

# Conducting Surveys: A Guide to Privacy Protection

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**Notice:** This document is intended to provide direction to Government of Alberta departments regarding the *Freedom of Information and Protection of Privacy (FOIP) Act*. Other public bodies may find this information helpful when developing their own FOIP policies, guidelines or processes. This information does not constitute legal advice.

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# Freedom of Information and Protection of Privacy

## Conducting Surveys: A Guide to Privacy Protection

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## ACKNOWLEDGMENTS

This guide is based upon and imports many of the policies and guidelines outlined in the Ontario Office of the Information and Privacy Commissioner's *Best Practices for Protecting Individual Privacy in Conducting Survey Research*, April 1999. That contribution is gratefully acknowledged.

Input and advice on the content of the guide was also received from the Office of the Information and Privacy Commissioner of Alberta. The contribution of that Office is also gratefully acknowledged.

## 1. INTRODUCTION

Governments at all levels are striving to become more efficient and effective in their delivery of public services. A large part of reaching this goal is the provision of client-focussed programs with clear objectives and measurable outcomes. Governments are also seeking to be more accountable and transparent in their operations.

One of the ways of being accountable and ensuring that programs meet the needs of the people being served is to seek input from the public about these programs and services. A cost-effective way of obtaining this input is through survey research.

Survey research can be an important tool for shaping public body programs and services. It may involve the collection, use, retention, disclosure and disposition of personal information. Whenever public bodies collect, use or disclose personal information, they are required to comply with the privacy protection provisions of the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) and the FOIP Regulation.

Public bodies that are designated as “custodians” under the *Health Information Act* must follow the rules of that legislation when conducting surveys involving health information. For more information, refer to *Health Information Act: Guidelines and Practices*, published by Alberta Health and Wellness.

Survey research raises two major privacy considerations:

- the potential use of previously collected personal information for selecting a sample of potential survey participants; and
- the collection, use and disclosure of personal information from survey participants.

This guide explores these privacy compliance challenges. Its purpose is to assist staff of public bodies to look at the component steps of survey research from a privacy perspective and for compliance with **Part 2** of the FOIP Act. It is not intended to be a primer for survey research.

## 2. DEFINITIONS

In this guide, the following terms are used:

**“Public body”** means a department, branch or office of the Government of Alberta, an agency or other body designated as a public body in the regulations, Executive Council Office, the office of a member of Executive Council, the Legislative Assembly Office, the Office of an Officer of the Legislature, or a local public body. Local public bodies include educational bodies, health care bodies and local government bodies. A complete definition is found in the FOIP Act, **section 1(d), (g), (i), (j) and (p)**.

**“Personal information”** means recorded information about an identifiable individual. It includes an individual’s name, address, telephone

number, age, sex, marital status, educational and employment history, health and health care history and his or her personal opinions and views. A complete definition is found in the FOIP Act, **section 1(n)**.

### 3. SURVEY PURPOSES

Public bodies typically carry out surveys for three purposes:

**Program evaluation:** Surveys are conducted to determine the effectiveness of particular programs or services. These surveys may be internal to the public body (e.g. effectiveness of information technology support or human resources services). They could also be of external clients or involve both clients and employees. Included are employee satisfaction surveys and customer or stakeholder satisfaction surveys carried out as part of the performance measurement process.

**Program planning and modification:** Surveys of clients, service providers and client groups are conducted to help plan new programs or modifications to existing programs. These surveys may involve those who are not currently participants in a program or service, or groups representing potential or actual participants.

**Public policy research:** Surveys are designed to determine views of the public or selected groups of the public on public policy concerns, broad directions or current issues.

## 4. SURVEY PROCESS

To help public bodies comply with the FOIP Act, this guide details the privacy considerations at each stage in the design and implementation of survey research projects and recommends some best practices in the form of a checklist provided in Appendix 1.

It does this by examining each phase of the survey process, beginning with planning and design and sample selection. It then examines survey data collection, data analysis, reporting results and subsequent management of the records.

Before beginning design of a survey, program managers are encouraged to consult with their FOIP Coordinator to seek privacy advice. Further consultation during the design phase is also recommended.

