RSA 2000
Frequently Asked Questions

Note: All references to the *FOIP Act* in this document are to RSA 2000 unless otherwise indicated.

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**RSA 2000 and the Revision Process**

1. **What is RSA 2000?**

   • RSA stands for Revised Statutes of Alberta. RSA 2000 is an official consolidation of provincial Acts, and amendments to them, up to the date of the revision, December 31, 2000.

2. **Why are statutes revised?**

   • Over the course of time, statutes are repealed, superseded and amended, and new statutes are enacted. The result is that the “official” versions of statutes become out of date and there is an increasing need for office consolidations, which are “unofficial” and therefore not as authoritative as the official versions.

   • Also, if a statute has been amended a number of times, the consolidation may be cluttered with decimal numbers. A revision affords an opportunity to tidy up the numbering and to bring the statutes up to date in a number of ways.

**What’s Different**

3. **Did RSA 2000 change Alberta’s laws?**

   • No, the revision did not change the intent of the law.

   • The *Statute Revision Act*, which authorizes the revision, states that “No change may be made that has the effect of changing the intent of any enactment” (s. 3(2)). The *Statute Revision Act* further states that “the revision does not operate as new law but as a consolidation of the law” (s. 8(1)).
4. **What’s different about RSA 2000?**

The main differences are:
- chapter numbers and section numbers have changed in many cases
- spent provisions (i.e. provisions that have done their work and are no longer needed) have been deleted
- minor errors have been corrected
- language has been updated, e.g. Latin phrases have been replaced with English equivalents, the language has been made gender-neutral
- the statutes have a new look; the new format (Word) will make the electronic versions of the statutes more convenient for many users

5. **What’s different about the FOIP Act in RSA 2000?**

The main differences are:
- the chapter number has changed from F-18.5 to F-25
- all section numbers after section 7 have changed
- spent provisions, such as the former section 5(1), have been deleted
- references to the FOIP Act within the Act itself have changed in many cases (references to other Acts are not much affected since the FOIP Act does not refer to many specific sections of other Acts)
- minor errors have been corrected, e.g. *Minister* has been replaced by *Member of Executive Council* (s. 1(f)(ii)); *Irrigation Act* has been replaced by *Irrigation Districts Act* (s. 1(i)(vi))
- the language has been made gender-neutral, e.g. *Lieutenant Governor* (s. 52(3)) instead of *himself*
- the language has been updated and brought into line with current drafting practice, e.g. the words *violate* or *violation* have been replaced by *contravene* or *contravention*; *by-law* and *by law* are now spelt *bylaw*

**Important Dates**

6. **When did RSA 2000 come into force?**

- The proclamation of RSA 2000 was different from the way in which other statutes are proclaimed in force. On December 5, 2001, the Lieutenant Governor in Council ordered (O.C. 464/2001) that “a Proclamation issue specifying January 1, 2002 as the date on which the revision authorized by the Statute Revision Act, 2001, comes into force as the Revised Statutes of Alberta 2000.”
7. Since RSA 2000 is current to December 31, 2000, and came into force on January 1, 2002, what happened to new statutes and amendments proclaimed in force during 2001?

- New statutes, such as the Electronic Transactions Act, 2001, will appear in a 2001 Annual Volume of the Statutes of Alberta. The Queen’s Printer has announced that this volume is now available.
- Amendments proclaimed in force during 2001, such as the consequential amendments to the FOIP Act that were included in the Health Information Act, will appear in the first consolidation of the FOIP Act after January 1, 2002. The electronic consolidation is available on QP Source and on the Queen’s Printer’s public web site.
- A print consolidation of the FOIP Act is available for purchase from the Queen’s Printer bookstore.

Regulations

8. Have all regulations been revised in the same way as the statutes?

- No, there has not been a revision of the regulations comparable to the revision of the statutes.
- Selected regulations, including the FOIP Regulation, have been amended to coincide with the coming into force of RSA 2000. The amendments are set out in the Miscellaneous Correction (RSA 2000) Regulation.

