



Freedom of Information and Protection of Privacy

Annual Report **2011-12**



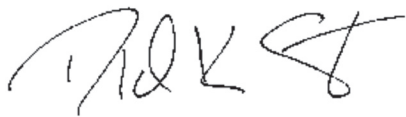
December 2013

Honourable Gene Zwozdesky
Speaker
Legislative Assembly of Alberta
325 Legislature Building
10800 – 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Sir:

In accordance with section 86 of the *Freedom of Information and Protection of Privacy Act*, I submit the 17th Annual Report of the operation of this Act for the fiscal year ended March 31, 2012.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Don Scott', with a stylized flourish at the end.

Don Scott, QC
Associate Minister



Associate Minister's Message

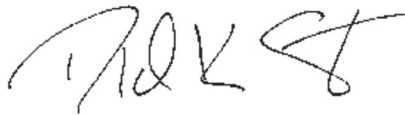
Technology has fundamentally changed the way we access services and interact with each other. Whether registering for a course, booking a campsite or applying for a job, today, all these tasks can be done online. With every transaction, personal information is shared. This highlights the importance of ensuring government has rules in place to govern how public bodies collect, use and share personal information.

It is equally important that the government is accountable by ensuring the public is able to access information about the business government undertakes on behalf of its citizens. Alberta's comprehensive framework, the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) strives to strike the right balance between access to information and protection of privacy.

To this end, we've continued to respond to FOIP requests and provide advice to public bodies throughout the province. In 2011-12, the provincial government completed close to 90 per cent of access requests within 30 days, and the FOIP Help Desk responded to more than 1,200 inquiries. My ministry also participated in inter-jurisdictional working groups to share and learn about innovative ways to support access to information and the protection of privacy. In addition, more than 700 public body staff and contractors received FOIP training.

The balance between access to information and protection of privacy can be challenging. As a government, we are committed to improving the Act for public bodies as well as citizens.

As Minister of Accountability, Transparency and Transformation, I present the 2011-12 FOIP Act Annual Report.



Don Scott, QC, MLA
Associate Minister of Accountability, Transparency and Transformation



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Service Alberta provides leadership, guidance and support to public bodies subject to the FOIP Act, including provincial government departments, agencies, boards and commissions, as well as a range of local public bodies operating across Alberta. All public bodies are responsible for protecting Albertans' privacy and ensuring appropriate access to information through the application of the FOIP Act. Service Alberta's leadership assists these public bodies in fulfilling that responsibility through training, coordination and provision of resources.

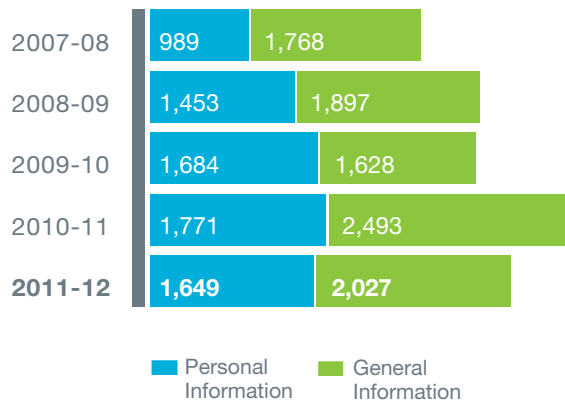
Providing Access to Public Records

In 2011-12, individuals seeking their own information submitted approximately half of the FOIP requests received by provincial government bodies. Requests from individuals and organizations seeking general information on government comprised the other half. For local public bodies, 62% of requests were for personal information and the remaining 38% for general information.

Number of FOIP requests received during the last five years

Requests to Provincial Government Departments, Agencies, Boards and Commissions

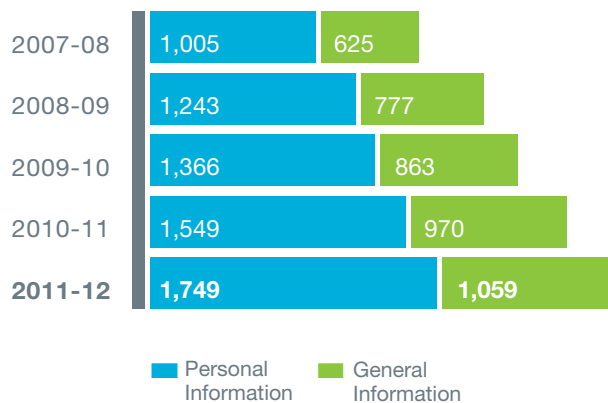
2011-12 Total Number Access Requests: 3,676



* Excludes requests for correction of personal information.