### 4.1 Planning and Design

**Defining the purpose:** Before developing a survey, it is important to clearly define the issues being addressed. Part of this definition will include assessing the purpose and focus of the survey. For example, is the purpose to evaluate an existing program, to help plan a new program or to identify public opinion on an issue?

Clearly defining the purposes of the survey will help limit the collection of personal information to that which is strictly necessary.

The FOIP Act speaks clearly to this limitation on collection when it is the authority for such collection. **Section 33** states:

*33 No personal information may be collected by or for a public body unless ...  
(c) that information relates directly to and is necessary for an operating program or activity of the public body.*

In addition, **section 34(2)** of the FOIP Act requires that an individual be informed of the purpose for which the information is being collected whenever that information is collected directly from the subject individual. Clearly defining the purposes of the survey is a precondition for providing this collection statement.

If the survey is to gather large volumes of personal information, or very sensitive personal information (e.g. personnel evaluations, health information) that may be retained for comparative purposes, a privacy impact assessment (PIA) may be needed to assess the privacy issues.

In general, once the individual has been informed of the purpose of the collection, the use and disclosure of the information is limited to that which is necessary to fulfill that purpose.

**Authority to collect:** Once the issues have been defined, determine what personal information, if any, needs to be collected from the survey participants. This determination should be made at an early stage of the research design.

First, you must determine whether you have the authority to collect personal information. **Section 33** of the FOIP Act sets out the conditions under which personal information may be collected.

Specifically it states that no personal information may be collected by or for a public body unless:

- (a) the collection is expressly authorized by an enactment of Alberta or Canada,
- (b) is for the purposes of law enforcement, or
- (c) relates directly to and is necessary for an operating program or activity of the public body.

**If none of these conditions exist, the public body does not have the authority to collect the personal information. If this is determined to be the case, no personal information can be collected that would identify an individual.**

Some views and opinions may not clearly fall within the definition of personal information. For example, if an individual were to complete a survey as a part of his or her employment responsibilities, then the opinions or views expressed might not constitute “personal information” under the FOIP Act.

Regardless of whether information is defined as personal information for the purpose of the FOIP Act, survey participants may have concerns about the manner in which their views and opinions, expressed through the survey research, are used and disclosed.

**If there is any ambiguity about whether the information is personal information, it is best to err on the side of caution by treating it as if it were personal information.**

**Need for personal information:**

Ideally, surveys are conducted anonymously. That is, the survey responses do not identify and cannot be used to identify an individual because no personal information, such as name, address or other identifier that would enable identification of the respondent, is being collected.

This eliminates the risk of unauthorized or inappropriate use or disclosure of personal information because no personal information is collected.

It may also encourage more openness by survey participants because the opinions or comments are not linked to them as individuals.

Anonymous surveys present some research design challenges. Since there is no way of knowing who has responded to anonymous surveys, targeted follow-up with those who do not respond is not possible. A lack of follow-up could result in a poor response rate and lower the statistical reliability of the survey.

Follow-up could be done by contacting all survey participants or by having participants return separately a confirmation that they had responded. These confirmations could be checked against the original list of participants and follow-up done with those who had not sent in confirmations of response.

Another challenge is that anonymous surveys do not permit verification or clarification of information provided. Nor can they be linked to information obtained in later surveys or to information available through other sources such as a client or employee database.

Such linking would be data matching, which raises additional privacy issues that should be addressed through a privacy impact assessment.

While this will not be an issue in most survey research, sometimes there may be a clear rationale for linking information across time and/or sources or for following up with participants.

For more information on record linkage see *FOIP Guidelines and Practices*, Chapter 7.9.

**Coded surveys:** An alternative to having completely anonymous survey responses is to replace all personally identifiable data in the survey with a special code or identification number. This special code should not, in and of itself, identify the individual but could be used to link the survey data with personal information for limited and specific purposes.

For example, the original personal information may be needed to facilitate follow-up and linking of information across time and sources.

The survey data with the special code should be retained separately from the personal information that identifies participants. The only link between the two sets of data should be the code.



