

Freedom of Information & Protection of Privacy

Annual Report **2018 - 2019**

January 2020

Honourable Nathan Cooper
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 23rd Annual Report of the operation of this Act for the fiscal year 2018-19.

Respectfully submitted,

A handwritten signature in black ink that reads "Nate Glubish". The signature is written in a cursive, slightly slanted style.

Honourable Nate Glubish
Minister, Service Alberta

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1. Highlights

In 2018-19 fiscal year, provincial government public bodies, including Government of Alberta departments, agencies, boards, and commissions, received over 3,700 access requests, an increase of about 200 requests over 2017-18.

The Government of Alberta provided guidance to Albertans on the *Freedom of Information and Protection of Privacy (FOIP) Act* and the *Personal Information Protection Act (PIPA)* through the FOIP-PIPA Help Desk by responding to more than 3,250 inquires from individuals, public bodies, individuals and private sector organizations.

In addition, the Government of Alberta facilitated networking meetings for access and privacy professionals of provincial government public bodies, municipalities, post-secondary, and school jurisdictions. These meetings alternated between Edmonton and Calgary and helped spark important discussions on current access and privacy trends.

2. FOIP Statistics – Requests to Government Departments, Agencies, Boards, and Commissions

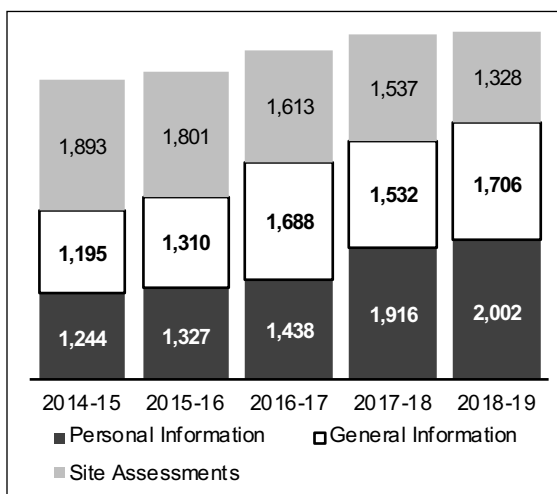
3,708 access requests were made to provincial government public bodies in 2018-19.

2.1 Providing Access to Public Body Records

Provincial government public bodies received 3,708 access requests in 2018-19, an increase of about 7.5 per cent from 2017-18. Of those, 46 per cent (1,706) of the requests were for records of general information, with the remaining 54 per cent (2,002) requests from individuals for their own personal information.

Of the total 3,708 access requests received, 3,490 were made to government departments, with the remaining 218 going to other provincial government bodies, such as agencies, boards, and commissions.

Number of Access Requests Received During the Last Five Years*



* Excludes requests for correction of personal information.

* Site assessments are reported separately as part of proactive disclosure. In 2018-19, 1,328 site assessment requests were received, which is a 13.6 per cent decrease from 2017-18 (1,537). Site assessments are access requests to Environment and Parks that result in no records because the records are publicly available through the online Environment Site Assessment Repository. Since 2013-14, site assessment requests are no longer counted in the total number of access requests.

2.1.1 Provincial Government Public Bodies with Highest Number of Access Requests in 2018-19

General Information Requests:

Environment and Parks	702
Justice and Solicitor General	119
Energy	93
Health	83
Labour and Immigration	82
Treasury Board and Finance	71
Service Alberta	55
Education	53
Executive Council and Intergovernmental Relations	52
Alberta Energy Regulator	52

Personal Requests:

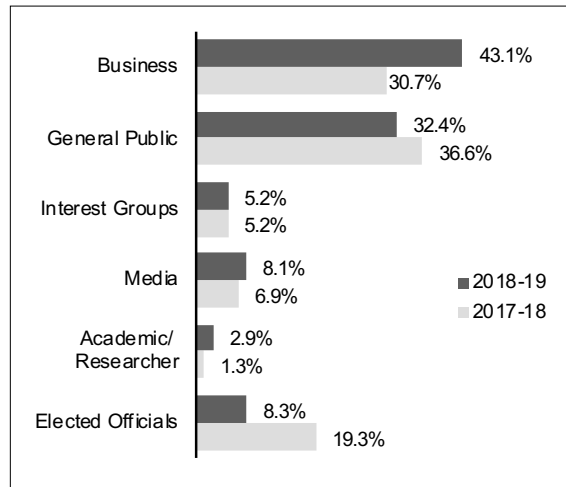
Children's Services	761
Justice and Solicitor General	707
Community and Social Services	277
Transportation	55
Advanced Education	32
Health	31
Labour and Immigration	82
Service Alberta	19
Education	19
Provincial Archives of Alberta	17
Workers' Compensation Board	17

2.1.2 Who Made Access Requests

In 2018-19, 54 per cent, or 2,002 of the total requests to provincial government bodies, were from individuals (general public) requesting access to their own personal information. This percentage has remained steady in comparison to 2017-18, where personal requests accounted for 55.6 per cent, or 1,916 of total requests made to provincial government public bodies.

For general requests, "businesses" submitted the highest number of general requests – 736, or 43.1 per cent. The next highest category of applicant was the "general public" at 32.4 per cent, or 553 of general requests submitted.

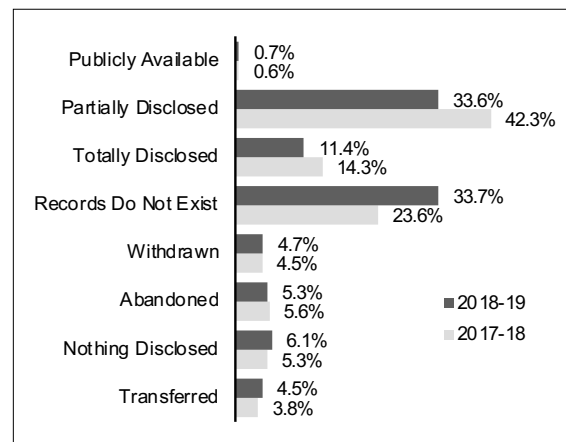
Who Made Access Requests



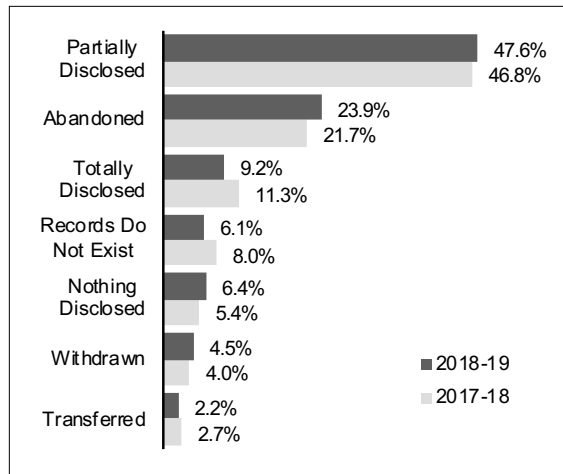
2.1.3 Information Released to Albertans

A total of 3,729 access requests were completed in 2018-19 and 1,914 or 51.3 per cent of those requests resulted in either partial disclosure or total disclosure.

How Requests Were Processed: General Request Disposition



How Requests Were Processed: Personal Request Disposition*



*"Publicly available" is generally not a response for personal requests because personal records are not typically available to the public.

2.1.4 Why Information Was Not Released

Of the 4,420 exceptions/exclusions that withheld information in 2018-19, 2,123 (48 per cent) were mandatory and 2,297 (52 per cent) were discretionary.

The following tables summarize the sections of the FOIP Act applied by provincial government public bodies to refuse disclosure to all or part of a record. The number of occurrences indicates the number of requests where a particular section was referenced. Because several sections may be used on a single request, the number of occurrences is not related to the number of requests.