Requests to Local Public Bodies

2011-12 Total Number Access Requests: 2,808



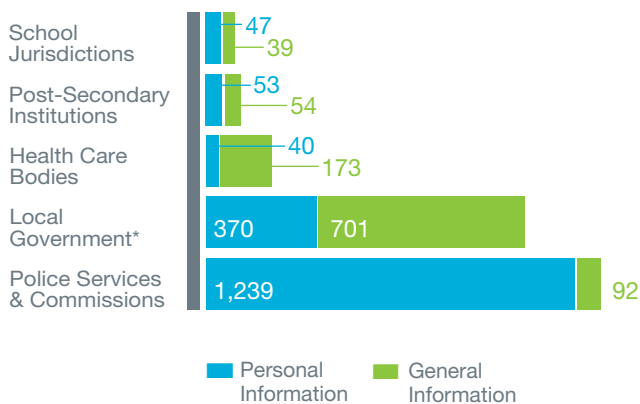
* Excludes requests for correction of personal information

For local public bodies, the sector that received the most general requests was local government at 701 requests, followed by health care bodies at 173 and police services and commissions at 92.

Sectors that received access requests

Requests to Local Public Bodies

2011-12 Total Number Access Requests: 2,808

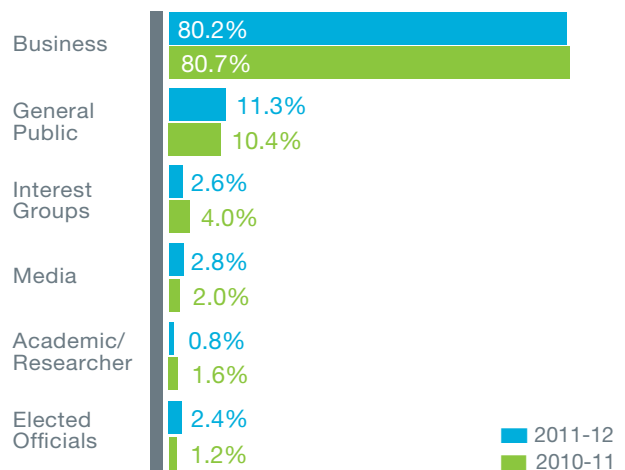


* Excludes requests for correction of personal information.
 ** Includes municipalities, improvement districts, special areas, regional service commissions, drainage and irrigation districts housing management bodies, Métis Settlements/General Council, and public libraries.

Who made access requests

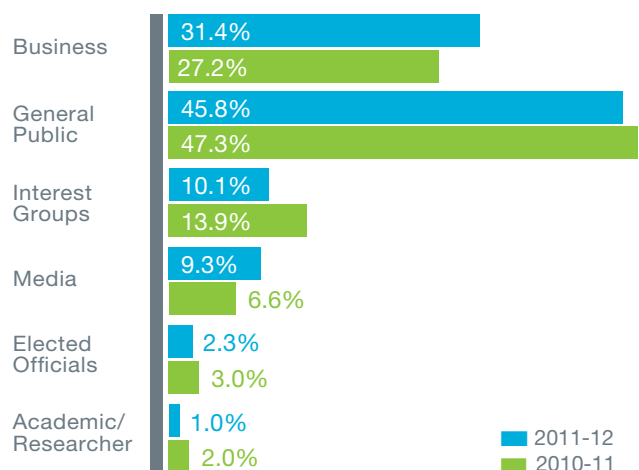
Requests to Provincial Government Departments, Agencies, Boards and Commissions

2011-12 Total Number Access Requests: 2,027



Requests to Local Public Bodies

2011-12 Total Number Access Requests: 1,059



Top 10 Requests for Information in 2011-12

Government of Alberta

Top 10 General Information Requests

Environment and Sustainable Resource Development	1532
Human Services	68
Alberta Securities Commission	67
Justice and Solicitor General	64
Transportation	28
Alberta Energy Regulator	25
Workers' Compensation Board / Energy / Treasury Board and Finance	23
Health	20
Education	17
Municipal Affairs	15

- Environment and Sustainable Resource Development receives the most general information requests, and includes the former Ministries Environment and Sustainable Resource Development.
- The re-organization that took place in this year means requests from old ministries transferred to new ones.