**Procedures should be in place to minimize the extent of access to both sets of data.**

Potential participants should be informed of the coding procedure and its purpose prior to participation in the survey.

**Survey data will still be considered *personal information* and compliance with the FOIP Act is required with respect to collection, use, retention, protection and disclosure of the information.**

**Which survey method to use:** In designing the survey, select a survey research method that will most likely result in the desired information being obtained.

In making the decision on which method to use, consider the nature of the information to be requested and build in appropriate privacy protection measures.

**Pretesting the survey:** When you pretest or fine-tune the survey, you may collect personal information about the pretest participants.

Protect any personal information collected during the pretest in the same way as you would protect personal information collected through the survey.

## **4.2 Sample Selection**

Even if only anonymous information is collected through a survey, personal information may be needed to select survey participants. Some of the more common methods of obtaining a survey research sample are:

- Contacting individuals with whom the public body has had direct contact in the context of the programs or services that it provides.

In other words, using personal information already collected from participants or clients in the program area being surveyed or from elsewhere in the public body.

- Contacting individuals on a list obtained from another public body, another government or the private sector. This is an indirect collection of personal information.
- Asking another public body, another government or the private sector to contact individuals on your behalf.

The privacy considerations associated with each method are discussed in this section.

### **Using personal information already in your possession**

In conducting surveys of your own public body's clients or staff, you will most likely use personal information that has already been collected from them.

Personal information such as name, address, telephone number or other contact information is needed to contact potential participants.

Sometimes additional personal information such as age, sex, education or income may be needed to generate a sample with specific characteristics or one that is representative of the individuals in the database.

If you anticipate that client information will be used to conduct survey research, then the appropriate notice of this use should be given at the time of collection. This will ensure compliance with **section 34(2)(a)** of the FOIP Act.

If such notice of use has not been given at the time of collection, it may still be possible to use personal information to select a sample for survey research.

**Section 39(1)** of the FOIP Act addresses the use of personal information:

*39(1) A public body may use personal information only*

- (a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose,*
- (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use, or*
- (c) for a purpose for which that information may be disclosed to that public body under section 40, 42 or 43.*

It is not usually practicable to obtain the consent from every potential survey participant to use personal information to select a sample from a database. Nor is it necessary when sampling constitutes “consistent use.”

Consistent use is defined in **section 41** of the FOIP Act as a use that has a reasonable and direct connection to the original purpose and is necessary for performing the statutory duties of, or for operating a legally authorized program, of the public body that uses the information.

A consistent use should grow out of or be derived from the original use and the public body would have to be able to demonstrate that it would be unable to carry out its program without using the information in such a way.

The Information and Privacy Commissioner has not yet considered this section of the *Act*, but the *FOIP Guidelines and Practices*<sup>1</sup> publication produced by Access and Privacy, Service Alberta, suggests that program evaluation would be a consistent use of personal information collected to administer the program being evaluated.

Public bodies are required to maintain a record of such uses. This will enable a complete and accurate description to be maintained of the uses of personal information in their personal information banks.

It is possible to obtain a survey sample from a database of clients not related to the survey topic when there is a reasonably direct connection between the two program areas.

For example, a municipality may draw a survey sample from its tax roll to conduct a survey about a variety of services provided to taxpayers, such as police service, recreation, snow clearing and lane lighting.

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<sup>1</sup> *FOIP Guidelines and Practices*, Chapter 7.8.

However, it would not be possible to draw a sample of seniors from a database of seniors who have applied for income support to conduct a survey of what recreational or cultural programs might be of interest to seniors.

When a sample cannot be drawn from the database, the branch or department of the public body would have to seek consent from the individuals to disclose their information to another part of the same public body so that they can be contacted for participation in a survey. Such consent can be obtained in writing, orally or electronically and must specify to whom the information may be disclosed and how it will be used.<sup>2</sup>

### Collecting information from another public body or other institution

When conducting surveys of individuals other than your direct clients, you may wish to select the survey sample through the collection of personal information from another public body or from another government or a private sector agency. This is considered to be an indirect collection of personal information and is governed by **section 34(1)** of the FOIP Act.

