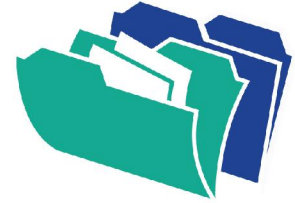


FOIP News

Issue No. 21, July 2007



FOIP News is an electronic newsletter produced by Access, Privacy and Security (formerly the Access and Privacy Branch), Service Alberta, to highlight news relating to Alberta's *Freedom of Information and Protection of Privacy Act* (the FOIP Act). *FOIP News* is issued as needed. Web site links are provided to allow you to easily obtain more information on a news item.

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FOIP Annual Report 2005-2006

The 2005-2006 Annual Report for the FOIP Act was tabled in the Legislative Assembly of Alberta on May 29, 2007. Some highlights for the fiscal year include:

- In 2005-06, the Alberta government responded to 94 per cent of access requests within 60 days.
- Access, Privacy and Security advised government ministries on access and privacy considerations in 50 new legislative initiatives.
- The FOIP Amendment Act 2006 was introduced.
- The FOIP Amendment Regulation 2006 was passed.
- The FOIP Help Desk responded to over 1,500 inquiries.
- Over 700 employees of government and local public bodies completed FOIP training courses.
- The FOIP web site received over 1.4 million hits.

Check out the new look and contents of the report on the FOIP web site at <http://www.foip.gov.ab.ca/resources/annualreports/index.cfm>.

FOIP Statistics

Annual statistical information on FOIP requests received by public bodies in Alberta are compiled and made available each year in the FOIP Annual Report and in summary tables. In 2005-06:

- 903 local public bodies provided statistics, indicating that they received 1,294 FOIP requests. This is an increase of 20 per cent over the 1,082 requests received in the previous fiscal year.
- There were eight requests to correct personal information compared to three received in the previous fiscal year.
- 57 per cent of the FOIP requests to local public bodies were from individuals seeking records containing information about themselves.

Detailed statistics are available on the FOIP web site at <http://www.foip.gov.ab.ca/resources/statistics/index.cfm>.

Securing Personal Information on Laptops and Mobile Devices

A number of recent high-profile privacy breaches involving lost or stolen laptop computers have resulted in various rulings and publications from privacy commissioners across Canada. The message is consistent and clear: *When not required, personal information should not be stored on laptop computers. Use de-identified information, if possible. However, if personal information must be stored on a laptop, the information must be encrypted.* The following are links to some of the rulings and resources:

- **H2006-IR-002 (Alberta):** A health region was found in contravention of the *Health Information Act* over a stolen laptop - http://www.oipc.ab.ca/ims/client/upload/H2006-IR-002%20_2_1.pdf.
- **P2006-IR-005 (Alberta):** An investigation found that an organization contravened the *Personal Information Protection Act* (PIPA) after an incident in which a laptop containing personal information of 8,000 physicians was stolen from an employee's vehicle - <http://www.oipc.ab.ca/ims/client/upload/ACFAB50.pdf>.
- **Safeguarding Privacy in a Mobile Workplace:** A publication by the Information and Privacy Commissioner of Ontario on protecting personal information stored on mobile devices - <http://www.ipc.on.ca/images/Resources/up-mobilewkplace.pdf>.
- **HO-004 (Ontario):** A hospital did not comply with protection requirements under Ontario's *Personal Health Information Protection Act* (PHIPA) when a laptop computer, containing patient health information, was stolen from an employee's vehicle - http://www.ipc.on.ca/images/Findings/up-3ho_004.pdf.

Update on FOIP Publications

Over the last several months, most of the FOIP publications (e.g., Guides, FAQs, etc.) on the FOIP web site (www.foip.gov.ab.ca) have been updated to reflect last year's amendments to the FOIP Act and Regulation. Changes to other legislation, as well as various name and contact information changes as a result of the recent government reorganization, are also reflected.

Coordinators that have hardcopies printed off may wish to print off new copies to ensure they are using the most current versions.

OIPC Orders and Investigation Reports

Since the last newsletter, the following Orders and Investigation Reports have been released by the Office of the Information and Privacy Commissioner (OIPC) of Alberta that relate to local public bodies. Summaries of Orders and Investigation Reports are available on the FOIP web site. Where summaries are not yet available, links to the rulings are provided.

