

# APPENDIX 1

## DEFINITIONS

This appendix contains a glossary of terms commonly used in administering the *Freedom of Information and Protection of Privacy Act*. Terms defined in the legislation are marked with an asterisk (\*). In many cases, the definition of a term is specific to the particular section of the Act. For further information on words and phrases in the Act that have been defined or considered in Orders of the Information and Privacy Commissioner, see the list at [foip.alberta.ca/legislation/definitions/](http://foip.alberta.ca/legislation/definitions/).

- access** The availability of records of a public body for a person to view or copy. The Act provides any person with a right of access to records or to their own personal information that is in the custody or under the control of a public body.
- active dissemination** A process whereby information or records are periodically released, without any request, under a program or communications plan. *See also* **routine disclosure**.
- adjudicator\*** A judge of the Court of Queen’s Bench of Alberta designated by the Lieutenant Governor in Council to investigate a complaint against the Commissioner as the head of a public body, or to review any decision, act or failure to act of the Commissioner as the head of a public body. An adjudicator may also be appointed when the Commissioner cannot act because of a conflict of interest.
- administration of personnel** Refers to activities related to staffing, job classification or compensation, recruitment and selection, salary, benefits, hours and conditions of work, leave management, performance review, training and development, occupational health and safety, and separation and layoff. *See also* **management of personnel**.
- adult interdependent partner** A person who
- lived with the deceased in a relationship of interdependence
    - for a continuous period of not less than three years, or
    - of some permanence, if there is a child of the relationship by birth or adoption,
  - or
  - entered into an adult interdependent partner agreement with the other person under section 7 of the *Adult Interdependent Relationships Act*.
- advice** Includes proposals, recommendations, analyses and policy options. For the purposes of the Act’s exception for advice from officials, advice should be sought or expected, or be part of the responsibility of a person by virtue of that person’s position; be directed toward taking an action; and be made to someone who can take or implement the action.
- annotate** Add an explanatory, descriptive or critical note to a record. To annotate personal information with a correction that was requested implies that the correction that was requested appears on the original record, close to the information under challenge by the applicant.
- applicant\*** Any person who makes a request under the Act for access to a record.

<b>arm's-length transaction</b>	<i>See non-arm's length transaction.</i>
<b>audit*</b>	A financial or other formal and systematic examination or review of a program, portion of a program or activity. <i>See also disclosure for audit purposes.</i>
<b>biometric information*</b>	Information derived from an individual's unique measurable characteristics.
<b>burden of proof</b>	The obligation of one of the parties in an inquiry to persuade the Commissioner to decide an issue in its favour.
<b>Cabinet</b>	The common name for the Executive Council. It consists of a committee of Ministers that acts collectively with the Premier to decide matters of government policy.
<b>commercial information</b>	Relates to the buying, selling or exchange of merchandise or services. Commercial information includes third party associations, history, references, and insurance policies, as well as pricing structure, market research, business plans, and customer records. <i>See also financial information.</i>
<b>Commissioner*</b>	The Information and Privacy Commissioner appointed under the Act. The Commissioner is an Officer of the Legislature and is independent of government.
<b>complaint</b>	<p>A formal expression of dissatisfaction submitted by an applicant or other person to the Commissioner. A complaint may be based on one or more of the grounds specified in the Act:</p> <ul style="list-style-type: none"><li>• a public body has not met its duty to assist;</li><li>• a public body's extension of time for responding to a request is not in accordance with the Act;</li><li>• a fee charged by a public body is inappropriate;</li><li>• a correction of personal information has been refused without justification; or</li><li>• personal information has been collected, used or disclosed by a public body in contravention of the privacy provisions of the Act.</li></ul>
<b>confidence</b>	<i>See in confidence.</i>
<b>confidential source</b>	<p>For the purposes of the Act's exception for law enforcement information, "confidential source" means an informant who provided law enforcement information to a public body and who was either promised confidentiality or who had an expectation of confidentiality based on the circumstances in which the information was provided.</p> <p><i>See also in confidence.</i></p>
<b>consultation</b>	<p>The process by which a public body asks employees within the body, other public bodies, individuals, or third parties (including other levels of government) to comment on a request for access to information in which they have an interest.</p> <p>Within the context of the Act's provisions for third party notice, "consultation" refers to the process whereby a public body notifies a third party of a request, receives representations from the third party, and subsequently informs the third party of its decision regarding access to the information in question.</p>

For the purposes of the Act's exception for advice from officials, "consultations" refers to the process where persons having the responsibility to make a decision freely discuss the issues before them in order to arrive at a well-reasoned decision. Such consultations occur when the views of one or more officers or employees is sought as to the appropriateness of particular proposals or suggested actions. *See also* **deliberations**.