Generally, there are four provisions in **section 34(1)** under which indirect collection may be authorized:

- When the information may be disclosed to the public body by another public body (**section 34(1)(b)**). Some examples are given in the next section of this guide.

<sup>2</sup> FOIP Regulation, section 7.

- When the information is collected for the purpose of managing or administering personnel of the Government of Alberta or the public body (**section 34(1)(n)**).

For example, a list of employees of other organizations needed to survey the effectiveness of a public body's employees who are in contact with them as a part of their jobs.

- When the information is collected for the purpose of assisting in researching or validating the claims, disputes or grievances of aboriginal peoples (**section 34(1)(o)**).

For example, a list of persons living on a First Nations reserve to assess the validity of complaints about government services to that population.

- When the Commissioner authorizes such indirect collection (**section 34(1)(a)(iii)**). When no other conditions apply and the public body is able to demonstrate the need for such indirect collection, show that it would not harm the individuals and that it is not practicable to obtain the sample by any other method, it may apply to the Information and Privacy Commissioner for authorization. Public bodies would have to prove the need to the Commissioner by submitting a privacy impact assessment.

### Disclosure by another public body:

When one public body obtains personal information from another public body, the disclosing public body must have the authority to disclose that information.

This authority is provided by **section 40(1)** of the FOIP Act.

Some examples of when personal information may be disclosed are:

- If the disclosure would not be an unreasonable invasion of a third party's personal privacy under **section 17** of the Act (**section 40(1)(a)**).

For example, a list of grant recipients could be provided so that a survey could be carried out about employment opportunities that arose from grants.

- To comply with an enactment of Alberta or Canada, or for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure (**section 40(1)(e) and (f)**).

For example, the *Statistics Act* (Canada) requires disclosure of information to Statistics Canada. This might include information about crime from police forces.

- If the information is required for the delivery of a common or integrated program or service (**section 40(1)(i)**).

For example, disclosure from the database of one public body in the integrated program to another participant in order to survey client satisfaction with part of the program.

- If the public body is a law enforcement agency and the information is disclosed to another

law enforcement agency in Canada (**section 40(1)(q)**).

For example, disclosure of persons registered in a Neighbourhood Watch database in one city for a province-wide survey of participants by Solicitor General and Public Security.

- For research, including statistical research, under **section 42** of the FOIP Act (**section 40(1)(t)**).

Such disclosure can take place only if the research cannot reasonably be accomplished without personal information, if any record linkage is not harmful to the subject individuals, and if the benefits derived from record linkage are clearly in the public interest.

An agreement must be signed in accordance with the FOIP Regulation. The Regulation specifies that written authority is required from the disclosing public body before the recipient can contact any of the subject individuals.

For more information on research agreements see *FOIP Guidelines and Practices*, Chapter 7.9.

- If the information is available to the public (**section 40(1)(bb)**).

Public databases are one source of information that may be used to compile lists of potential survey participants (e.g. employee directories, professional registers). A post-secondary institution might use employee directories of major

public sector employers to survey needs for public sector training courses, and a public library could use professional directories to conduct a survey on what services would be useful to those professions.

When public bodies obtain a survey research sample from another public body, it is known as “**information sharing.**”

The sharing of personal information between two organizations may run counter to two fundamental fair information practices:

- that personal information should be collected directly from the subject individual; and
- that it should be used only for the purpose for which it was collected.

Information sharing requires careful consideration as it may lead to individuals' loss of control over their personal information and to complaints to the Information and Privacy Commissioner. Therefore, whenever possible, less privacy-intrusive means of meeting the objectives of the survey should be explored before this option is chosen.

Any sharing of personal information should be supported by a written information sharing agreement that clarifies the rights and obligations of all parties and is available to the public. It may also be useful to contact the Office of the Information and Privacy Commissioner to determine whether a privacy impact assessment is necessary.

For more information on preparing such an agreement, refer to *Guide for Developing Personal Information Sharing Agreements*, published by Access and Privacy, Service Alberta.

