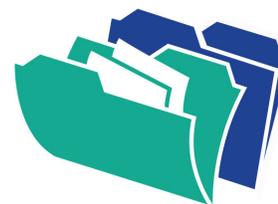


FOIP News

Issue No. 22, December 2007



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

The final report from the all-party committee reviewing the *Personal Information Protection Act* (PIPA) was tabled in the Alberta Legislature on November 14, 2007 by Cindy Ady, MLA for Calgary-Shaw and Committee Chair. The report includes 39 recommendations for amendments to the Act that will now be taken into consideration by the Alberta government. The committee recommended amending the Act to:

- Require organizations to inform individuals of transborder flows of their personal information
- Create a new duty for notification of privacy breaches
- Bring all not-for-profit organizations fully within the scope of the Act
- Clarify the rules governing personal employee information
- Revise consent provisions to better address longstanding business practices
- Create time limits for the retention of personal information
- Provide privacy protection for health-related personal information under HIA rather than PIPA
- Establish more appropriate standards for prosecuting offences

The final report and news release are available on the Review Committee's web site at <http://www.assembly.ab.ca/PIPARReview/>.

OIPC Orders and Investigation Reports

Since the last newsletter, the following Orders and Investigation Reports (that relate to local public bodies) have been released by the Office of the Information and Privacy Commissioner (OIPC) of Alberta. 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.

F2006-002: Edmonton Police Service (released August 9, 2007)

Commissioner rules Edmonton Police Service had authority to collect personal information in relation to a threat assessment of an employee. In this order, the Commissioner also ruled that merely hearing an individual's personal information in a conversation does not amount to collection of that information under the FOIP Act.

<http://www.oipc.ab.ca/ims/client/upload/F2006-002.pdf>

F2007-010: Town of Lamont (released August 14, 2007)

Adjudicator orders Town of Lamont to provide a new fee estimate because a portion of the estimate, entirely based on fees for a request for general information, was for the applicant's own personal information for which an applicant should only be charged photocopying costs if the total cost exceeds \$10.

http://www.foip.gov.ab.ca/commissioners_decisions/orders/summary/2007/2007-010summary.cfm

F2007-006: City of Edmonton (released August 22, 2007)

Information and Privacy Commissioner's Office confirms that the City of Edmonton was not required to release a copy of a certificate of title for land and that the City conducted an adequate search for responsive records.

<http://www.oipc.ab.ca/ims/client/upload/F2007-006.pdf>

F2007-022: Conseil Scolaire catholique et francophone du Sud de l'Alberta (released October 2, 2007)

Adjudicator finds that the Conseil scolaire catholique et francophone du Sud de l'Alberta did not properly apply several exceptions under the FOIP Act in withholding information related to the applicant's termination. The Conseil scolaire catholique et francophone du Sud de l'Alberta was also ordered to conduct an additional search for records.

http://www.foip.gov.ab.ca/commissioners_decisions/orders/summary/2007/2007-022summary.cfm

F2007-009: Edmonton Police Service (released October 3, 2007)

Information and Privacy Commissioner's Office finds that whether section 4(1)(k) of the FOIP Act applied to the requested records was a moot issue, as the prosecution in question had been completed by the date of the OIPC inquiry.

http://www.foip.gov.ab.ca/commissioners_decisions/orders/summary/2007/2007-009summary.cfm

F2006-010: Edmonton Police Commission (released October 10, 2007)

Information and Privacy Commissioner's Office finds that the Edmonton Police Commission could not be ordered to release information about the severance pay of senior police staff as the applicant's request for answers was not an access request under the FOIP Act.

http://www.foip.gov.ab.ca/commissioners_decisions/orders/summary/2006/2006-010summary.cfm

F2007-012: Edmonton Police Commission (released October 24, 2007)

Adjudicator determines that the Edmonton Police Commission failed to meet its duty to assist in processing a FOIP request regarding the hiring of a senior officer of the commission. The commission was ordered to refund fees paid by the applicant.