**continuing request**

An access request that continues to be in effect for up to two years. A delivery schedule is established with the applicant's agreement, and the request is reactivated at intervals set out in the schedule. Each time the request is processed, records newly in the custody or under the control of the public body since the last delivery are provided to the applicant. *See also* **request**.

**control**

For the purposes of determining whether the Act applies to a record that is "under the control" of a public body, "control" means the authority to manage the record, including restricting, regulating and administering its use, disclosure or disposition.

**custody**

For the purposes of determining whether the Act applies to a record that is "in the custody of" a public body, "custody" means physical possession.

**data matching**

In the context of the Act's provisions relating to personal information, "data matching" refers to the comparison (generally by electronic means) of one or more databases or sets of records of personal information held by one public body or organization with one or more other databases or sets of records held by a different public body or organization, where the matching program creates or merges files on identifiable individuals. Data matching tends to involve electronic data because its effectiveness is generally based on the comparison of databases containing large volumes of transactional data.

**delegation**

The formal process whereby the head of a public body authorizes an employee or officer within the public body to perform certain duties or to exercise certain powers or functions of the head under the Act. A delegation under the Act must be in writing.

**deliberations**

For the purposes of the Act's exception for advice from officials, "deliberations" refers to a discussion of the reasons for and against a future action by an employee or officer of a public body prior to a decision being made. *See also* **substance of deliberations**.

**disclosure**

The act of making known or revealing. Disclosure can also mean providing access to records or personal information.

**disclosure for audit purposes\***

Disclosure for the purposes of carrying out a financial or other formal and systematic examination or review of a program, portion of a program or activity that includes personal information about individuals, provided such examination or review is sanctioned by statute, regulation or public policy relating to the public body.

**discretion**

The power to make a decision that cannot be determined to be right or wrong in an objective sense. Discretion amounts to the power of the decision-maker to choose a particular course of action for good reasons and in good faith, after considering the relevant facts and circumstances; the applicable law, including the objects of the *FOIP Act*; and the proper application of the law to the relevant facts and circumstances.

**discretionary benefit**

A favourable or helpful factor, circumstance or advantage which may be granted to a person by a decision-maker who has the power to choose whether or how to grant it.

<b>discretionary exception</b>	Within the context of <b>Part 1</b> of the Act, an exception to disclosure that permits a public body to choose whether or not to withhold all or part of a record. Discretionary exceptions begin with the phrase “the head of a public body may refuse to disclose.” <i>See also</i> <b>mandatory exception</b> .
<b>educational body*</b>	A local public body that is <ul style="list-style-type: none"><li>• a university, technical institute or public college, as defined in the <i>Post-secondary Learning Act</i>;</li><li>• The Banff Centre as defined in the <i>Post-secondary Learning Act</i>; or</li><li>• a board, charter school or Regional authority as defined in the <i>School Act</i>.</li></ul> <i>See also</i> <b>local public body</b> .
<b>employee*</b>	Includes, in relation to a public body, a person who performs a service for the public body as an appointee, volunteer or student or under a contract or agency relationship with the public body.
<b>enactment*</b>	An Act or a regulation or any portion of an Act or regulation. An “enactment of Alberta,” as defined in the FOIP Regulation, includes a Treasury Board directive.
<b>exceptions to disclosure</b>	Provisions of the Act which either require or permit a public body to withhold all or part of a record or personal information in the custody or under the control of a public body. The Act establishes limited and specific exceptions to the right of access where disclosure would reveal certain categories of information or would result in harm to the Government of Alberta, the public body or a third party. These exceptions, which are either mandatory or discretionary, are set out in <b>sections 16 to 29</b> of the Act.
<b>explicitly in confidence</b>	<i>See in confidence</i> .
<b>extension</b>	In the context of the access request process under the Act, the lengthening of the 30-day time limit for responding to the request. An extension can be claimed only if <ul style="list-style-type: none"><li>• the applicant does not provide enough details to enable the record to be identified;</li><li>• a large number of records are requested or must be searched and responding within 30 days would unreasonably interfere with the operations of the public body;</li><li>• more time is needed to consult with a third party or another public body before deciding whether to grant access to a record;</li><li>• a third party requests a review of the public body’s decision on access to third party information; or</li><li>• there are multiple concurrent requests made by the same applicant, or by two or more applicants who work for the same organization or who work in association with each other (the Commissioner has to approve extensions in these cases).</li></ul>
<b>fees</b>	The charges that an applicant pays to a public body for services related to the processing of an access request. The FOIP Regulation sets out the services for which fees may be charged and the maximum charges for providing these services. Fees may not exceed the actual cost of providing the service.
<b>financial information</b>	Information regarding the monetary resources of a third party, such as the third party’s financial capabilities, and assets and liabilities, past or present. Financial information is not limited to information relating to financial transactions in which the third party is involved. <i>See also</i> <b>commercial information</b> .