**Information obtained from non-public bodies:** Private-sector organizations may maintain databases specifically for the purposes of doing survey research. One example is a list of people who have volunteered to be participants in focus groups for public policy research.

Other organizations may have databases that are publicly available and may be used for research. In such cases, the organization will have to comply with any applicable laws governing the use of such databases. An example is the database of customers of a telecommunications company, including name, address and telephone number when listed in a directory or available through directory assistance.

In such cases, the public body must still be sure that it has the authority under **section 33** of the FOIP Act to collect such information, and under **section 34** to collect indirectly.

### **Obtaining the survey research sample through another body**

In some cases, it may be possible to ask another organization or public body to use the information it maintains to contact potential research participants on your behalf.

This information may be in a public database, a public body's personal information bank or a private database.

The organization holding the database would mail out either the survey itself or the request to participate. In both cases, responses would be mailed directly to the public body conducting the research.

**Any request sent out to potential participants must contain a collection notice even if the cooperating organization is not subject to the FOIP Act, because the personal information is being collected for a public body.**

If the organization holding the database is a public body, it must have the authority to use its database for this purpose. If the two organizations have a direct interest in the subject of the research and in the results, this may fit into “consistent use.”

For example, a ministerial committee that wished to contact workers to assess the level of service of the Workers’ Compensation Board could ask the Board to mail out the participation request to a sample of workers.

### **Personal information banks**

To comply with **section 87.1** of the Act, if a personal information bank is used to create a sample for survey research, and this purpose is not already recorded, a public body must keep a record of the purpose.

This requirement does not apply to local public bodies, but it is good business practice to record the use in the local public body’s directory.

## **4.3 Data Collection**

### **Who will conduct the survey**

The survey may be conducted by staff of the public body itself, or an external organization.

Regardless of who does the actual research, the same privacy protection rules apply to any personal information collected.

If the survey is being conducted internally, staff working on the project should be reminded of the need to ensure compliance with the FOIP Act. In particular, they should be reminded of the need for a collection notice; the need to collect and use only the minimum information necessary for the survey; the importance of using the information only for survey purposes; and the need for proper protection and disposition procedures.

**If an external organization, such as a consultant or another public body, is conducting the survey, a contract or letter of agreement is needed that ensures that the external body complies with the FOIP Act.**

**When another public body is conducting the survey, the written agreement should state the reasons for collecting the information, the specific authority for the collection and the purposes for which the personal information will be used or disclosed.**

When an external organization or contractor is conducting the survey, the contract must stipulate how the organization or contractor will meet the requirements of the FOIP Act regarding the collection, use, security, disclosure, retention and disposition of the personal information being used or collected.

For more information on this topic, consult the *Contract Manager's Guide* published by Access and Privacy, Service Alberta.

### Contacting respondents

The fact that an individual has received services or program benefits from a public body could be considered to be sensitive personal information. This applies particularly to income assistance, social service benefits or health programs.

When contacting potential survey participants, ensure that their privacy is not invaded by an inadvertent disclosure of this information to third parties, such as family members or co-workers.

When contacting potential participants by mail, be careful in selecting envelopes. Using a plain envelope with no identifying information on the outside or one with only a return address, not specifying the program, are options for consideration. This ensures that others in the household are not aware of any relationship between a public body and the survey participant. (See IPC *Investigation Report 98-IR-003*). The envelope should also be marked "personal and confidential."

When contacting potential participants by telephone, the party being called may, in some circumstances, deem disclosure of your public body or program entity to another party to be an unreasonable invasion of privacy. In such cases, you should take steps to ensure that outgoing calls do not reveal the name of the public body or program entity through caller identification technology, in a voice mail message, a message left on an answering machine or a message left with a third party.

### Confidentiality

The only way to ensure confidentiality is to conduct anonymous surveys. Where the research design requires that the survey data be linked to an individual, assurance should be provided to the individual that the information will be protected under the privacy provisions of the FOIP Act and that responses will only be used for the survey purposes. Blanket confidentiality cannot be promised.

A promise of confidentiality may be a relevant consideration under the Act, but it cannot be a decisive circumstance. Nor can a promise made by a public body circumvent the operation of this Act. Public bodies should qualify any promise of confidentiality by reminding informants that any information provided is subject to the Act (see IPC *Order 2001-010*).