<http://www.oipc.ab.ca/ims/client/upload/F2007-012.pdf>

F2007-027: Calgary Health Region (released November 20, 2007)

Adjudicator finds that a correction request fell outside of the scope of the FOIP Act as the information was "health information" as defined in the *Health Information Act* (HIA). The Applicant's correction request was not deemed to be a correction request under FOIP.

http://www.foip.gov.ab.ca/commissioners_decisions/orders/summary/2007/2007-027summary.cfm

F2007-015: University of Alberta (released November 21, 2007)

Adjudicator orders University of Alberta to stop publishing salary increments of staff.

http://www.foip.gov.ab.ca/commissioners_decisions/orders/summary/2007/2007-015summary.cfm

F2006-014: Edmonton Police Service (released November 27, 2007)

Information and Privacy Commissioner's Office upholds the Edmonton Police Service's decision to withhold information about the arrest and detention of the applicant's son.

<http://www.oipc.ab.ca/ims/client/upload/F2006-014.pdf>

F2007-005: Edmonton Police Service (released December 12, 2007)

Information and Privacy Commissioner's Office orders the Edmonton Police Service to release portions of a canine training video to the applicant.

<http://www.oipc.ab.ca/ims/client/upload/F2007-005.pdf>

F2006-015: Edmonton Police Service (released December 18, 2007)

Edmonton Police Service ordered to respond to an applicant regarding CPIC searches, without relying on section 12(2) – refusal to confirm or deny the existence of a record.

<http://www.oipc.ab.ca/ims/client/upload/F2006-015.pdf>

OIPC Publications and News Releases

Commissioner Work applauds changes to criminal code regarding identity

Alberta's Information and Privacy Commissioner is encouraged that the Federal Government is moving to make changes to the *Criminal Code* regarding identity theft. In October, Ottawa tabled a bill that would give authorities the power to arrest, charge and convict people who intend to sell personal information as part of an identity theft scheme.

http://www.oipc.ab.ca/ims/client/upload/NR_ID%20crime_xmas_Novembe_26_2007.pdf

Commissioner's Office announces staff changes

Commissioner announces appointment of Assistant Commissioner of Access to Information and new Adjudicators.

<http://www.oipc.ab.ca/ims/client/upload/Staff%20Update%20NR1.pdf>

Release of personal information for public safety

Commissioner Frank Work reminded law enforcement officials that section 32 of the *Freedom of Information and Protection of Privacy Act* requires notification to the public of risks to public safety.

http://www.oipc.ab.ca/ims/client/upload/NR_Oct15_07_Sect_32.pdf

Stores can ask to see (but not write down) ID prior to accepting credit cards

Alberta's Information and Privacy Commissioner has declined to conduct an inquiry following a complaint from an individual who was asked by two Calgary retailers to verify his identity for credit card purchases. Commissioner Frank Work refused to call an inquiry because he believes the practice of verifying identification to be a reasonable practice.

http://www.oipc.ab.ca/ims/client/upload/NR_Sept_19_07_Retailers_ID.pdf

Proposed over-ride to the FOIP Act not necessary

Information and Privacy Commissioner Frank Work says a proposal in Bill 212 to over-ride the *Freedom of Information and Protection of Privacy Act* (FOIP) is not necessary.

The *Safer Communities and Neighbourhoods Act* (Bill 212) is a private member's bill that enables a person to make a complaint to a provincial government body about suspected illegal activities in their community or neighbourhood.

http://www.oipc.ab.ca/ims/client/upload/Bill_212_NR.pdf

FOIP Training

The dates for the 2007-2008 FOIP training sessions have been set. The next one-day sessions are scheduled for January 9, 10 and 11 in Edmonton. For details about the courses and how to register, visit the *Training for Public Bodies* page on the FOIP web site at http://www.foip.gov.ab.ca/dsp_training.cfm.

The training program includes three one-day sessions for employees who are responsible for FOIP and a half-day session for employees who require a basic overview of the concepts of protection of privacy and access to information. Training sessions are held in Edmonton and Calgary several times a year, or arrangements can be made for delivery of training at your workplace.