<b>FOIP</b>	The official abbreviation for “Freedom of Information and Protection of Privacy.”
<b>FOIP Coordinator</b>	<p>The position within a public body responsible for the overall management of its access to information and protection of privacy functions and responsibilities. The responsibilities of the FOIP Coordinator may include</p> <ul style="list-style-type: none"> <li>• managing the FOIP request process for the public body;</li> <li>• setting up practices and procedures to ensure that privacy protection measures are implemented within the public body;</li> <li>• coordinating any negotiations, mediations, inquiries, investigations and audits with the Office of the Information and Privacy Commissioner;</li> <li>• reporting as required to the Minister responsible for the <i>FOIP Act</i> on the operation of the Act; and</li> <li>• providing training and advisory services for the public body.</li> </ul>
<b>for</b>	In the context of the Act’s exclusions, “for” means on behalf of someone else, and is comparable to the word “by.” That is, a record “created by or for” a person is a record created by that person or by a person acting on his or her behalf. The fact that one person is acting for another must be evident in the record itself or in some other way.
<b>guardian</b>	<p>A guardian of a minor may exercise any right or power under the Act if the exercise of that right would not be an unreasonable invasion of the minor’s privacy. In most cases, parents are automatically the guardians of their children. Each guardian may exercise all the powers independently of the other, unless there is an agreement or court order to the contrary.</p> <p>A guardian or trustee of an adult with impaired capacity to make decisions may exercise the rights of that adult if the right of the adult that is being exercised is within the scope of the powers and duties set out in the guardianship or trusteeship document.</p>
<b>harm</b>	Damage or detriment. Within the context of the Act’s exceptions to disclosure, “harm” is the term used to refer to the injury to a particular public or private interest that could occur as the result of the disclosure of certain types of information in records in the custody or under the control of a public body. The harm must be specific to the context of the request. The general test for harm under the Act is whether there is a reasonable expectation of harm flowing from disclosure of the specific information at issue.
<b>harm(s) test</b>	<p>A test or set of criteria used to determine whether disclosure of records or information would cause damage or detriment to a particular interest. To meet the standard of proof required to decide that disclosure could reasonably be expected to cause harm, and therefore that a particular exception in the Act applies,</p> <ul style="list-style-type: none"> <li>• there must be a reasonable expectation of probable harm (not just a well-intentioned but unjustifiably cautious approach to the avoidance of any risk whatsoever because of the sensitivity of the matters at issue);</li> <li>• the harm must constitute damage or detriment, not mere interference or inconvenience; and</li> <li>• there must be a causal connection between disclosure and the anticipated harm.</li> </ul>
<b>head*</b>	<p>In relation to a public body, means:</p> <ul style="list-style-type: none"> <li>• for a department, branch or office of the Government of Alberta, the member of the Executive Council who presides over it;</li> </ul>

- if the public body is one designated in the FOIP Regulation, the person designated by the member of the Executive Council responsible for that body to act as the head of that body or, if a head is not so designated, the person who acts as the chief officer and is charged with the administration and operation of that body;
- for a local public body, the person or group of persons designated as the head by bylaw, or other legal instrument by which the local public body acts; and
- for any other case, the chief officer of the public body.