Top 10 Personal Information Requests

Human Services	776
Child and Family Service Authorities	509
Justice and Solicitor General	159
Provincial Archives	45
Enterprise and Advance Education	23
Transportation / Education	21
Workers' Compensation Board	20
Persons with Developmental Disabilities, Regional Community Boards	10
Health	7
Service Alberta / Culture	5

- Human Services, which includes the former Ministries Employment and Immigration, Children and Youth Services and some services from Seniors, had the most personal requests.
- The re-organization that took place in this year means requests from old ministries transferred to new ones.

Top 10 Requests for Information in 2011-12

Local Public Bodies

Top 10 General Information Requests

City of Calgary	181
City of Edmonton	179
Alberta Health Services	166
Rocky View County	109
City of St. Albert	68
Edmonton Police Service	50
Calgary Police Service	38
University of Calgary	19
Strathcona County	13
University of Alberta	11

- City of Calgary received the most general information requests in 2011-12.
- Both of Alberta's big cities saw an increase in general requests from the previous year.

Top 10 Personal Information Requests

Calgary Police Service	928
Edmonton Police Service	283
City of Red Deer	155
City of Calgary	120
Alberta Health Services	36
City of Edmonton	27
Medicine Hat Police Service	23
Capital Region Housing Corporation	21
University of Alberta	15
Grant MacEwan University	14

- The Calgary Police Service, the Edmonton Police Service and the City of Calgary continue to receive the most personal information requests.
- Two local public bodies are new to the Top 10 list this year: Capital City Housing Corporation and Grant MacEwan University.

Privacy Compliance

In addition to fulfilling access requests, the FOIP Act ensures that public bodies comply with privacy standards. This function takes place through ongoing consultation on initiatives and programs, development of Privacy Impact Assessments (PIAs), and privacy advice. The effect of these due diligence and compliance activities is that personal information in the custody and control of local public bodies is secure and not subject to unauthorized collection, use or disclosure.

Increasing Capacity in Alberta's FOIP Community

Service Alberta supports the annual Access and Privacy Conference. The 2012 conference, held in Edmonton on June 13 to 15, provided valuable expertise and discussions. The Privacy and Information Commissioners of Canada provided keynote speeches and plenaries included panel members from Microsoft, the Offices of the Information and Privacy Commissioner of British Columbia and Saskatchewan.

Service Alberta also organizes regular information sessions with government, school jurisdictions, post-secondary institutions and municipalities. These meetings allow FOIP practitioners to keep apprised of current developments, find out about professional events and share strategies and practices to address common issues.

Through a service provider, Service Alberta offers training for staff and contractors of public bodies. In 2011-12, 42 courses took place with over 700 public body and contractors trained. In addition to formal training, Service Alberta offers a HelpDesk line where local public bodies, government bodies and members of the public can call with questions. In 2011-12, there were 1,260 FOIP HelpDesk queries, along with 642 *Personal Information Protection Act* (PIPA) queries.

Publications and Resources

Service Alberta maintains a catalogue of 40 publications and informational resources to support FOIP staff across government and local public bodies, including:

- > Assessment Roll (Discussion Paper)
- > Bulletin No. 1: Fee Estimates
- > Bulletin No. 2: Fee Waivers
- > Bulletin No. 3: Access to Manuals and Guidelines
- > Bulletin No. 4: Disclosure of Personal Information “Not Contrary to the Public Interest”
- > Bulletin No. 5: Fund-Raising
- > Bulletin No. 6: Records of Elected and Appointed Officials of Local Public Bodies
- > Bulletin No. 7: Law Enforcement
- > Bulletin No. 8: Common or Integrated Programs or Services
- > Bulletin No. 9: Burden of Proof
- > Bulletin No. 10: Third Party Notice
- > Bulletin No. 11: Paramouncy
- > Bulletin No. 12: E-mail: Access and Privacy Considerations
- > Bulletin No. 13: Business Contact Information
- > Bulletin No. 14: FOIP Amendment Act, 2003
- > Bulletin No. 15: Disclosure of Personal Information to Unions: Before a First Agreement
- > Bulletin No. 16: Personal Information of Deceased Persons
- > Bulletin No. 17: Consent and Authentication
- > Bulletin No. 18: FOIP Amendment Act, 2006
- > Bulletin No. 19: Ministerial Expense Claims
- > Conducting Surveys: A Guide to Privacy Protection
- > Contractor's Guide to the FOIP Act (Brochure)
- > FOIP: A Guide
- > FOIP Guidelines and Practices, 2009 Edition
- > FOIP Tips for Planning a Municipal Census
- > Frequently Asked Questions about Elections
- > Frequently Asked Questions from Employees
- > Frequently Asked Questions for Housing Management Bodies
- > Frequently Asked Questions for Métis Settlements
- > Frequently Asked Question for Municipalities
- > Frequently Asked Questions for Post-Secondary Institutions
- > Frequently Asked Questions for Public Libraries
- > Frequently Asked Questions for School Jurisdictions
- > Guide for Developing Personal Information Sharing Agreements
- > Guide to Developing Privacy Statements for Government of Alberta Websites
- > Guide to Identifying Personal Information Banks
- > Guide to Providing Counselling Services in School Jurisdictions
- > Guide to Using Surveillance Cameras in Public Areas
- > Human Resources Guide for Local Public Bodies
- > Managing Contracts under the FOIP Act: A Guide for Government of Alberta Contract Managers and FOIP Coordinators
- > The Right to Information and the Right to Privacy (Brochure)
- > School Promotional Video Production (Discussion Paper)
- > Using and Disclosing Personal Information in School Jurisdictions
- > Video-conferencing in Schools (Discussion Paper)
- > Video Yearbooks (Discussion Paper)

National Initiatives

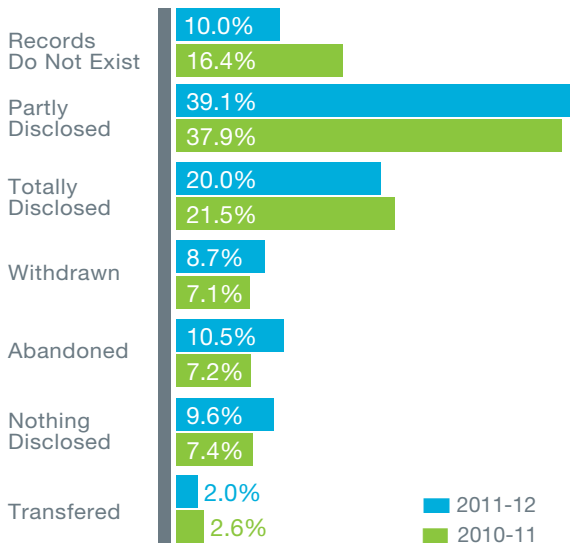
Alberta participates in the national Privacy Subcommittee reporting to the Public Sector Chief Information Officer Council and the Public Sector Service Delivery Council.

Information Released to Albertans

In 2011-12, provincial public bodies processed over 3,500 requests in total. Environment and Sustainable Resource Development (ESRD) request are dealt with separately. Of the remaining 550 general requests, 20% were totally disclosed and 39.1% were partially disclosed.

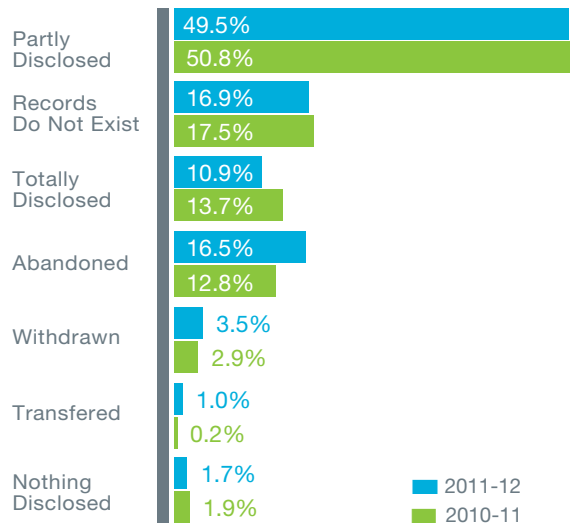
How access requests were processed

Disposition of General requests, excluding ESRD, by Provincial Government Departments, Agencies, Boards and Commissions



* Nothing disclosed includes requests for information that is publicly available or requests for records that are exempt from the FOIP Act.

