

FOIP News

Issue No. 20, February 2007



“FOIP News” is an electronic newsletter produced by the Access and Privacy Branch, Service Alberta, to highlight news relating to Alberta’s *Freedom of Information and Protection of Privacy Act* (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.

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The FOIP Act: Words and Phrases Defined or Considered

The Access and Privacy Branch has developed a table of definitions of words and phrases used in the *Freedom of Information and Protection of Privacy Act* and Regulation. All definitions in the Act and Regulation, as amended up to October 1, 2006, are included.

The table also includes words and phrases that have been defined or considered in Investigation Reports and Orders of the Information and Privacy Commissioner (up to October 1, 2006). Terms discussed in older decisions may not be included if they were discussed in relation to sections of the Act that have been repealed or amended. The objective is to provide definitions that are relevant to the current legislation.

The table presents the following information:

- the word or phrase considered;
- the FOIP context in which the definition applies (no context is given for words and phrases defined in section 1 of the Act, since the definition applies wherever the word or phrase appears in the Act);
- the definition, as well as the source of the definition if provided (the source is often a dictionary or an Order of a Commissioner in another jurisdiction); and
- the authority for the definition (the Act, Regulation, Commissioner’s or court decision; to find the exact text, users of this table should consult the authority cited).

The FOIP Act: Words and Phrases Defined or Considered is available on the FOIP web site at http://www.foip.gov.ab.ca/legislation/pdf/FOIP_Definitions_2006_formatted.pdf and will be updated as additional terms are defined.

Alberta Government Services is now Service Alberta

The ministry of Alberta Government Services has been renamed Service Alberta to reflect a recent re-organization that resulted in the merging of the responsibilities of Alberta Government Services and Restructuring and Government Efficiency. The new ministry will deliver coordinated government services to Albertans and Alberta government departments. The Access and Privacy Branch will continue to administer the FOIP Act as part of Service Alberta.

Update on FOIP Publications

The Annotated FOIP Act, published by the Alberta Queen's Printer, has been updated to November 30, 2006. The updates cover amendments to the FOIP Act in 2006 and interpretation of the Act in recent Commissioner's Orders and Investigation Reports.

The complete Annotated FOIP Act, or a package of update inserts, can be purchased from the Alberta Queen's Printer at www.qp.gov.ab.ca.

OIPC Orders and Investigation Reports

Since the last newsletter, the following Orders and Investigation Reports have been released by the Office of the Information and Privacy Commissioner (OIPC) of Alberta that relate to local public bodies. Summaries of Orders and Investigation Reports are available on the FOIP Web site. Where summaries are not yet available, links to the rulings are provided.

F2006-021 Capital Health (released August 25, 2006)

Information and Privacy Commissioner upholds Capital Health's decision not to disclose a Hospital Incident Report that was covered by the *Health Information Act*.

http://www.foip.gov.ab.ca/commissioners_decisions/orders/summary/2006/2006-021summary.cfm

F2005-014 Athabasca University (released September 28, 2006)

Information and Commissioner's Office finds that Athabasca University disclosed too much personal information about a student when it forwarded a sequence of e-mails.

http://www.foip.gov.ab.ca/commissioners_decisions/orders/summary/2005/2005-014summary.cfm

F2006-003 Calgary Board of Education (released October 12, 2006)

Information and Privacy Commissioner finds that a school council is not a public body, and that he does not have jurisdiction under the FOIP Act to conduct an inquiry into a complaint against the Calgary Board of Education where the complainant is not the guardian of the child whose personal information is at issue.

http://www.foip.gov.ab.ca/commissioners_decisions/orders/summary/2006/2006-003summary.cfm

F2006-012/F2006-013 Edmonton Police Service (released October 30, 2006)

Information and Privacy Commissioner finds that the Edmonton Police Service could not refuse to confirm or deny whether records requested by the applicant exist, related to CPIC searches.