The head of a public body is the person or group of persons responsible for the administration of the *FOIP Act* within that public body.

**health care body\***

A local public body that is

- the board of an approved hospital, as defined in the *Hospitals Act*, other than one that is owned or operated by a regional health authority;
- the operator of a nursing home, as defined in the *Nursing Homes Act*, other than one that is owned and operated by a regional health authority;
- a provincial health board established under the *Regional Health Authorities Act*;
- a regional health authority under the *Regional Health Authorities Act*;
- a community health council established under the *Regional Health Authorities Act*; or
- a subsidiary health corporation as defined in the *Regional Health Authorities Act*.

See also **local public body**.

**implicitly in confidence**

A phrase applied to information that is furnished on the understanding of both parties that it be kept secret. There may be no actual statement of confidentiality, written agreement or other physical evidence of the understanding that the information will be kept confidential. Some of the relevant facts and circumstances that may show an understanding of confidentiality are how the information was provided, for what purpose, and how it was managed, secured or distributed by or within the public body.

**in camera**

In the absence of the public at large. A meeting of a local public body that is open to the public or to which the public at large is invited, even if no members of the public attend, is not a meeting held *in camera*.

**in confidence**

A term applied to information that is furnished with the intent that it be kept secret. In the context of the Act, the concept is applied to information or records supplied to a public body by third parties (including individuals and other levels of government) or by confidential sources of law enforcement information.

Whether information has been supplied explicitly or implicitly in confidence is a factor in considering exceptions to disclosure under **sections 16, 17, 18(3), 19, 20(1)(d) and 21(1)(b)**. The information must have been supplied in the expectation that the public body would not disclose it. The intention that the confidence will be maintained may be explicitly stated within the record in question or may be implied by the circumstances under which the information was submitted and received. Where confidentiality is implied, there must be objective grounds to support the assumption of confidentiality. See also **implicitly in confidence**.

**inquiry**

A process used by the Commissioner to conduct a review requested under the Act. If a review is not resolved in mediation, an inquiry may be conducted through written submissions or through oral presentations, which may be open to the public. In

conducting an inquiry, the Commissioner has all the powers provided under the *Public Inquiries Act* and under **section 56(2)** of the *FOIP Act*.

**intervenor**

A person, group or organization that does not have status under the Act (e.g. as an applicant or a public body) but has an interest in an issue being decided at an inquiry and is invited by the Commissioner to make a submission or present evidence.

**investigation**

A systematic process of examination, inquiry and observation. The Act's definition of "law enforcement," includes police, security and administrative investigations, including the complaint that leads to the investigation. Within this context, an investigation may be carried out by or on behalf of a public body or by a police service.

The term "investigation" also refers to the procedures used by the Commissioner to ensure compliance with the Act. After conducting an investigation, the Office of the Information and Privacy Commissioner may issue an Investigation Report or a letter of findings.

**judicial administration record\***

A record containing information relating to a judge of the Court of Appeal of Alberta, the Court of Queen's Bench of Alberta, or the Provincial Court of Alberta, or to a master of the Court of Queen's Bench of Alberta or a sitting justice of the peace or a presiding Justice of the Peace under the *Justice of the Peace Act*, including

- the scheduling of judges and trials;
- the content of judicial training programs;
- statistics of judicial activity prepared by or for a judge; and
- a record of the Judicial Council established under the *Judicature Act*.

**judicial review**

The power of the Court of Queen's Bench to determine whether the Commissioner has acted strictly within the powers that have been given to him or her. Such a review is not an appeal. It does not normally allow the court to substitute its decision for that of the Commissioner. A party to an inquiry by the Commissioner may apply for judicial review on jurisdictional grounds or on the basis of an error in law.

**labour relations information**

Relates to the management of personnel by a person or organization, whether or not the personnel are organized into bargaining units. It includes relationships within and between workers, working groups and their organizations as well as managers, employers and their organizations. Labour relations information also includes collective relations between a public body and its employees. Common examples of labour relations information are hourly wage rates, personnel contract and information on negotiations regarding collective agreements.