F2006-016: Calgary Police Service (released February 28, 2007)

Information and Privacy Commissioner's Office finds that the Calgary Police Service did not disclose the complainant's personal information under information-sharing and research agreements.

http://www.oipc.ab.ca/ims/client/upload/F2006_016.pdf

F2006-032: Capital Care Group (released March 9, 2007)

Information and Privacy Commissioner's Office confirms Capital Care Group's decision not to grant a fee waiver in the public interest for records related to budget information.

<http://www.oipc.ab.ca/ims/client/upload/F2006-032.pdf>

F2004-008: Palliser Health Region (released March 13, 2007)

Information and Privacy Commissioner finds Palliser Health Region fulfilled its duty to assist the applicant after responding to nine access requests made under the FOIP Act and the HIA.

<http://www.oipc.ab.ca/ims/client/upload/F2004-008.pdf>

Section 55 Decision: Grant MacEwan College (released March 14, 2007)

Commissioner authorizes Grant MacEwan College to disregard any and all future requests made by an applicant for a period of three years, as the applicant's use of the access provisions of the FOIP Act was not to obtain information but to harass the College, which is an abuse and vexatious.

http://www.oipc.ab.ca/ims/client/upload/RPT_Section55_F3885.pdf

F2005-010: City of Calgary (released March 14, 2007)

Information and Privacy Commissioner's Office finds that letters sent to an alderman are not constituency records, as set out in section 4(1)(m) of the FOIP Act.

<http://www.oipc.ab.ca/ims/client/upload/F2005-010.pdf>

F2005-021: Medicine Hat Police Service (released March 20, 2007)

Information and Privacy Commissioner orders the Medicine Hat Police Service to disclose to the applicant, in her capacity as guardian, records relating to her adult son.

<http://www.oipc.ab.ca/ims/client/upload/F2005-0211.pdf>

F2006-029: Edmonton Police Service (released April 2, 2007)

Information and Privacy Commissioner's Office finds the Edmonton Police Service conducted CPIC searches on the complainant for law enforcement purposes.

<http://www.oipc.ab.ca/ims/client/upload/F2006-029.pdf>

F2007-007: Edmonton Police Service (released April 25, 2007)

Office of the Information and Privacy Commissioner finds that Edmonton Police Service (EPS) properly withheld records relating to complaints made by the EPS about certain lawyers and Justices of the Peace.

<http://www.oipc.ab.ca/ims/client/upload/F2007-007.pdf>

F2006-020: Edmonton Police Service (released May 8, 2007)

Information and Privacy Commissioner's Office orders the Edmonton Police Service to disclose the names of its employees who conducted computer searches on the applicant's name.

<http://www.oipc.ab.ca/ims/client/upload/F2006-020.pdf>

F2007-IR-003: Calgary Police Service (released May 10, 2007)

Information and Privacy Commissioner's investigation concludes that Calgary Police Service employees inappropriately accessed another employee's personal information through the Police Information Management System for purposes not related to law enforcement.

http://www.oipc.ab.ca/ims/client/upload/F2007_IR_003.pdf

F2006-011: Edmonton Police Service (released June 12, 2007)

Office of the Information and Privacy Commissioner confirms that the Edmonton Police Service properly withheld information regarding witness testimony at a fatality inquiry.

<http://www.oipc.ab.ca/ims/client/upload/F2006-011.pdf>

F2005-028: Medicine Hat Police Service (released July 10, 2007)

Information and Privacy Commissioner finds that the Medicine Hat Police Service must refuse to disclose records relating to offences allegedly committed by young persons subject to the *Youth Criminal Justice Act* (Canada) and that the Commissioner does not have jurisdiction over records relating to extrajudicial measures used in respect of a young person.

<http://www.oipc.ab.ca/ims/client/upload/F2005-028.pdf>

OIPC Publications and News Releases

Reappointment of Commissioner

On Friday, June 22, 2007, the Standing Committee on Legislative Offices voted to recommend to the Legislative Assembly that Frank Work will be reappointed as Information and Privacy Commissioner for a term of 4 years.

Commissioner Work is Alberta's second Information and Privacy Commissioner and has served since May 2002.