If they express concern, participants could be informed that all information in the custody or under the control of a public body may be subject to an access request under the Act and that they will be contacted if a request is received for

their personal information and the public body is considering disclosure.

### **Notice of collection**

If any personal information is being collected, a notice of collection is required. This may appear on the collection form or be given verbally if the information is being collected through a personal interview, by telephone or in a focus group. Examples of collection notices are provided in Appendix 2 to this guide.

### **Informed participation**

Participation in survey research is usually on a voluntary basis. Individuals should always be provided with enough information to allow them to make an informed decision on whether to participate and provide personal information.

Even if the survey is being conducted anonymously, it is good business practice to provide some basic information about the survey. Information provided to potential participants could include:

- name of the organization conducting the survey and the public body it is being conducted for (if different);
- purpose of the research;
- how much time will be involved;
- that participation is voluntary and non-response to specific items is acceptable;
- that a participant may withdraw consent to participate at any time by providing written notice where feasible or through verbal contact;

- how the survey results will be reported/published and used; and
- if and how respondents will be informed about the survey results.

If the survey is not being done anonymously, individuals should be told why it will be necessary to link the survey responses to personal information.

If personal information provided by the participant is to be provided as feedback to individuals who are the subject of the survey, and this information could identify the participant, consent is required from the survey participant. An example would be providing the name of a respondent or the subject on which the employee provided advice, along with information about an employee's performance.

### **Personal information not directly related to the survey**

Sometimes personal information may be collected for a purpose not directly related to the survey.

For example, contact information may be requested so that the public body can provide information about its programs and services, provide a summary of the survey results or contact respondents as potential participants in subsequent research projects.

In such cases, survey participants should not be asked to provide this information as a part of their responses. To ensure there is no possibility of the contact information being linked to the survey responses, the two types of information should be collected separately and the



use and disclosure of this information should be made clear.

One way of doing this is to provide a separate way for survey participants to provide the contact information, such as a postcard or a sheet that can be separated from the survey.

### Collecting personal information from third parties

Some research designs may require collection of personal information from third parties such as family members, caregivers, social workers, co-workers or supervisors. Some examples include:

- a survey of clients of lawyers in Alberta Justice to determine satisfaction with legal services provided by the lawyers;
- a survey of family members of a person receiving assistance through the Assured Income for the Severely Handicapped (AISH) program or a Persons with Developmental Disabilities (PDD) board to determine satisfaction of the client with the level of assistance provided by staff in the program;
- a survey of parents and students to determine how individual teachers are performing in a school; and
- a survey of students to evaluate the performance of an instructor in a college.

Again, if personal information about the participant, or that could identify the participant, is to be provided as feedback to individuals who are the subject of the

survey, consent is required from the survey participant. An example would be providing the name of a survey participant along with information about an employee's performance.

The public body must determine that it has the authority to collect in this way before proceeding. The circumstances under which such collection can take place are provided in **section 34(1)** of the FOIP Act.

**Section 34(3)** of the FOIP Act allows for indirect collection in special circumstances where it could reasonably be expected that direct collection of the personal information would be inaccurate and indirect collection under **section 34(1)** would be inaccurate.

The Information and Privacy Commissioner may also be asked to authorize indirect collection under **section 34(1)(a)(iii)**. In such cases, the onus will be on the public body to demonstrate why it is necessary to collect this information indirectly. Public bodies should analyze the reasons for collection by completing a privacy impact assessment.

For further information on the PIA process, see *Privacy Impact Assessments: Instructions and Annotated Questionnaire*, Office of the Information and Privacy Commissioner, January 2001.

#### 4.4 Data Analysis

**When analyzing data that contains personal information, the survey responses should be used and disclosed only for the purposes specified to the survey participants at the time of collection.**

Data analysis can be done by an outside contractor, providing the contract contains provisions similar to those outlined earlier for data collection. In such situations, the contractor is an “employee” of the public body and the information can be disclosed as needed to perform the duties specified in the contract.