**law enforcement\***

For the purposes of both the access and privacy provisions of the Act, refers to

- policing, including criminal intelligence operations;
- a police, security or administrative investigation, including the complaint that gave rise to the investigation, that leads or could lead to a penalty or sanction being imposed. The penalty or sanction could either be imposed by the public body conducting the investigation or by another body to which the results of the investigation are referred; or
- proceedings that lead or could lead to a penalty or sanction being imposed by the body conducting the proceedings or by another body to which the results of the proceedings are referred.

**legal privilege**

There are several kinds of legal privilege. They include

- solicitor–client privilege;
- litigation privilege;
- common interest privilege;
- parliamentary privilege;
- police informer privilege;
- case-by-case privilege for private records and for Crown records; and
- statutory privilege.

*See also* **solicitor–client privilege**.

**legal proceedings**

Proceedings governed by rules of court or rules of judicial or quasi-judicial tribunals that can result in a judgment of a court or a ruling by a tribunal. Legal proceedings include all proceedings authorized or sanctioned by law, and brought or instituted in a court or legal tribunal, for the acquiring of a right or the enforcement of a remedy.

**licence or permit**

Authorization to carry out an activity, such as operating a particular establishment, or carrying on a professional or commercial activity. Examples include business licences, teaching permits, taxi licences, and building and development permits.

**local government body\***

A local public body that is

- a municipality, improvement district or regional services commission under the *Municipal Government Act*;
- a special area as defined in the *Special Areas Act*;
- a board established under the *Drainage Districts Act*;
- a board established under the *Irrigation Districts Act*;
- a housing management body established under the *Alberta Housing Act*;
- a Metis settlement or the Metis Settlements General Council established under the *Metis Settlements Act*;
- a police commission, police service or policing committee as defined in the *Police Act*;
- a municipal library board, library system board, federation board or joint municipal library board continued or established under the *Libraries Act*; or
- a board, committee, commission, panel, agency or corporation created or owned by a body referred to above and all of the members or officers of which are appointed or chosen by that body, but does not include EPCOR Utilities Inc. or ENMAX Corporation or any of their respective subsidiaries that own a gas utility, as defined in the *Gas Utilities Act*, that own a generating unit, transmission facility or electric distribution system as defined in the *Electric Utilities Act*, or whose primary business activity consists of providing electricity services as defined in the *Electric Utilities Act*.

**local public body\***

A public body that is an educational body, a health care body or a local government body. *See also* **educational body**, **health care body** and **local government body**.

**management of personnel**

Refers to aspects of the management of human resources of a public body that relate to the duties and responsibilities of employees. For the Government of Alberta, the term includes the government-wide network managed through Corporate Human Resources. It does not include management of consultant, professional or other personal services contracts. *See also* **administration of personnel**.



<b>mandatory exception</b>	Within the context of <b>Part 1</b> of the Act, an exception to disclosure that requires a public body to withhold all or part of a record. Mandatory exceptions begin with the phrase “the head of a public body must refuse to disclose.” The mandatory exceptions are: <b>sections 16(1), 16(2), 17, 20(4), 22, 24(2.1) and 27(2)</b> . <i>See also discretionary exception.</i>
<b>mediation</b>	The process of facilitating discussion between parties with the goal of negotiating a mutually accepted resolution of the dispute.
<b>meeting*</b>	For the purposes of the Act’s exception for local public body confidences, means a meeting in its entirety or a portion of a meeting.
<b>Minister responsible for the Act</b>	The member of the Executive Council charged by the Lieutenant Governor in Council with the administration of the Act. The Minister responsible for the Act is the Minister of Service Alberta.
<b>non-arm’s length transaction</b>	For the purposes of the Act’s exclusion for records of a treasury branch other than a record that relates to a non-arm’s length transaction between the Government of Alberta and another party, any transaction that has been approved by <ul style="list-style-type: none"> <li>• the Executive Council or any of its committees;</li> <li>• the Treasury Board or any of its committees; or</li> <li>• a member of the Executive Council.</li> </ul> <p>This definition does not apply within the context of the Act’s exception to disclosure for third party business information. For the purposes of this exception, an “arm’s length transaction” is a transaction where the parties involved are unrelated, independent and acting in their own self-interest.</p>
<b>not contrary to the public interest</b>	<i>See public interest.</i>
<b>notice</b>	An official communication required to be delivered to a member of the public, an affected third party, or an applicant in particular circumstances under the Act. Notice must be provided <ul style="list-style-type: none"> <li>• to an affected third party where there is an intention to provide access to information which might be withheld under the Act’s exceptions for business information or personal privacy;</li> <li>• to an applicant, when the requested information might be withheld under the exceptions for business information or personal privacy and the third party has been notified;</li> <li>• to both the applicant and third party, to inform them of the decision on disclosure or non-disclosure of the third party’s information;</li> <li>• to the person concerned when his or her personal information is disclosed to an applicant because there are compelling reasons of health or safety to do so;</li> <li>• to an applicant when his or her request is transferred to another public body; and</li> <li>• to a third party whose information is disclosed in the public interest.</li> </ul>
<b>offence*</b>	Means an offence under an enactment of Alberta or Canada, including an offence under the <i>FOIP Act</i> .
<b>Officer of the Legislature*</b>	The Auditor General, the Ombudsman, the Chief Electoral Officer, the Ethics Commissioner, or the Information and Privacy Commissioner.