<http://www.oipc.ab.ca/ims/client/upload/F2006-013.pdf>

F2005-025 Northern Alberta Institute of Technology (released November 3, 2006)

Information and Privacy Commissioner's office finds that NAIT was authorized to disclose the complainant's personal information to an employee and the Institute of Chartered Accountants of Alberta while conducting an investigation.

<http://www.oipc.ab.ca/ims/client/upload/F2005-025.pdf>

F2006-024 Calgary Police Service (released November 30, 2006)

Information and Privacy Commissioner finds the Calgary Police Service has custody and control of a report and certain meeting minutes of the Alberta Association of Chiefs of Police.

http://www.foip.gov.ab.ca/commissioners_decisions/orders/summary/2006/2006-024summary.cfm

F2004-025 Calgary Police Service (released December 6, 2006)

Information and Privacy Commissioner's office orders the Calgary Police Service to disclose further records relating to incidents involving the applicant and to correct the applicant's personal information in one record.

<http://www.oipc.ab.ca/ims/client/upload/F2004-025.pdf>

F2005-016 Edmonton Police Commission (released December 7, 2006)

Information and Privacy Commissioner upholds the decision to disclose the employment contract of the former Chief of Police.

<http://www.oipc.ab.ca/ims/client/upload/F2005-016.pdf>

F2007-IR-001 City of Edmonton (released January 26, 2007)

Information and Privacy Commissioner's Office releases an investigation report regarding the collection of sensitive personal information in an employee survey.

http://www.oipc.ab.ca/ims/client/upload/RPT_F2007_IR_001.pdf

F2005-029 City of Calgary (February 6, 2007)

Information and Privacy Commissioner cannot rule on property assessment request as provisions of the Municipal Government Act prevail over the FOIP Act.

<http://www.oipc.ab.ca/ims/client/upload/F2005-029.pdf>

OIPC Publications and News Releases

Charges laid under the *Health Information Act*

On November 23, 2006, the OIPC announced that four charges had been laid against an individual under the *Health Information Act* (HIA). The charges stem from an investigation into allegations that an individual's health information was improperly accessed. This is the first time charges have been laid under Alberta's HIA (which carries maximum fines of \$50,000 for each charge), or any other Canadian privacy legislation, for that matter. The news release is available on the OIPC web site at http://www.oipc.ab.ca/ims/client/upload/NR_HIA_Charges_Nov_2006_1.pdf.

Commissioner urges City of Calgary to be diligent about surveillance cameras

On October 6, 2006, the Information and Privacy Commissioner issued a news release regarding a letter sent to the mayor of the City of Calgary on the proposed use of surveillance cameras in public places. The Commissioner advises the mayor to fully research the use of cameras, including developing a Privacy Impact Assessment, prior to the decision to implement such surveillance. The news release and letter are available on the OIPC web site at http://www.oipc.ab.ca/ims/client/upload/NR_Calgary_Cameras_Surveillance_October_6_06_WEB.pdf.

FOIP Training

The next scheduled one-day sessions for 2007 are March 19, 20 and 21 in Edmonton and April 16, 17 and 18 in Calgary. These sessions are for new FOIP Coordinators and employees who are responsible for FOIP.

The next half-day general awareness session for 2007 is being held on May 14, 2007 in Edmonton. This half-day session is for employees who require a basic overview of the concepts of protection of privacy and access to information.

Arrangements can be made for a training session to be delivered at your workplace or customized to meet the needs of your public body.

The training calendar, registration form and additional information are available at www.foip.gov.ab.ca/dsp_training.cfm.

For information, contact Eileen Hendy at (780) 415-6501 or e-mail eileen.hendy@gov.ab.ca.

