related to issues of privacy and surveillance as they affect social behaviour. It is available at [www.oipc.ab.ca/ims/client/upload/LitReview.pdf](http://www.oipc.ab.ca/ims/client/upload/LitReview.pdf).

Also in January, the OIPC released FOIP Practice Note 9 – Authorization to Disregard Request Under Section 55. It is available at [www.oipc.ab.ca/ims/client/upload/PN9.pdf](http://www.oipc.ab.ca/ims/client/upload/PN9.pdf).

In February, the OIPC released its 2002-2003 annual report and audited financial statement. It is available at [www.oipc.ab.ca/ims/client/upload/ACF77D.pdf](http://www.oipc.ab.ca/ims/client/upload/ACF77D.pdf).

In a news release on April 30, 2004, Commissioner Frank Work urged schools to consider privacy obligations before implementing drug detection programs. It is available at [www.oipc.ab.ca/ims/client/upload/Drug\\_detection\\_schools\\_Apr30\\_04NR.pdf](http://www.oipc.ab.ca/ims/client/upload/Drug_detection_schools_Apr30_04NR.pdf).

## Publications Released by Other Jurisdictions

In December 2003, the Ontario IPC office released a new publication titled "Guidelines for Using Video Surveillance Cameras in Schools." The guidelines are to provide assistance to Ontario school boards intending to use video surveillance to introduce these programs in a manner that ensures stringent privacy controls. It is available at [www.ipc.on.ca/docs/vidsch-e.pdf](http://www.ipc.on.ca/docs/vidsch-e.pdf).

The Privacy Commissioner of Canada has posted two fact sheets that may be of interest to public bodies.

- Best Practices for Recording of Customer Telephone Calls
- Privacy in the Workplace

They are available at [www.privcom.gc.ca/fs-fi/index\\_e.asp](http://www.privcom.gc.ca/fs-fi/index_e.asp).

## FOIP Training

FOIP training will be offered again in the Fall. Public bodies will be notified when the calendar is finalized. For information contact Janet Cummings at (780) 415-2407 or e-mail [janet.cummings@gov.ab.ca](mailto:janet.cummings@gov.ab.ca).

## Edmonton Regional FOIP Alliance

On March 4, 2004, the Edmonton Regional FOIP Alliance held its first records and information management meeting. Members provided an overview of their current record management practices and programs, discussed retention of property files and what courses and certification programs are available for records managers, and identified issues for future meetings. The next information management meeting is scheduled for July 22, 2004. Contact Donna Urlacher at (780) 464-8050 or [urlacher@strathcona.ab.ca](mailto:urlacher@strathcona.ab.ca) for more information about the meetings.

## Meeting Calendar

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Municipal – Edmonton Regional FOIP Alliance	September 9, 2004	Sherwood Park
School Jurisdictions FOIP Network	October 15, 2004	Nisku
Post-Secondary FOIP Network	October 22, 2004	Calgary

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## Did You Know...

... The *Post-secondary Learning Act* was proclaimed on March 18, 2004. The news release is available at [www.gov.ab.ca/acn/200403/16107.html](http://www.gov.ab.ca/acn/200403/16107.html).

... Information management experts are gathering in Edmonton this October. The Government of Alberta is partnering with ARMA's Edmonton Chapter to hold a two-day conference on October 28-29, 2004. Mark it in your calendar and watch [www.im.gov.ab.ca](http://www.im.gov.ab.ca) for more details.

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