<b>Order</b>	A direction or decision issued by the Commissioner to conclude an inquiry.
<b>paramountcy</b>	<p>In the context of the Act's provision for the relationship between Acts, the concept of "paramountcy" provides the means for</p> <ul style="list-style-type: none"><li>• resolving a conflict or inconsistency between a provision of the <i>FOIP Act</i> and a provision of another enactment of Alberta, where neither the other Act nor the FOIP Regulation says that the other provision prevails despite the <i>FOIP Act</i>, or</li><li>• applying a provision in another Act or the FOIP Regulation that says that a provision of another enactment prevails despite the <i>FOIP Act</i>.</li></ul> <p>Where there is a conflict or inconsistency between the <i>FOIP Act</i> and a federal law, the doctrine of federal paramountcy applies. Under this doctrine, the federal law prevails over the provincial law, to the extent of the inconsistency.</p>
<b>peace officer</b>	A person employed for the purposes of preserving and maintaining the public peace (as defined in the <i>Police Act</i> ).
<b>penalty or sanction</b>	Includes a fine, imprisonment, and revocation of a licence or an order to cease an activity. For the purposes of the Act's exception for law enforcement, the penalty or sanction must be imposed under an enactment.
<b>person</b>	Within the context of the Act, a "person" means a "legal person," which includes an individual, a corporation, or any other entity.
<b>personal information*</b>	<p>Recorded information about an identifiable individual, including, but not limited to:</p> <ul style="list-style-type: none"><li>• the individual's name, home or business address, or home or business telephone number;</li><li>• the individual's race, national or ethnic origin, colour, or religious or political beliefs, or associations;</li><li>• the individual's age, sex, marital status or family status;</li><li>• an identifying number, symbol or other particular assigned to the individual;</li><li>• the individual's fingerprints, other biometric information, blood type, genetic information or inheritable characteristics;</li><li>• information about the individual's health and health care history, including information about a physical or mental disability;</li><li>• information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given;</li><li>• anyone else's opinion about the individual; and</li><li>• the individual's personal views or opinions, except if they are about someone else.</li></ul>
<b>personal information bank*</b>	A collection of personal information that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual.
<b>personal representative</b>	A person who has the authority to administer a deceased individual's estate (e.g. an executor named in a will or a person with Letters of Administration from a court).
<b>policing</b>	Refers to the activities of police services. "Policing" means activities carried out under the authority of a statute regarding the maintenance of public order, detection and prevention of crime or enforcement of law.