Disposition of Personal requests by Provincial Government Departments, Agencies, Boards and Commissions

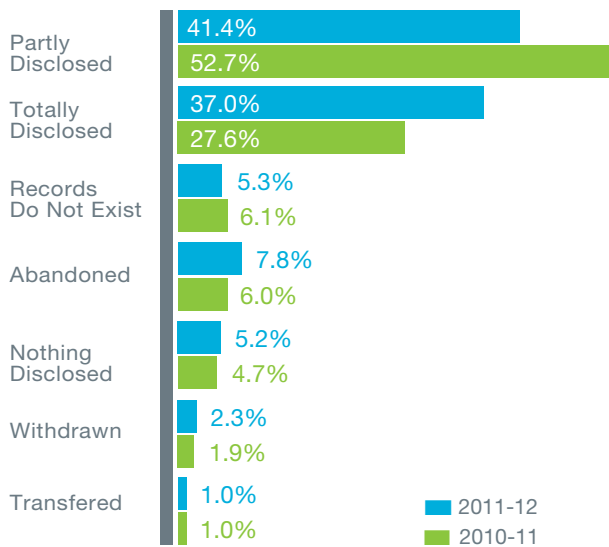


* Nothing disclosed includes requests for information that is publicly available or requests for records that are exempt from the FOIP Act.

For local public bodies, 37% of general requests were totally disclosed and 41.4% were partially disclosed.

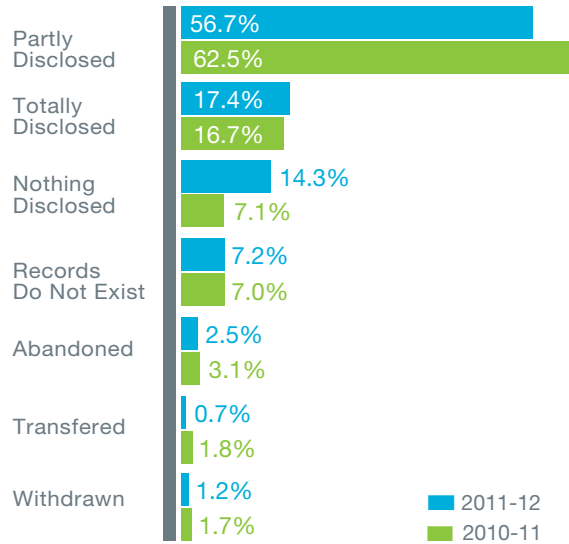
How access requests were processed

Disposition of General requests by Local Public Bodies



* Nothing disclosed includes requests for information that is publicly available or requests for records that are exempt from the FOIP Act.

Disposition of Personal requests by Local Public Bodies



* Nothing disclosed includes requests for information that is publicly available or requests for records that are exempt from the FOIP Act.

Environment and Sustainable Resource Development (ESRD)'s Disclosure of Information

ESRD receives the majority of requests for general information submitted to the Government of Alberta.

As a result of the large volume of requests received, ESRD processes requests as follows:

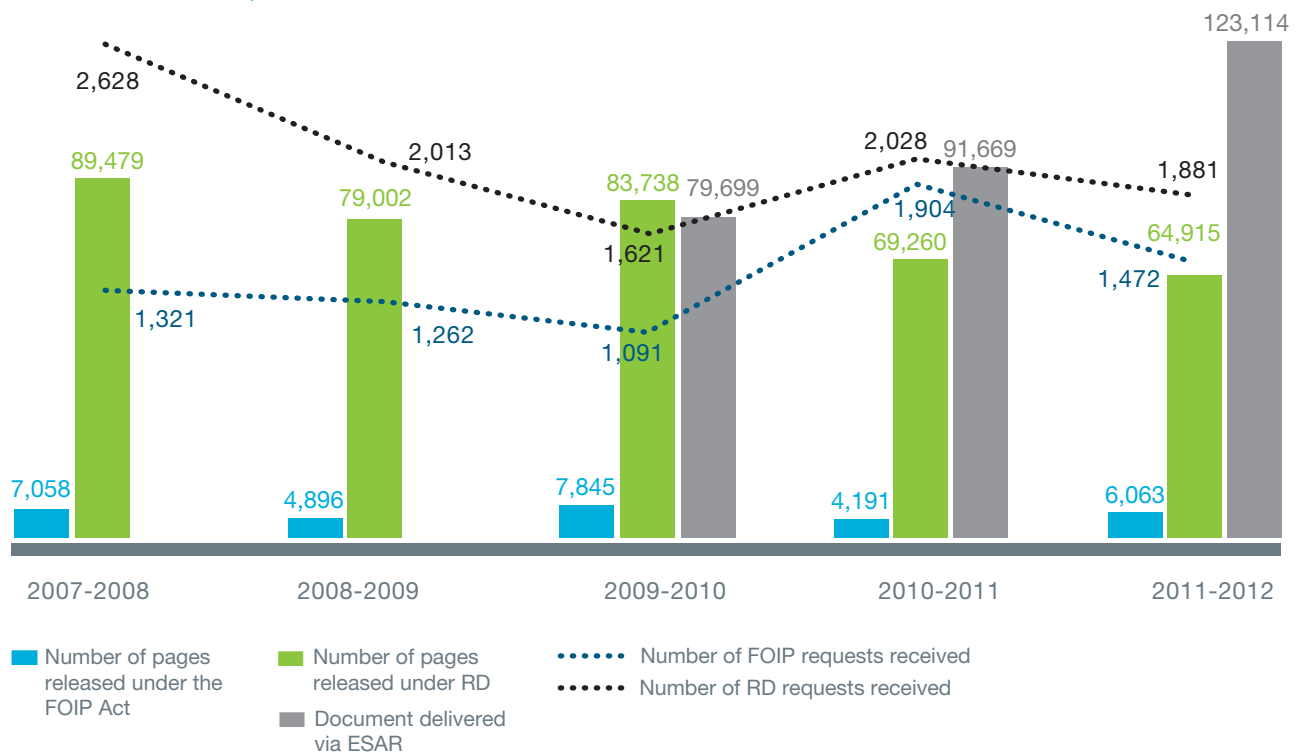
1. Environmental Site Assessment Repository (ESAR): Due to the large volume of site assessment requests received, the department developed the ESAR to provide applicants with documents including scientific and technical information about assessed and/or reclaimed sites throughout Alberta. To manage such a high demand of requests for information, these documents have been made available in an online, searchable database. In 2011-12, 123,114 documents were delivered through the ESAR.

2. Routine Disclosure (RD): ESRD regularly identifies and makes information available through routine disclosure. The type of information released through RD includes environmental assessment information that has not yet been digitized and posted online. ESRD received a total of 1,881 requests for information through Routine Disclosure, resulting in 64,915 pages of information being disclosed.

3. Through the application of the FOIP Act: When an applicant is seeking records outside of RD and ESAR, the release of this information follows the standard FOIP process. In 2011-12, ESRD processed 1,472 FOIP requests, resulting in 6,063 pages being released through the standard FOIP process.

As summarized in the following table, ESRD disclosure of information through the use of RD, ESAR, and FOIP enhances openness and transparency and streamlines the processing of the large request volumes.

Information Requests to ESRD's FOIP Office, 2007 to 2011



Fees

Fees are standard and set out in Schedule 2 of the FOIP Regulation. In 2011-12, government ministries, agencies, boards and commissions collected less than \$110,000. The government of Alberta, provincial boards, commissions and agencies received 2,027 general requests in 2011-12 and 1,644 personal requests. Provincial bodies waived 16 percent of general request fees in support of the public interest or for reasons of inability to pay.

Why Information was Not Released

Records are only withheld in FOIP requests when one or more of the exemptions to disclosure in the FOIP Act apply. Exemptions to disclosure protect the reasonable personal privacy and business interests of third parties, to protect the decision-making process, or for other reasons limited and outlined in the FOIP Act. Provincial public bodies withheld information for the following reasons in 2011-12.