9. What’s happening to the FOIP Regulation?

- The amended FOIP Regulation appears in the new printed office consolidation of the FOIP Act.
- The FOIP Regulation, as amended, is consistent with RSA 2000. All references to the FOIP Act and to other Acts (including the list of Acts that prevail despite the FOIP Act) now refer to the revised section numbers. Amendments to the FOIP Regulation first appeared in section 112 of the Miscellaneous Correction (RSA 2000) Regulation, and are now consolidated in electronic and print versions of the Regulation. The consolidation of the FOIP Regulation on Queen’s Printer’s web site now includes the amendments.

Effect of RSA 2000 on the Administration of FOIP

10. How does RSA 2000 affect the administration of the FOIP Act?

- RSA 2000 will have a significant effect on the administration of the FOIP Act, since all section numbers after section 7 will change.
• FOIP Coordinators will need to develop a plan to deal with updating delegation instruments, information-sharing agreements, notices, and forms. FOIP Coordinators will also need to have a strategy for dealing with requests.

11. Will an existing delegation instrument remain valid?

• Yes, if you have a properly executed delegation instrument, it remains valid after January 1, 2002.
• This is because references to the FOIP Act as it was prior to January 1, 2002 are understood to refer to the same subject matter in the revised Act. According to the Statute Revision Act, “after proclamation, a reference in any instrument or document to an Act that is repealed by the revision is deemed to be a reference to the corresponding revised Act” (s. 9(b)).
• For administrative convenience, it may be helpful to append a list of the changed section numbers to the delegation instrument.
• The delegation instrument, as well as the assignment of responsibility document, should be updated as time allows, and certainly when there is any need to amend the instrument for other reasons.
• Revised delegation and assignment of responsibility model instruments are available on the IMAP web site.

12. Does an existing information-sharing agreement remain valid?

• Yes, if you have a valid agreement, it remains valid after January 1, 2002.
• Section 40(1)(e) of the FOIP Act authorizes disclosure of personal information “for the purpose of complying with a treaty, arrangement or agreement made under an enactment of Alberta or Canada.” If that agreement refers to a section number of another Act and that section number has been changed, the agreement is understood to refer to the same subject matter in the revised Act.
• For administrative convenience, it may be helpful to append a list of the changed section number(s) to the information-sharing agreement and to provide a copy to the other party to the agreement.
• This would be particularly helpful for agreements with other governments that publish information about information-sharing agreements in directories of personal information banks.
• The information-sharing agreement should be updated as time allows, and certainly when the agreement is renewed or if there is any need to amend the agreement for other reasons.
13. Are existing notices being considered to comply with the requirements of the *FOIP Act*?

- Yes, for a reasonable amount of time. If you have a notice that refers to a section number in an Act and that section number has been changed, the notice is understood to refer to the same subject matter in the revised Act.
- Section 34(2) of the *FOIP Act* requires public bodies to inform individuals from whom personal information is collected of the specific legal authority for the collection.
- If the collection is authorized under a section of an enactment other than the *FOIP Act* and the section number has changed, the notice is understood to refer to the revised section number.
- If your notice refers to section 32(c) of the *FOIP Act*, the notice is understood to refer to the revised section 33(c) of the *FOIP Act*.
- You should develop an interim solution that is appropriate to your own circumstances to advise your clients of the change. This could be, for example, a general notice, a web link, a sticker, or a stamp.
- You should develop a plan to review and amend all notices as needed within a reasonable time.

14. Can I continue to use existing FOIP forms for administrative purposes?

- If you are using the forms developed by IMAP, you will find that only three include section numbers. These are:
  - the request statistics summary form
  - the law enforcement disclosure form
  - the research proposal form

You can download revised copies of these forms from the IMAP web site. All FOIP forms can be customized for your own public body.

**Please continue to record statistics using the old section numbers until March 31, 2002.** Consistent reporting for the fiscal year is needed for the Annual Report.