- prescribed\*** Within the Act, means prescribed *by regulation*. For example, where the Act allows for use or disclosure of personal information where the individual concerned has provided consent “in the prescribed manner” the consent must meet the requirements set out in the FOIP Regulation.
- presumption** An inference or assumption that a fact exists, based on the known or proven existence of some other fact or group of facts. Most presumptions are rules of evidence calling for a certain result in a given case unless the adversely affected party overcomes the presumption with other evidence. For example, the Act’s exception for personal privacy sets out particular types of personal information the disclosure of which is “presumed” to be an unreasonable invasion of a third party’s personal privacy.
- privacy impact assessment** A process that assists public bodies in reviewing the impact that a new program, administrative process or practice, information system or legislation may have on individual privacy.
- proceeding** An action or submission to any court, judge or other body having authority, by law or by consent, to make decisions concerning a person’s rights. This includes administrative proceedings before agencies, boards and tribunals that lead or could lead to a penalty or sanction being imposed, including a penalty or sanction imposed by another body to which the results of the proceeding may be referred.
- proprietary interest** For the purposes of the Act’s exception for disclosure harmful to the economic interests of a public body, “proprietary interest” refers to a public body’s rights to information. Examples of information in which a public body may have a proprietary interest are geographical information systems, maps and statistical data.
- public body\*** For the purposes of the administration of the Act, “public body” means
- a department, branch or office of the Government of Alberta;
  - an agency, board, commission, corporation, office or other body designated as a public body in the FOIP Regulation or by a FOIP (Ministerial) Regulation;
  - the office of a member of the Executive Council;
  - the Executive Council Office;
  - the Legislative Assembly Office;
  - the office of the Auditor General, the Ombudsman, the Chief Electoral Officer, the Ethics Commissioner, or the Information and Privacy Commissioner; or
  - a local public body;
- but does not include
- the office of the Speaker of the Legislative Assembly and the office of a Member of the Legislative Assembly; or
  - the Court of Appeal of Alberta, the Court of Queen’s Bench of Alberta, the Surrogate Court of Alberta or the Provincial Court of Alberta.
- The Act applies to records in the custody or under the control of a public body, and each public body, through its head, has statutory duties with regard to access to information and protection of privacy. *See also local public body.*
- public event or activity** For the purposes of the Act’s exception for personal privacy, a *public event or activity related to a public body* means something of importance that happens or takes place, a particular occupation or pursuit that is staged in public or is of a public nature, and is

connected with the public body's mandate and functions and organized or sponsored by the public body.

An event or activity would be considered public if it was open to the public in general, or to a section of the public. The event or activity may be completely open and accessible to the public without charge, or access may be restricted because of the nature of the event or activity, for example, through ticket sales.

The fact that an event or activity that took place on the premises of a public body was observable by a member of the public does not make it a public event or activity.

**public interest**

For the purposes of the Act's mandatory provision for disclosure in the public interest, information "clearly in the public interest" refers to information of compelling public interest, not just of interest or of curiosity to the public, a group of people, a person or the applicant.

This is to be distinguished from the meaning of "public interest" in the context of the Act's provision for excusing fees. In this context, the measure of public interest is whether the information is likely to contribute significantly to public understanding of the operations or activities of a public body or is of major interest to the public in terms of environmental protection or protection of public health or public safety.

In the context of the Act's exception for personal privacy, the phrase "not contrary to the public interest" may be understood as not inconsistent with long-term community values, or with the good of society at large. A public body is not required to find that a disclosure *promotes* a public interest simply that disclosure is *not contrary to* the public interest. A public body may decide that a disclosure would be contrary to the public interest on the basis of its knowledge of risks to its clientele or the nature of the request (e.g. if the requested information could be used to commit a criminal act or harm an individual or property, then it is likely to be contrary to the public interest to disclose the information).

**quality  
assurance  
committee**

A committee whose purpose is to study, assess and evaluate the provision of health services with a view to continuous improvement of the quality of health care or health services, or the level of skill, knowledge and competence of health service providers. This term applies only to quality assurance committees as defined in the *Alberta Evidence Act* and not to other quality assurance committees established within either health care bodies or other public bodies to monitor the quality of health services or other services.

**reasonable**

Fair, proper, just, moderate, suitable under the circumstances. There are a variety of situations under the Act where reasonableness comes into play in a decision or course of action on the part of a public body, in particular,

- fulfilling the duty to assist applicants and to respond to requests without delay;
- deciding whether disclosure of personal information would constitute an unreasonable invasion of a third party's personal privacy;
- deciding whether disclosure of information that may be subject to certain exceptions under the Act could reasonably be expected to cause harm; and
- making certain determinations with respect to the collection, use, disclosure, and protection of personal information.