Exceptions

Sections of the Act Used	Number of Information Occurrences
17 Third party - personal information	1,313
24 Advice from officials	786
27 Privileged information	508
21 Intergovernmental relations	394
20 Law enforcement	276
25 Harmful to economic or other interests of a public body	190
16 Third party- business/tax interests	136
22 Cabinet and Treasury Board confidences	121
29 Information otherwise available to the public	46
18 Harmful to individual or public safety	33
26 Testing procedures, tests, and audits	25
19 Confidential evaluations	22
12 Refuse to confirm or deny existence of a record	14
23 Local public body confidences	2
28 Harmful to conservation	1

Exclusions

Sections of the Act Used		Number of Information Occurrences
4(1)(a)	Court/judicial records	234
4(1)(l)	Registry records	176
4(1)(q)	Communications between MLAs and/or members of Executive Council	45
6(4)(b)	Ministerial briefing for a session of the Legislative Assembly	22
4(1)(d)	Records of Officers of the Legislature	17
4(1)(u)	Health information as defined in the <i>Health Information Act</i>	14
5	Other legislation paramount	13
4(1)(k)	Incomplete prosecution records	10
6(4)(a)	Ministerial briefing for a new portfolio	5
6(7)	Audit records of the Chief Internal Auditor of Alberta	3
4(1)(p)	Speaker/MLA records in the Legislative Assembly Office	3
4(1)(b)	(Quasi) judicial notes, communications, draft decisions	3
4(1)(g)	Examination/test questions	2
4(1)(e)	Disclosure to the Ethics Commissioner	2
4(1)(o)	Personal/constituency records of members of Executive Council	2
4(1)(m)	A personal record or constituency record of an elected member of a local public body	1
4(1)(h)	Post-secondary teaching material	1

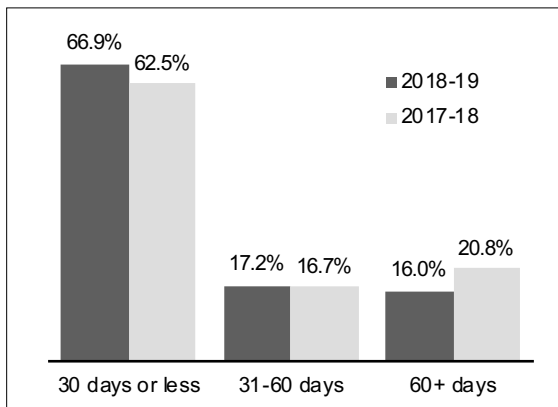
2.1.5 Response Times

In 2018-19, 2,493 or 66.9 per cent of access requests were processed in 30 days or less.

The 30-60-60+ statistics table illustrates the rate of responsiveness on the part of provincial government public bodies. The percentage of access requests processed in 30 days or less improved in 2018-19 to 66.9 per cent, from 62.5 per cent in 2017-18.

In the period of 31-60 days, 17.2 per cent of access requests were completed, an improvement from 16.7 per cent in 2017-18. The percentage of access requests completed in 60 days or more dropped from 20.8 per cent in 2017-18 to 16 per cent in 2018-19.

30-60-60+ Data



FOIP-PIPA Help Desk

The FOIP-PIPA Help Desk is a unified resource that provides general guidance and policy interpretation on the FOIP Act and PIPA to the general public, public bodies, and organizations. In 2018-19, the Help Desk received 3,299 queries with 35.6 per cent, or specifically 1,175, about the FOIP Act. Of those, the public made 400 inquiries about the FOIP Act — the largest number by any group.

