



“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.

Freedom of Information and Protection of Privacy Amendment Regulation (A.R. 27/2006)

The *Freedom of Information and Protection of Privacy Amendment Regulation (A.R. 27/2006)*, which made several amendments to the *FOIP Regulation*, came into force on February 8, 2006 (Order in Council 54/2006 - www.gov.ab.ca/home/Orders_in_Council/2006/206/2006_054.html).

Effective February 8, 2006, amendments to sections 6, 15, 17 and Schedule 1 came into force. The amendments provide for electronic and oral consent, update Schedule 1, and make other technical amendments to the *FOIP Regulation*.

Effective April 1, 2006, amendments to section 11(2), section 12 and Schedule 2 of the *FOIP Regulation* will come into force. These amendments update Schedule 2 (Fees Schedule) and make other technical amendments to the *FOIP Regulation*.

For more information, including unofficial printable inserts, see www.gov.ab.ca/foip/legislation/amendments/index.cfm on the FOIP web site.

An updated printed office consolidation of the FOIP Act and Regulation is expected to be available for purchase from the Alberta Queen's Printer in the near future.

Bill 20, Freedom of Information and Protection of Privacy Amendment Act, 2006

The *Freedom of Information and Protection of Privacy Amendment Act, 2006* (Bill 20) was introduced in the Legislature on Tuesday, March 7, 2006. The amendments:

- Limit disclosure of personal information in response to a subpoena, warrant or order of a court or tribunal to cases where the issuing body has jurisdiction in Alberta.
- Introduce an offence and penalty provision for unauthorized disclosure to foreign courts.
- Allow a newly created government agency, board, commission or committee to be made subject to the FOIP Act more quickly, by Ministerial Regulation.
- Allow a public body to be deleted from Schedule 1 of the FOIP regulation when the organization is a local public body, or should more appropriately be subject to other access and privacy legislation.
- Suspend the processing of a request while the Information and Privacy Commissioner consults with an applicant on whether to allow a public body to disregard a FOIP request.
- Limit access to certain government records for a prescribed period.

- Clarify that the FOIP Act does not apply to the published works in a library.

For further information, see the news release available on the Government of Alberta web site at <http://www.gov.ab.ca/home/index.cfm?page=11> (search under "Bill 20"). To read the bill in its entirety, visit www.assembly.ab.ca (Click on Bills and Amendments and select Bill 20).

Update on FOIP Publications

Bulletin Number 1: Fee Estimates

Bulletin Number 1: Fee Estimates has been revised and updated to reflect changes to Schedule 2 (Fees) of the FOIP Regulation as a result of the *Freedom of Information and Protection of Privacy Amendment Regulation (A.R. 27/2006)*.

See www.gov.ab.ca/foip/guidelines_practices/bulletins/bulletin1.cfm for more information.

Update on Information Management Publications

Managing Personal Data Assistants (PDAs)

The Managing Personal Data Assistants guide is intended to assist Government of Alberta ministries with establishing guidelines and practices for managing information created or transmitted using personal digital assistant (PDA) devices in accordance with existing government policies and legislation. The information in the guide may be applicable to local public bodies as well.

For a copy of the guide, go to <http://www.im.gov.ab.ca/publications/pdf/ManagingPDAs.pdf>.

Managing Shared Electronic Workspace

The *Managing Shared Electronic Workspace* guide provides a core set of business rules to assist government organizations in managing electronic information on shared network drives in a non-EIM environment.

For a copy of the guide, go to <http://www.im.gov.ab.ca/publications/pdf/ManagingSharedElectronicWorkspace.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. Links to Orders and Investigation Reports are available on the FOIP Web site.

F2004-022 Calgary Police Service (released December 1, 2005)

The applicant requested access to all records relating to his recruiting application with CPS. CPS released 425 pages of records but withheld or severed 157 pages. The Adjudicator rejected CPS's argument that the recruitment process in itself is a law enforcement investigation to which the exception to disclosure for law enforcement (section 20) applies. There was no evidence of a penalty or sanction that would apply to prospective police officers who were unable to meet the conditions of an offer of

employment set by CPS. In addition, CPS failed to apply the reasonable expectation of harm on a record by record basis. The Adjudicator agreed that certain records could be withheld under the exceptions to disclosure for third party personal information (section 17), confidential evaluations (section 19), intergovernmental relations (section 21), testing procedures and techniques (section 26), and legal privilege (section 27). Records that did not meet these exceptions were ordered to be disclosed.