<b>reasonable expectation of harm</b>	In the context of certain exceptions in the Act, the phrase “reasonable expectation of harm” means that there is a clear cause-and-effect relationship between the disclosure and the harm; the disclosure will cause harm and not simply interference or inconvenience; and the likelihood of harm is genuine and conceivable.
<b>record*</b>	A record of information in any form. The term “record” includes notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner. The definition of “record” does not include software or any mechanism that produces records.
<b>records retention and disposition schedule</b>	A legal authority that describes the records under the control of a public body, specifies how long and where they must be kept as they progress through the phases of their life cycle, the format in which the records must be stored, and what their final disposition will be (destruction or archival preservation) at the end of their life cycle.
<b>request</b>	An application under the Act for access to records or personal information in the custody or under the control of a public body. <i>See also continuing request.</i>
<b>responsive records or information</b>	Any information or records that are reasonably related to an applicant’s access request. Responsiveness may be determined by analyzing the request and examining the records. The fact that an applicant already has or knows the substance of the information, or has knowledge of the contents of the records does not mean that the record can be considered non-responsive. A public body’s obligation is to address the applicant’s entire request.
<b>review</b>	In the context of the Act’s provisions for independent reviews of decisions made by public bodies, “review” refers to the examination by the Commissioner, or an adjudicator, of a decision, act or failure to act by the head of a public body in the course of processing a request for access to records or information under the Act. <i>See also inquiry.</i>
<b>routine disclosure</b>	A process whereby access to a record is granted without a request under the Act, usually in response to a routine inquiry or request. <i>See also active dissemination.</i>
<b>scientific information</b>	Information exhibiting the principles or methods of science. <i>See also technical information.</i>
<b>severing</b>	The physical removal, by masking or other means, of any information that is excepted from disclosure in order that the remainder may be disclosed.
<b>solicitor–client privilege</b>	This form of legal privilege applies to a record when <ul style="list-style-type: none"> <li>• the record is a communication between a lawyer and the lawyer’s client;</li> <li>• the communication entails the seeking or giving of legal advice; and</li> <li>• the record is intended to be confidential by the parties.</li> </ul>
<b>statistical survey</b>	Refers to general views or considerations of subjects using numerical data, such as a study of growth rates in various forested areas of northern Alberta.
<b>substance of deliberations</b>	For the purposes of the Act’s exceptions for Cabinet and Treasury Board confidences and local public body confidences, means the essence, material or essential part of the discussion or deliberation. “Deliberation” means the act of weighing and examining the reasons for and against a contemplated act or course of conduct or an examination of choices of direction or means to accomplish an objective.

**technical information**

Information relating to a particular subject, craft or technique, such as system design specifications and plans for an engineering project. *See also scientific information.*

**third party\***

Any person, group of persons or organization other than the person making a request (the applicant) or a public body. The term refers to a person, group of persons or organization whose information is in the custody or under the control of a public body and whose interests are affected by the public body's decision, as described in the Act's exceptions for third party business information and third party personal information of the Act.

**time limit**

The time allowed for a response to be made or an action to be taken. The Alberta *Interpretation Act* says that if a time is expressed to begin after or anything is to be done before a specified day, the time does not include that day. The 30-day time limit for processing requests is based upon calendar days, not working days. The time limit begins on the day after the request is received in a duly authorized office and any initial fee is paid. The 20-day time limit for a third party response begins on the day after the third party notice is given; and an applicant has 60 days from the day after being notified of a decision to request a review of that decision by the Commissioner. If a time limit expires on a Sunday or other holiday, the time limit is extended until the next working day.

**trade secret\***

Information, including a formula, pattern, compilation, program, device, product, method, technique or process

- that is used, or may be used, in business or for any commercial purpose;
- that derives independent economic value, actual or potential, from not being generally known to anyone who can obtain economic value from its disclosure or use;
- that is the subject of reasonable efforts to prevent it from becoming generally known; and
- the disclosure of which would result in significant harm or undue financial loss or gain.

**transfer**

The act by which one public body formally passes to another public body responsibility for processing a request for access to, or correction of, records under the Act. A request may be transferred to another public body if the record was produced by or for the other public body; the other public body was the first to obtain the record; or the record is in the custody or under the control of the other public body.

**transitory record**

A record that has only immediate or short-term usefulness and will not be needed again in the future. Transitory records contain information that is not required to meet legal or financial obligations or to sustain administrative or operational functions, and has no archival value.