The courses in this program have been developed by Service Alberta, the ministry responsible for the province-wide administration of Alberta's FOIP Act. The ministry has contracted with Deloitte & Touche LLP to deliver the courses and handle course registrations and billing of participants.

For information contact Deloitte & Touche LLP, Enterprise Risk Services, at (780) 421-3768 or goafoiptraining@deloitte.ca.

Meeting Calendar

Who?	When?	Where?
Municipal – Edmonton Regional FOIP Alliance	March 2008 (exact date TBA)	Edmonton & Village of Linden
School Jurisdictions FOIP Network	April 11, 2008	Nisku
Post-Secondary FOIP Network	April 18, 2008	Athabasca

Upcoming Events

Health Information Privacy and Security

January 29 and 30, 2008 – Toronto, Ontario

- The protection of personal health information and patient privacy continues to be one of the major legal, policy, technological and operational issues in health care. This conference brings together an expert faculty and a program designed to provide practical direction for organizations that are responsible for or simply work with personal health information. For more information, including on-line registration, go to http://www.insightinfo.com/index.cfm?ci_id=25197&la_id=1.

9th Annual Privacy and Security Conference and Exposition

February 7 and 8, 2008 – Victoria, British Columbia

- The theme of this year's conference is *Digital Dilemmas, Digital Dreams: Privacy, Security and Society in New World Networks*. This conference and exposition is recognized as one of the pinnacle events on privacy and security in North America. Nearly 1200 delegates attended the 2007 conference. For more information, go to www.rebootconference.com/privacy2008.

Did You Know...

...The Alberta government and the Edmonton Police Service recently released the *Changing Faces Identity Theft Awareness Kit* to educate Albertans on how to spot and prevent identity theft. The kit includes an 18-minute DVD that provides an informative look at identity theft through a fact-based drama and teaches viewers how to be on guard and protect themselves.

The packages are free. Organizations interested in receiving a *Changing Faces* education kit may call toll-free in Alberta, 1-877-427-4088 or in Edmonton dial direct, 427-4088.

...The Office of the Privacy Commissioner of Canada (OPC) recently released the results of an EKOS Research Associates Inc. public opinion poll entitled *Canadians and the Privacy Landscape*. The poll was commissioned by the OPC to examine issues relating to the Canadian privacy landscape, as well as awareness and perceptions of Canadian privacy laws and the office itself. The report showed that 7 in 10 Canadians feels their personal information is *less* protected than it was 10 years ago. Almost 3 in 4 believe that protecting Canadians against identity theft will be one of the most important issues facing the country in the future. The complete report can be found at http://www.privcom.gc.ca/information/survey/2007/ekos_2007_02_e.asp.

... Social networking web sites, like MySpace and Facebook, are becoming increasingly popular. The use of such sites, however, raises many privacy concerns. To help address these concerns, the Office of the Privacy Commissioner of Canada, as well as the Office of the Information and Privacy Commissioner of Ontario, has released several resources:

- Social Networking and Privacy - http://www.privcom.gc.ca/information/social/index_e.asp
- How to Protect your Privacy on Facebook by "Opting Out" of Default Settings - http://www.ipc.on.ca/images/Resources/up-facebk_protectpriv.pdf
- Reference Check: Is Your Boss Watching? Privacy and Your Facebook Profile - http://www.ipc.on.ca/images/Resources/up-facebook_refcheck.pdf
- When Online Gets Out of Line: Privacy - Make an Informed Online Choice - http://www.ipc.on.ca/images/Resources/up-facebook_ipc.pdf

... The Privacy Commissioner of Canada's *Annual Report to Parliament 2006-2007* on the *Privacy Act* was tabled in Parliament in October 2007. The report focuses on *Privacy Act* reform, identity theft, national security, no-fly lists and transborder data flows. To view the report, go to http://www.privcom.gc.ca/information/ar/200607/200607_pa_e.pdf.

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