FOIP News

"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 will be issued every month or two as needed. Web site links will be provided to allow you to easily obtain more information on a news item.

FOIP Act and Regulation

A new office consolidation of the *FOIP Act* and Regulation is available from the Queen's Printer. It contains amendments made to the *FOIP Act* as a result of the proclamation of the *Health Information Act*, and a revised Schedule 1. Click on http://www.gov.ab.ca/qp to order.

Revised Statutes of Alberta (RSA)

A revision of the Statutes of Alberta is currently under way and it is expected to have an in force date of January 1, 2002. Most of the sections of the *FOIP Ac*t will be re-numbered to reflect amendments made as of January 2000.

If you have a fairly current version of the *FOIP Act* and Regulation, you may want to consider using the online version available on FOIP web site or Queen's Printer web site until the new consolidation is available in the new year.

More information about the RSA 2000 is available on the Queen's Printer web site. Click on http://www.qp.gov.ab.ca/custom_page.cfm?page_id=23.

Check Your Book Shelf

The following new publications are now available on the FOIP web site. Click on http://www3.gov.ab.ca/foip/other_resources/publications_videos/index.cfm.

Conducting Surveys: A Guide to Privacy Protection: Survey research raises major privacy considerations when selecting a sample of participants, and then collecting, using and disclosing personal information. The guide encourages staff to look at developing a survey from a privacy perspective.

Frequently Asked Questions: The Frequently Asked Questions (except for the Health Authorities) have been revised and are now available on the FOIP web site. Click on http://www3.gov.ab.ca/foip/faq/index.cfm

Information & Privacy Commissioner Investigation Report

The following Investigation Report was released on July 20, 2001 and provides a definition of the meaning of "managing personnel" and "administering personnel" for the purposes of section 38(1)(v) and by implication, section 33(1)(j) of the *FOIP Act.*

Investigation Report 2001-IR-006, University of Alberta

The University of Alberta (U of A) was contracting out a systems function to two private companies. An employee of the U of A provided one of the companies with a set of spreadsheets containing employment information for certain U of A employees the company was considering hiring. The U of A stated that the information was disclosed so that the company could make comparable or better employment offers to those employees. Three of the employees complained that their salary information had been disclosed to the company in violation of the privacy provisions contained in Part 2 of the *FOIP Act.*

The U of A submitted that disclosure of the salary information was authorized for the purpose of managing or administering personnel (section 38(1)(v)). The complainants argued that the disclosure had prejudiced their ability to negotiate with the company and that this was the kind of disclosure that Part 2 of the *Act* was intended to prevent.

The Portfolio Officer determined that the disclosure of the personal information was not authorized by section 38(1)(v) of the *Act*, which permits disclosure for the purpose of managing or administering the personnel of the public body. The disclosure was not for the purpose of *managing* personnel because it was not related to the duties and responsibilities of the complainants.

The disclosure was also not for the purpose of *administering* personnel because it did not relate to staffing at the U of A, to classification or compensation, to a program of occupational health or safety, or to training and development. Although the disclosure might have had a link to budget and payroll planning, these were functions of finance within the organizational structure, not personnel administration. The disclosure appeared to have been made to address the personnel management purposes of the company and the financial purposes of the U of A.

Changes at IMAP

Sue Kessler has assumed the position of Director, Information Management Branch within IMAP. Sue will take the lead with the Office of the Chief Information Officer for the cross-government information management initiative, as well as responsibility for the government's records management program, and assist with the planning the next legislative review of the *FOIP Act.*

Sector Meetings

- **Health:** Next Health Network meeting is October 29, 2001 in Edmonton.

- **Schools:** Next School Jurisdiction FOIP Network meeting is November 2, 2001 at Black Gold Regional Division No. 18 in Nisku.
- **Municipalities:** Next FOIP Alliance meeting is November 29, 2001 at the County of Strathcona offices in Sherwood Park.
- **Post-Secondary Institutions:** Next Post-Secondary FOIP Network meeting is February 8, 2002 in Edmonton.

Do We Have Your Number?

The FOIP web site contains contact information for FOIP Coordinators and Contacts. This information helps the public, and other FOIP contacts, to reach the correct person in public bodies to assist with their FOIP questions. IMAP updates this information annually when we ask you for your FOIP request statistics. The lists are not very useful when the information is out-of-date, so we encourage you to review this information periodically, and let us know of any updates.

Click on http://www3.gov.ab.ca/foip/coordinators/index.cfm and select your sector. Please e-mail foiphelpdesk@gov.ab.ca with any changes.

Speaking of Statistics

In the 2000/2001 fiscal year local public bodies received 633 FOIP requests. Compare this to the 2161 received by government ministries. Of the 633 requests, 61% were requests for personal information, 37% were requests for general information, and the remaining 2% were requests for correction of personal information.

Applicants requesting general information are the general public (54%), followed by businesses (19%), interest groups (13%), the media (12%) and researchers (2%). Health care bodies received the majority of requests (34%), followed by local government bodies (25%), police services (23%), school jurisdictions (9%), and post-secondary institutions (7%). Housing management bodies, police commissions, and public libraries received the remainder (2%).

Training Opportunities

There are still a few spaces in the Access and Privacy course on November 28-29, 2001, in Edmonton. To obtain the training calendar and registration form, click on http://www3.gov.ab.ca/foip/other_resources/training/index.cfm

The training schedule for 2002 will be posted later this fall.

The University of Calgary, Faculty of Continuing Education is offering several courses and a one day workshop on security and privacy in a technological world. Click on http://www.ucalgary.ca/cted/eSecurity for more information.

Orientation for Elected Officials of Municipalities

In light of the upcoming local elections on October 15, a presentation has been developed for FOIP Coordinators/Contacts of municipalities to provide a FOIP orientation for council members. The presentation, which includes customizable PowerPoint slides and speaking notes, is available on the FOIP web site. Click on http://www3.gov.ab.ca/foip/other_resources/presentations/index.cfm.

Did You Know….

…The FOIP web site address is changing from http://www.gov.ab.ca/foip to http://www3.gov.ab.ca/foip effective immediately. If you have bookmarks pointing to our old site, please update them as soon as possible as we plan to discontinue the old site during the week of October 8.

…The FOIP 2002 Conference is scheduled for June 13-14, 2002, at the Mayfield Conference Centre in Edmonton.

…The Privacy Commissioner of Canada has determined that video surveillance conducted by the RCMP on the streets of Kelowna was in contravention of the *Privacy Act.* Click on http://www.privcom.gc.ca/index_e.asp and http://www.oipcbc.org/publications/news/.

…The Province of Ontario is planning to table new privacy legislation for the private sector and health care information this fall.

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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.