15. Which section numbers should I cite in letters of response to applicants?

- Letters sent after January 1, 2002 should cite the section numbers in RSA 2000, even if an applicant’s request was received earlier.
- To update your letters, you can
  - download the revised model letters from the IMAP web site, and customize them as needed, or
  - revise your own model letters.
16. Which section numbers should I cite in severing records in response to a FOIP request?

- A severed record sent to an applicant after January 1, 2002 should cite RSA 2000, even if the severing was done prior to January 1.
- If a record has been severed with reference to old section numbers, it would be acceptable simply to attach a table listing the old and the new numbers cited with respect to the severed record.
- You should report to IMAP on exceptions/exclusions you applied in response to a request using the old section numbers until March 31, 2002.
- After March 31, all references in severed records and all reporting should refer to new section numbers.

17. What should I do about our publications and in-house training materials?

- When distributing print publications after January 1, 2002, you should indicate whether or not they reflect the changes in RSA 2000. This could be done with a stamp, a sticker or an insert.
- For web publications, you should add a note on whether references to legislation in the publication are current. If you provide links to the text of legislation, you should ensure that your links are current. (The Queen’s Printer has advised that all links to legislation on the public Queen’s Printer web site were broken on January 2, 2002, when the directory structure was changed to accommodate RSA 2000.)
- If you update publications or training materials to include the RSA 2000 section numbers, you should make it clear whether the whole publication has been updated or only the section numbers.
- When updating publications, ensure that you check the exact wording of any quotations from the FOIP Act. See the table of concordance for revised provisions for the text of provisions that have changed.
- If your publications or in-house training materials include references to Orders and Investigation Reports of the Information and Privacy Commissioner, you may find it helpful to explain that references to the FOIP Act in those decisions will refer to the Act as it was at the time of the action. It may be useful to alert your readers to the concordance and legislative history of the FOIP Act available on the IMAP web site.

18. How should I refer to the old and new versions of the FOIP Act?

- If you need to provide a standard legal citation, you should refer to the old version as follows:

  The RSA version should be cited as:
It is assumed in both cases that you are referring to the statute as amended at the date in question.

- In most cases, you don’t need a standard legal citation, just something to make it clear to the reader that you are using RSA section numbers. This could be simply a note at the beginning of the document stating that “All references to the FOIP Act in this document are to RSA 2000 unless otherwise indicated.”

**Useful resources**

19. **Is there a table listing the old and new section numbers?**
- Yes, RSA 2000 includes a Table of Concordance. It is Schedule D in volume 13. This concordance relates the provisions of each Act as it existed on December 31, 2000 to the corresponding provisions in RSA 2000. An excerpt from the Table of Concordance pertaining to the FOIP Act is available on the IMAP web site.
- IMAP has also prepared a concordance and legislative history of the FOIP Act that provides considerably more detail. For example, if you want to know what section 1(1)(i)(vi) in the old Act has become in RSA 2000, the RSA Table of Concordance will allow you to establish only that it is still in section 1. The IMAP table will tell you that it is now section 1(i)(iii).
- In addition, a table of concordance for revised provisions gives the "before and after" wording of provisions that have changed.

20. **What other resources are available?**
- The Queen’s Printer web site has an RSA 2000 Frequently Asked Questions page, with a message from the Chief Legislative Counsel. Check this site for information about the availability of consolidations.

21. **When will IMAP publications, as well as legislation and other documents on the IMAP web site, be updated to reflect RSA 2000?**
- IMAP is in the process of updating the FOIP legislation on its web site, as well as frequently asked questions and publications, including the Guidelines and Practices manual. Check the What's New page on the web site for notices about major updates and also look for the yellow “Updated” image placed next to documents that have been recently updated. Updated.
- Advance copies of several appendixes from the revised Guidelines and Practices manual are already available on the IMAP web site. These are the delegation and assignment of responsibility tables, the model letters and a selection of forms. The remaining chapters and appendixes are expected to published on the IMAP web site by mid-April 2002.
- A print version of the revised Guidelines and Practices manual (the 2002 edition) is now available from the Queen's Printer Bookstore and can be purchased online at www.gov.ab.ca/qp. Updated.