Sections of the Act Applied Exceptions

Sections of the Act Used	No. of Information Occurrences
17 Third party - personal information	1024
27 Privileged information	289
24 Advice from officials	204
21 Intergovernmental relations	108
20 Law enforcement	97
16 Third party - business/tax interests	62
25 Harmful to economic or other interests of a public body	23
29 Information otherwise available to the public	23
12 Refuse to confirm or deny existence of a record	14
22 Cabinet and Treasury Board confidences	11
19 Confidential evaluations	11
18 Harmful to individual or public safety	10
26 Testing procedures, tests and audits	10
28 Harmful to conservation	2
23 Local public body confidences	1

Sections of the Act Applied Exclusions

Sections of the Act Used	No. of Information Occurrences
4(1)(a) Court/judicial records	88
4(1)(l) Registry records	55
5 Other legislation paramount	52
4(1)(q) Communications between MLAs and/or members of Executive Council	26
4(1)(p) Speaker/MLA records in Legislative Assembly Office	15
4(1)(d) Records of Officers of the Legislature	9
4(1)(r) Treasury Branch records	3
4(1)(g) Examination/test questions	3
4(1)(o) Personal/constituency records of members of Executive Council	3
6(4)(b) Ministerial briefing for a session of the Legislative Assembly	3
4(1)(i) Post-secondary research material	1
4(1)(k) Incomplete prosecution records	1
4(1)(b) (Quasi) judicial notes, communications, draft decisions	1
4(1)(m) Personal/constituency records of an elected official	1
4(1)(u) Health information as defined in the Health Information Act	1

The number of occurrences indicates the number of requests where a particular section of the FOIP Act was used. Because several sections may be used on a single request, the number of occurrences is not related to the number of requests completed.

Response Times

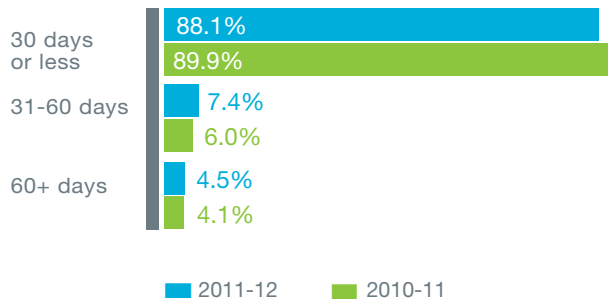
Government ministries, agencies, boards and commissions fulfill a high volume of FOIP access requests within a short time, ensuring effective access to government information to Albertans. Eighty-eight percent of requests to provincial public bodies went to applicants within 30 days and 96% within 60 days. For local public bodies, 84% of requests processed within 30 days and 95% within 60 days.

The FOIP Act states that a request must normally be completed within 30 days of the date it was received. However, the Act allows the head of a public body to extend this for another 30 days under three circumstances: if consulting with another public body or a third party requires more time, if the request isn't clear enough to identify which records the applicant wants, or if the request is for a very large number of records.

Response times

Percentage of completed requests and the number of days to complete the request

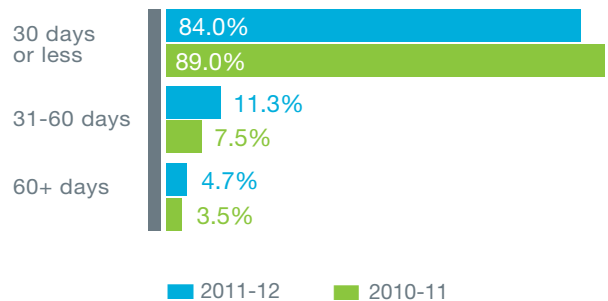
Requests to Provincial Government Departments, Agencies, Boards and Commissions



Response times

Percentage of completed requests and the number of days to complete the request

Requests to Local Public Bodies





Contact Information

Policy and Governance Service Alberta

Office hours: Monday to Friday, 8:15 a.m. to 4:30 p.m.
Office phone: 780-422-2657
Help desk phone: 780-427-5848
Toll free: In Alberta, dial 310-0000 then enter 780-427-5848
Fax: 780-427-1120
E-mail: foiphelpdesk@gov.ab.ca
Website: www.servicealberta.ca/foip
FOIP Statistics: www.servicealberta.ca/foip/resources/statistics.cfm