Number of Calls Answered by the Help Desk (2018-19)

FOIP Act	1,175
PIPA	737
Redirects*	1,387
Total	3,299

3. FOIP Statistics – Requests to Local Public Bodies

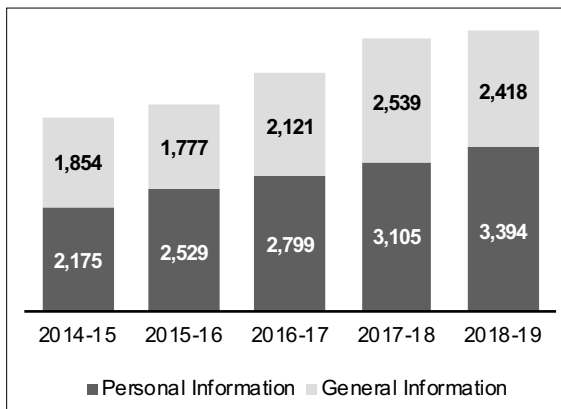
“Local Public Bodies” include municipalities and other local governing bodies, schools, post-secondary institutions, health management bodies, housing management bodies, police services and commissions, Métis Settlements, public libraries, drainage districts, and irrigation districts.

5,812 access requests were made to local public bodies in 2018-19.

3.1 Providing Access to Public Body Records

In 2018-19, 5,812 access requests were made to local public bodies, an increase of 3.0 per cent from 2017-18. Of the 5,812 requests, 2,418 or 41.6 per cent were general requests, and 3,394 or 58.4 per cent were personal requests.

Number of Requests to Local Public Bodies



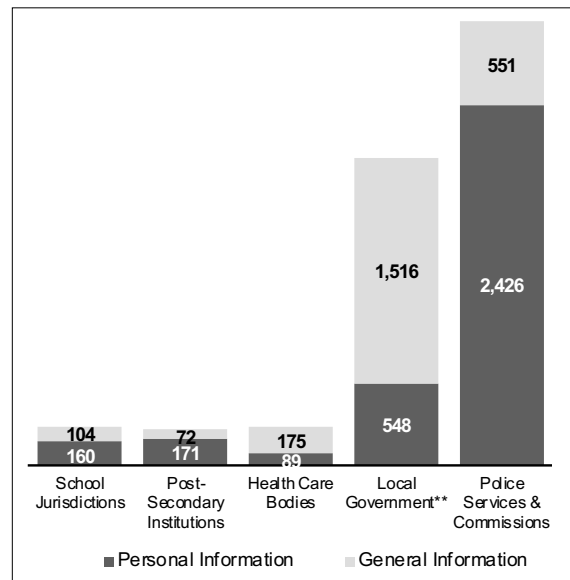
* Excludes requests for correction of personal information.

Of the total access requests made to local public bodies, 2,977, or 51.2 per cent, were to Alberta’s police services and police commissions. Furthermore, 2,426, or 41.7 per cent, were requests for personal information.

The next-highest sector was local government at 2,064 (35.5 per cent) of access requests. Of this total, 1,516, or 26.1 per cent, of the requests were for general information.

Health care bodies and school jurisdictions each had 264 or 4.5 per cent of access requests.

Sectors that Received Access Requests*



*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.

3.1.1 Local Public Bodies with Highest Number of Access Requests in 2018-19

The list below identifies the local public bodies receiving the highest volume of general requests and personal requests.

General Requests:

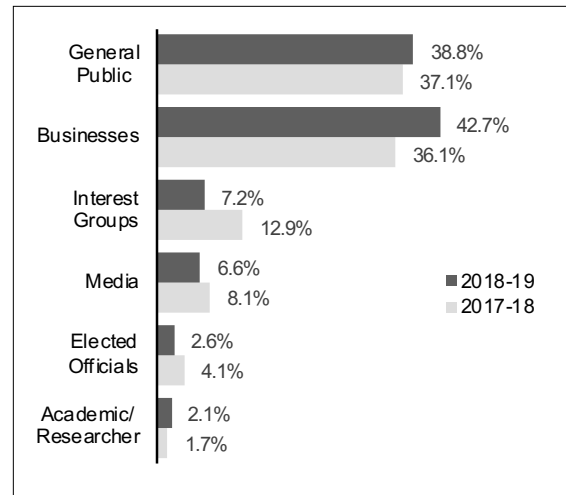
City of Edmonton	352
City of Calgary	318
Calgary Police Service	245
Edmonton Police Service	196
Alberta Health Services	172
Rocky View County	150
Lethbridge Regional Police Service	91
City of Red Deer	56
County of Grande Prairie	52
Town of Morinville	44