#### 4.5 Reporting Survey Results

Survey results are generally reported as aggregate information, thus protecting the privacy of individual participants. However, in some cases a survey may result in small cells of information that could be used to identify an individual.

For example, in an anonymous survey of employees, participants might be asked to specify their sex and employee category. If there is only one employee that falls into a particular combination (e.g. female executive), then that individual’s response will be easy to identify.

If it is known in advance that a survey could result in information that relates to a small number of individuals, the potential for identification can be avoided by eliminating or combining those categories that include few individuals. In the example above, the category “sex” could be excluded or the

executive category could be combined with another managerial class.

If the data could identify individuals, it should not be reported. Generally, a number of fewer than 5 is not reported in aggregated data, although in some circumstances this number may be as high as 10.

There are other ways of transforming survey data to protect personal information. These include:

- **Stripping** – the removal of any names and other personal identifiers from the records, while leaving other personal information, including opinions, in the records. However, information representing distinguishing characteristics (e.g. sex, age, race,) may be sufficient to identify an individual when compared with other information sources.
- **Encrypting** – the transformation of personal identifiers into unique but anonymous identifiers (e.g. using a randomly selected series of numbers as identifiers). This allows processing of discrete person level records to analyze information across time, data sources or geographical areas. It would also allow for entering all data into a computer database, and then destroying the original responses providing that the public body’s disposition schedule allows this.
- **Re-coding** – the transformation of a specific value for a data element into one that is meaningful but less precise. An example would be to

transform a date of birth into age at a point in time, or an address into the first 3 characters of a postal code.

- **Deriving** – the process of transforming particular data elements into a new piece of information through mathematical calculation. For example, calculating the length of stay in a facility from the entry date and the departure date. The dates themselves could identify the individual.

If the public body decides to retain the original data, it must be kept secure and its use limited to those who are performing the transformation.

#### 4.6 Records Management

Public bodies must consider how the survey data will be stored for future use, for how long and in what format it will be stored, and how it will eventually be disposed of. If the survey has not been done anonymously, and the personal information is used to make a decision that directly affects the individual, the original information must be retained for at least one year after its last use unless all the data is transcribed into another format (**section 35**).

When data is transformed for use in analysis or for further disclosure, the original personal information should be stored separately from the transformed survey responses. Similarly, the survey selection data should be stored separately from the survey responses, especially if the responses are anonymous. Separate storage and security will greatly lessen the potential for unauthorized use or disclosure.

Physical security of the survey responses should be appropriate to the sensitivity of the personal information. In all cases, the responses should be kept in a locked environment; for sensitive data more security may be required.

Retention periods and the final disposition should be covered by a records retention and disposition schedule. Consultation with the records manager or Senior Records Officer, as well as with the Provincial Archives or the archives of the public body, may be necessary to ensure a schedule is developed and implemented.

## **APPENDIX 1**

### **BEST PRACTICES CHECKLIST**

#### **PLANNING AND DESIGN**

- Clearly define the issues you wish to address through survey research. This will help limit collection of information to that which is necessary to address the issues.
- If the survey is going to gather large amounts of personal information, very sensitive personal information and/or retain personal information for a length of time, a privacy impact assessment should be performed.
- Ensure staff has a clear understanding of the privacy issues before beginning survey research.
- If using an external contractor for any stage of the project, have a written agreement or contract in place ensuring compliance with the FOIP Act.
- Whenever possible, design the survey so that no personal information is collected.
- If the survey cannot be carried out anonymously, design it so that personal information is transformed before use or disclosure.
- If using coded surveys, ensure that procedures are in place to minimize the extent of access to both sets of data.
- Make sure the survey participants are informed of the purpose of the survey and how you will be using any personal information that may be transformed.

#### **SAMPLE SELECTION**

- When you know in advance that client information will be used to select a survey sample, provide notice of this use at the time of collection.
- When you have not anticipated use of personal information to select a survey sample at the time of collection, use that information only if the use is consistent with the original purpose of collection or you have obtained individual consent in the prescribed manner.
- If you are asking the Information and Privacy Commissioner for permission to collect personal information, complete a privacy impact assessment to demonstrate the need.
- Before sharing data to select a survey sample make sure there is authority to collect and disclose, and a personal information sharing agreement is in place.
- If possible, avoid indirect collection of personal information to obtain a survey research sample. Instead, have the public body, or other institution that maintains the personal information, contact potential participants directly on your behalf.