F2004-016 Northern Lakes College (released December 21, 2005)

The applicant, a former employee of the College, requested access to records relating to her work performance and behaviour. The Adjudicator confirmed that all the withheld records were either non-responsive or fell under the exception to disclosure for third party personal information (section 17). With respect to the latter, the evidence showed that the personal information had been supplied in confidence and that the applicant would likely use any disclosed personal information to make unwanted contact with the third parties. Severing was possible only for one record. The Adjudicator also found that the College properly met its duty to respond openly, accurately and completely to the applicant (section 10(1)). It was the College's standard procedure to destroy the original student instructor feedback surveys after the results had been compiled onto a summary form. The applicant had received all responsive records created from those surveys.

F2004-029 Edmonton Police Service (released February 3, 2006)

The applicant requested records about three EPS officers involved in investigations that led to charges against the applicant. The records included files of internal police investigations into the officers. The Adjudicator found that EPS properly withheld the records on the grounds that disclosure of the records could reasonably be expected to threaten the safety of third parties (section 18(1)(a)). The Adjudicator noted that in applying section 18 the records must be considered on a line-by-line basis and that only in rare cases would records in their entirety be excepted from disclosure. There was extensive evidence regarding the applicant's violent nature and serious mental illness and the records could not be severed in a way that would sufficiently protect the persons mentioned in the records and still provide meaningful information to the applicant.

F2006-IR-001 Edmonton Police Service (released March 8, 2006)

An investigation by the Commissioner's office found that EPS contravened section 39(1)(a) of the FOIP Act when it improperly used its information databases to conduct a search of the complainant's name. The personal information in the databases is collected for law enforcement purposes, but there was no evidence that the search of the complainant's name had been undertaken for law enforcement purposes.

OIPC Publications and News Releases

Information and Privacy Commissioner releases report into Security Risks associated with Outsourcing

Alberta's Information and Privacy Commissioner has released a report into Public Sector Outsourcing and security concerns associated with the practice, and has developed recommendations for public bodies to follow. In his report, the Commissioner makes it clear it is the responsibility of the Public Body to ensure due diligence in awarding outsourcing contracts.

The report's survey of outsourcing practices was done in partnership with Alberta Government Services.

For a copy of the report, go to
http://www.oipc.ab.ca/ims/client/upload/NR_Backggrunder_Outourcing_Feb23_06.pdf.

FOIP Training

The Access and Privacy Branch is accepting registrations for the remaining sessions of the 2005-06 FOIP training program. The last *Introduction and Privacy and Access to Information* courses for this year will be held in Edmonton. The Edmonton sessions run May 17 to May 18, 2006.

Spaces are also available for the morning session of General Awareness to be held May 16, 2006.

The training calendar and registration forms are available on our web site at
www.gov.ab.ca/foip/training/index.cfm.

For further details, contact Janet Cummings by phone at (780) 415-2407 or by e-mail at janet.cummings@gov.ab.ca.

Meeting Calendar

School Jurisdiction FOIP Network	May 12, 2006	Nisku
Health Network	June 6, 2006	Edmonton

Did You Know...

... The inaugural *Personal Information Protection Act Conference 2006* will be held April 26th and 27th, 2006 in Calgary, Alberta. The conference is presented by the Information and Privacy Commissioners of British Columbia and Alberta. The theme of this year's conference is "Customers, Employees & Privacy: An Educational Forum for Businesses". More information on the conference can be found at www.pipa2006.ca.

... The *Access and Privacy Conference 2006*, presented by the University of Alberta, Faculty of Extension, is scheduled for June 7th to 9th, 2006 at the Westin Hotel in Edmonton, Alberta. For more information, see <http://www3.extension.ualberta.ca/accessandprivacy/index.asp>.

... The third *Managing Information Assets in the Public Sector* conference will take place on October 12th and 13th, 2006 at the Mayfield Inn and Suites in Edmonton, Alberta. The speakers and program details will be published on the Information Management web page (www.im.gov.ab.ca) later in 2006.

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