Meeting Calendar

Who?	When?	Where?
Health Network	March 5, 2007	Edmonton
Post-Secondary FOIP Network	March 30, 2007	Edmonton
School Jurisdictions FOIP Network	May 11, 2007	Nisku

Upcoming Events

Think 2007 is the year of the pig? Yes! But it also appears to be the year of the information access and privacy conference. So, if you can't figure out what to do with all those frequent flyer miles you've earned, here are some options:

8th annual Privacy and Security Conference and Exposition

February 15 and 16, 2007 - Victoria Conference Centre, Victoria, British Columbia

- The theme of the 8th annual Privacy and Security Conference and Exposition is *Identity Management and Information Protection in the Digital World: Can We Meet the Challenge?* This conference and exposition is recognized as one of the pinnacle events on privacy and security in North America. Nearly 1000 delegates attended the 2006 conference. For more information, see <http://www.rebootconference.com/privacy2007/>.

Prairie Health Information Day

April 16, 2007 - Regina, Saskatchewan

- The conference will provide delegates a forum to meet, network and share ideas with colleagues, as well as the opportunity to learn about other provinces' laws and how their policies and practices have been working so far. Whether you are new to the field, or have an advanced level of expertise with privacy issues, there is something of interest for everyone at this event. See <http://www.governmentevents.ca/hipd2007/> for more information.

Conference on Computers, Freedom and Privacy

May 1 to 4, 2007 - Montreal, Quebec

- This year's theme, *Autonomy: Fencing in Freedoms on the Electronic Frontier*, examines issues such as: Who is in control of this new world? Are the hackers and the uber-geeks the only ones who can still tell their own laptop computers what to do, or disable the devices that will soon be managing our lives? Can the average individual control the objects in their lives, objects which we in this consumer society are increasingly dependent on, or will they be run remotely by distant owners, regulators, government officials, or private sector operators cooperating with any of the above? For more information, see <http://www.cfp2007.org/live/index.html>.

Access & Privacy Conference 2007

June 13 to 15, 2007 - Edmonton, Alberta

- The conference theme, *From Potential to Performance*, speaks to the dynamic interaction between delegates and the information they need to succeed in their professional lives. Key luminaries from the local, national, and international sectors will share their insights on the potential of the industry and provide recommendations that will help delegates build skills, get updated on current best practices, and find out where the profession is heading. For more information, see <http://www3.extension.ualberta.ca/accessandprivacy/index.asp>.

Private Sector Privacy in a Changing World (PIPA Conference 2007)

September 20 and 21, 2007 - Vancouver, British Columbia

- This conference follows the highly successful 2006 event in Calgary, Alberta. Over 300 delegates from businesses, non profits, government, and law firms attended the conference. The focus for 2007 is on practical, real-world problems and solutions. This forum offers an excellent opportunity to hear from privacy regulators, stakeholders, and from business experts from around the globe about managing personal information in the electronic age. For more information, see <http://www.verney.ca/pipa2007/>.

The 29th International Conference of Data Protection and Privacy Commissioners

September 25 to 28, 2007 - Montreal, Quebec

- The theme, *Privacy Horizons: Terra Incognita*, points to the challenge for privacy guardians entering into uncharted territory to anticipate and plan readiness to tackle the "unknowns" in our field, including technology, terrorism, information outsourcing and the exponential growth of transborder data flows. More information is available at <http://www.privacyconference2007.gc.ca/>.

Did You Know...

... According to the *New York Times*, Mini USA, the U.S. distributor of Mini Coopers, recently initiated a pilot program involving more than 1,000 Mini Cooper owners in New York, Miami, Chicago and San Francisco. Those involved will use special RFID equipped key fobs to trigger customized messages on select billboards as their Mini Coopers pass by. This is a voluntary program, and participants select customized messages they wish to appear. For instance, a message may say, "Mary, moving at the speed of justice," if Mary is a lawyer, or "Mike, the special of the day is speed!" if Mike is a chef. Messages can also be programmed to commemorate a special day, such as the owner's birthday. In response to privacy concerns, Mini USA counters that there is no sensitive information stored on the key fobs. It seems these days *Cheers* isn't the only place where everybody knows your name!

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