- Before sharing data or contacting potential research participants on behalf of another public body, you should ensure that you have the authority to use or disclose the personal information for these purposes under **sections 39 or 40(1)** of the FOIP Act.
- When contacting potential research participants on behalf of another public body, ensure that replies go directly to the public body conducting the survey.
- Any collection of personal information done on behalf of a public body requires a notice of collection (see Appendix 2).

## **DATA COLLECTION**

- If personal information is collected for a purpose not directly related to the survey, keep the two types of information separate and the use and disclosure of this information should be made clear.
- Ensure you have the authority to collect the personal information required for the survey under **section 33** of the FOIP Act.
- Before collecting personal information indirectly ensure you have the authority to do so under **section 34(1) or (3)** of the FOIP Act.
- Limit the amount of personal information collected to what is strictly necessary.
- When contacting potential survey participants, take steps to protect their privacy by not disclosing to third parties the name of your institution or the reason for contacting the potential survey participants.
- Unless the survey is done anonymously, provide assurances of confidentiality only with the proviso that disclosure of personal information may occur if required by statute or the courts.
- When collecting personal information to conduct a survey, provide notice of collection in compliance with **section 34(2)** of the FOIP Act.
- Provide survey participants with sufficient information about the survey so that they understand the use being made of their personal information.
- Whenever possible, collect personal information directly from the subject individual.
- Obtain prior written consent from each individual if the intent is to disclose personal information that could identify him or her to those the survey is about.

## **DATA ANALYSIS**

- Use and disclose personal information only for the purposes specified to the survey participants at the time of collection.
- Before using personal information for a purpose not specified at the time of collection, obtain the individual's consent in the prescribed manner.

## **REPORTING RESULTS**

- Report survey results as aggregate information.
- Do not report results of small cells (i.e. 5 or fewer participants).
- Consider other ways of transforming personal information into non-identifiable information.

## **RECORDS MANAGEMENT**

- Whenever possible store personal information separately from the survey responses.
- Keep a record of the fact that a personal information bank is used to select survey samples.
- Ensure that you have a records retention and disposition schedule in place for all records related to the survey and follow it.

## APPENDIX 2

### EXAMPLES OF NOTICES OF COLLECTION

#### Written Notification

The personal information collected through this survey will be used to evaluate the training courses provided by Access and Privacy, Service Alberta, and to provide you with a copy of the report of that evaluation. The collection of this information is authorized under Section 33(c) of the *Freedom of Information and Protection of Privacy Act* and the privacy protection provisions of that Act will protect it. If you have any questions about the collection or use of this information, please contact the Manager, Access and Privacy, 3rd Floor, 10155 – 102 Street, Edmonton, Alberta, T5J 4L4 or by telephone at 780-415-6401.

#### Telephone Notification

Hello, my name is.....from Survey Research, a professional research company. We have been contracted to conduct a survey on behalf of the Government of Alberta to measure participants' views about training and other support provided for implementation of the *Freedom of Information and Protection of Privacy Act* in local public bodies. Your name has been randomly selected from those who have attended FOIP training sessions, and I would like to assure you that all your responses will be kept completely anonymous. Your views are very important to the successful completion of this study. If you have any questions about the survey, you can contact the Manager, Access and Privacy by telephone at 780 415-6401.

*Following the specific questions come some questions about respondent characteristics, and these are preceded with the following:*

The following questions allow us to group the data for further analysis by location, gender, age and employment. Again, your answers will be kept anonymous.

*Then would follow questions on years of experience with FOIP, gender, year of birth, place of employment and employment category.*

That's all the questions I have. Thank you very much for your participation. If you are interested in the results of this survey, they will be posted on the FOIP website in November. The address is [foip.alberta.ca](http://foip.alberta.ca).