Commissioner responds to health information court case

Information and Privacy Commissioner Frank Work issued a news release commenting on a guilty plea and hefty fine against a Calgary medical office clerk for improperly accessing an individual's health information. The individual was fined \$10,000 under the *Health Information Act*.

http://www.oipc.ab.ca/ims/client/upload/NR_HIAChargeCourt_Apr_16_07.pdf

Key Steps in Responding to Privacy Breaches

The OIPC recently released *Key Steps in Responding to Privacy Breaches* to provide guidance to organizations, public bodies and custodians when dealing with a privacy breach.

[Key Steps](#)

PIPA Advisory 8 – Reasonable Safeguards

While written for private-sector organizations under the *Personal Information Protection Act* (PIPA), *PIPA Advisory 8 – Reasonable Safeguards* provides helpful guidance to public bodies under the FOIP Act, as well. PIPA requires that an "organization must protect personal information that is in its custody or under its control by making

reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction” (section 35 of PIPA) – a definition very similar to that found in section 38 of the FOIP Act. *PIPA Advisory 8 – Reasonable Safeguards* deals with some common administrative, physical and technical safeguards organizations should consider in protecting personal information.

Research Safeguards

FOIP Training

The 2006-2007 scheduled training sessions have concluded. The dates for Fall/Winter 2007 and Winter/Spring 2008 training sessions will be posted in August on the FOIP web site.

Go to http://www.foip.gov.ab.ca/dsp_training.cfm for updates.

Meeting Calendar

Who?	When?	Where?
Health Network	September 10, 2007	Edmonton
School Jurisdiction FOIP Network	October 26, 2007	Nisku
Post-Secondary FOIP Network	November 2, 2007	Calgary

Upcoming Events...

Private Sector Privacy in a Changing World (PIPA Conference 2007)

September 20 and 21, 2007 - Vancouver, British Columbia

- The focus for 2007 is on practical, real-world problems and solutions. This forum offers an excellent opportunity to hear from privacy regulators, stakeholders, and from business experts from around the globe about managing personal information in the electronic age. For more information, see <http://www.verney.ca/pipa2007/>.

The 29th International Conference of Data Protection and Privacy Commissioners

September 25 to 28, 2007 - Montreal, Quebec

- The theme, *Privacy Horizons: Terra Incognita*, points to the challenge for privacy guardians entering into uncharted territory to anticipate and plan readiness to tackle the "unknowns" in our field, including technology, terrorism, information outsourcing and the exponential growth of transborder data flows. More information is available at <http://www.privacyconference2007.gc.ca/>.

The Revealed “I” - a Conference on Privacy and Identity

October 25 to 26, 2007 - University of Ottawa

- Hosted by researchers from *On the Identity Trail*, this two-day discussion will focus on the impact of information and authentication technologies on our identity, and on our ability to be anonymous. The conference will investigate privacy and performativity, the psychological and social construction of identity, and challenges posed by emerging surveillance technologies. For more information, go to <http://www.idtrail.org/content/section/11/95/>.

Electronic Health Information and Privacy Conference 2007

December 3, 2007 – Ottawa, Ontario

- This conference will address contemporary privacy concerns with the adoption of information technology in health care and health research. Some of this year's themes will be: privacy enhancing technologies, how new technologies affect our privacy (e.g., RFIDs and nanotechnology), the public's opinion, implementation of electronic health records, de-identification of clinical and DNA data, and global personal health data flows. See <http://www.ehip.ca/> for more information.

Did You Know...

... Since September 2006, the Canadian Access and Privacy Association (CAPA) and the Canadian Association of Professional Access and Privacy Administrators (CAPAPA) have been working towards the establishment of a governance body whose responsibility is to certify IAPP specialists in both the public and private sectors in Canada. Called the Professional Standards and Certification Project (PSCP), the aim of the PSCP is to accomplish the following three goals for IAPP specialists in both the public and private sectors in Canada:

- 1) To develop professional standards.
- 2) To research and establish a model for certification.
- 3) To recommend guidelines for the establishment of an appropriate governance body capable of successfully managing and implementing the standards and certification program.

For more information on the PSCP, see <http://www.capa.ca/Main%20certification.html>.

... You won't receive quality information, like *FOIP News*, if we don't have your updated email address? It's true! Just a (cheeky) reminder to please advise Access, Privacy and Security of any updates to your contact information so that we can keep our listservs up-to-date. Thanks!!!



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