Personal Requests:

Calgary Police Service	1,545
Edmonton Police Service	649
City of Edmonton	247
Lethbridge Regional Police Service	143
City of Calgary	116
Alberta Health Services	80
Medicine Hat Police Service	77
Greater St. Albert Roman Catholic Separate School District No. 734	72
MacEwan University	51
University of Calgary	39

3.1.2 Who Made Access Requests

Who Made Access Requests

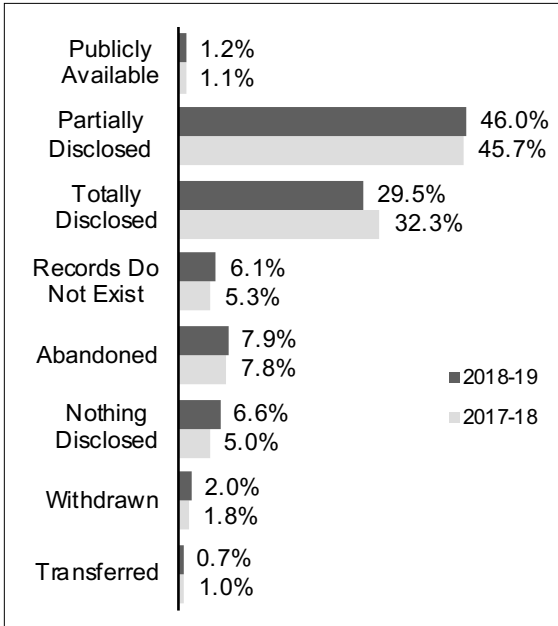


In 2018-19, 3,394, or 58.4 per cent, of access requests to local public bodies were from individuals requesting access to their own personal information.

For general requests, “businesses” were the highest category applicant, submitting 1,032, or 42.7 per cent. The next highest category was the general public at 938, or 38.8 per cent.

3.1.3 Information Released to Albertans

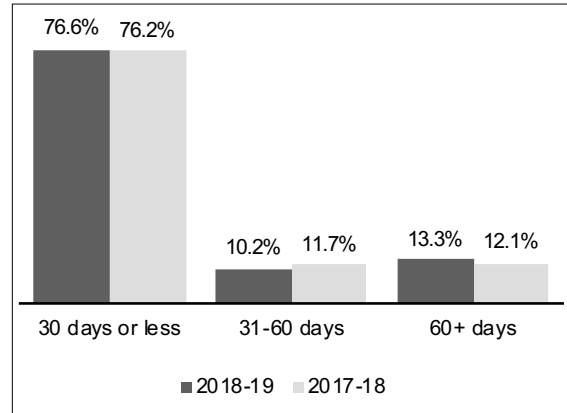
How Access Requests were Processed – General Requests



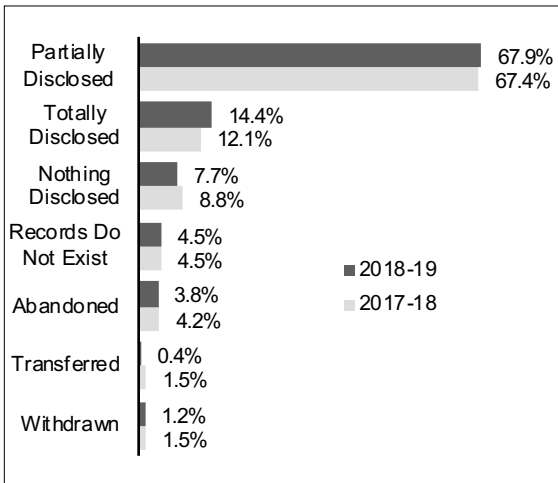
3.1.4 Response Times

Local public bodies responded to 76.6 per cent or 4,421 of access requests in 30 days or less.

30-60-60+ Data for Local Public Bodies



How Access Requests were Processed – Personal Requests



Contact Information

FOIP Services
Service Alberta

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

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