



FOIP News is an electronic newsletter produced by Access and Privacy, 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. Website links are provided to allow you to easily obtain more information on a news item.

In This Issue...

<i>FOIP Guidelines and Practices</i> 2009 Edition	1
Revised FOIP Bulletins	2
OIPC Orders and Investigation Reports.....	2
OIPC Publications and News Releases	4
Upcoming Events	5
Did you know?.....	6

FOIP Guidelines and Practices 2009 Edition

The 2009 edition of *FOIP Guidelines and Practices* is available from Alberta Queen's Printer. This edition distills a substantial body of rulings by the Information and Privacy Commissioner into a comprehensive, easy-to-use reference tool. This single volume combines section-by-section analysis with practical guidance on administering an access and privacy program within a public body. It includes clear and concise explanations of the way the Commissioner has interpreted the Act in Orders and Investigation Reports.

The new edition incorporates recent legislative amendments (including the *FOIP Amendment Act, 2006*), significant Commissioner's decisions and new treatments of a number of topics, such as:

- criteria for excusing fees in the public interest
- the exercise of rights by guardians, and
- disclosure not contrary to the public interest.

Also covered are legislative changes, including:

- the effect on time limits of making a request for authorization to disregard a request
- the exclusion for published works collected by a library of a public body, and
- disclosure of personal information to a foreign court or tribunal.

The guide is available in PDF format on the FOIP website at <http://foip.alberta.ca/resources/guidelinespractices/index.cfm>. An order form for printed copies is available at http://foip.alberta.ca/pdf/qp_order_form.pdf.

Revised FOIP Bulletins

Revised FOIP Bulletins, in PDF format, are now available on the [Publications A-Z page](#) of the FOIP website.

The Bulletins have been revised to incorporate decisions of the Information and Privacy Commissioner up until December 31, 2008 and to reflect changes to section numbers resulting from the enactment of the 2008 FOIP Regulation. As well, more definitions, examples and practical suggestions have been added to make the Bulletins more useful, and most have been given a brand new look.

Substantive additions were made to several Bulletins, including [Paramountcy](#), [Third Party Notice](#) and [Fee Waivers](#). Other Bulletins have undergone minimal or no changes, including three that have retained their last date of publication ([Disclosure of Personal Information to Unions](#); [FOIP Amendment Act, 2006](#); and [Ministerial Expense Claims](#)). The Bulletin on the [FOIP Amendment Act, 2003](#) has been archived.

It is recommended that FOIP Coordinators and other FOIP practitioners download the revised Bulletins.

OIPC Orders and Investigation Reports

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

F2008-003 Edmonton Police Service (released December 15, 2008)

An Adjudicator determined that the OIPC did not lose jurisdiction to conduct an inquiry under section 69(6) of the FOIP Act. The Adjudicator did not have jurisdiction over the initial request, and found that the Edmonton Police Service failed to meet its duty to assist concerning the second request.

http://foip.alberta.ca/commissioners_decisions/orders/summary/2008/2008-003summary.cfm

F2008-017 Edmonton Police Service (released January 13, 2009)

The OIPC confirmed that it did not lose jurisdiction to conduct an inquiry under section 69(6) of the FOIP Act and ordered the Edmonton Police Service to release information improperly withheld under sections 17 and 24(1)(b), related to an internal affairs investigation file.

<http://www.oipc.ab.ca/downloads/documentloader.ashx?id=2289>

F2008-006 City of Edmonton (released January 13, 2009)

The OIPC found that the City of Edmonton did not provide adequate evidence to demonstrate that it performed an adequate search for records. The Adjudicator also determined that the FOIP Act did not require the city to answer the Applicant's questions regarding the responsive records.

[http://www.oipc.ab.ca/ims/client/upload/Order%20F2008-006%20\(F3956\).pdf](http://www.oipc.ab.ca/ims/client/upload/Order%20F2008-006%20(F3956).pdf)

F2008-005 Edmonton Police Service (released January 15, 2009)

The OIPC confirmed that it did not lose jurisdiction to conduct an inquiry under section 69(6) of the FOIP Act and found that the Edmonton Police Service properly applied section 12(2) in refusing to confirm or deny the existence of a wiretap.

[http://www.oipc.ab.ca/ims/client/upload/Order-F2008-005%20\(F3998\).pdf](http://www.oipc.ab.ca/ims/client/upload/Order-F2008-005%20(F3998).pdf)

F2008-018 Edmonton Police Service (released January 20, 2009)

The OIPC found that disclosure of Edmonton Police Services' Red Light Camera Client Training Manual would not harm third party business interests and ordered EPS to disclose the manual to the Applicant.

[http://www.oipc.ab.ca/Content_Files/Files/Orders/Order_F2008-018_\(F3801\).pdf](http://www.oipc.ab.ca/Content_Files/Files/Orders/Order_F2008-018_(F3801).pdf)

F2008-011 City of Calgary (released January 20, 2009)

The OIPC determined that information withheld as advice, under section 24(1), was a substantive rule or statement of policy related to the City of Calgary's taxation powers, under section 24(2)(g). The City was ordered to release a valuation report about the Calgary Airport in its entirety.

[http://www.oipc.ab.ca/Content_Files/Files/Orders/Order_F2008_011_\(F3928-3929\).pdf](http://www.oipc.ab.ca/Content_Files/Files/Orders/Order_F2008_011_(F3928-3929).pdf)

F2008-016 Edmonton Police Service (released February 17, 2009)

The OIPC confirmed that it did not lose jurisdiction to conduct an inquiry under section 69(6) of the FOIP Act. The Adjudicator also found that the EPS had not properly withheld some information related to a complaint against the Applicant (a Justice of the Peace), and ordered the EPS to release information.

[http://www.oipc.ab.ca/ims/client/upload/Order%20F2008-016%20\(F4070\).pdf](http://www.oipc.ab.ca/ims/client/upload/Order%20F2008-016%20(F4070).pdf)

F2008-004 The Calgary Board of Education (released February 18, 2009)

The OIPC upheld the Calgary Board of Education's decision to withhold some personal information related to the Applicant's daughter, including the daughter's cumulative file, but ordered the release of additional records and information originally withheld as non-responsive.

<http://www.oipc.ab.ca/ims/client/upload/Order%20F2008-004.pdf>

F2009-001 Lethbridge Regional Police Commission (released February 19, 2009)

The OIPC found that the Lethbridge Regional Police Commission did not meet its duty to assist the Applicant when it did not respond to the Applicant's follow-up letter to his access request. The Adjudicator ordered the Commission to inform the Applicant about who conducted the search for responsive records, the scope of the search, the steps taken to identify and locate all records and possible repositories of them, and why it believed that no more responsive records exist than what has been found or produced.

http://www.oipc.ab.ca/ims/client/upload/Order_F2009_001.pdf

F2008-020 Edmonton Police Service (released March 26, 2009)

An Adjudicator determined that an internal investigation report by the Edmonton Police Service should be released, subject to the removal of certain personal information from the report. The Adjudicator also ruled that a video associated with the internal investigation was properly withheld as third party personal information.

<http://www.oipc.ab.ca/downloads/documentloader.ashx?id=2425>

H2009-IR-003/F2009-IR-001 Caritas Health Group & Capital Health (released April 27, 2009)

The OIPC determined that an employee's health information was improperly accessed through Netcare (the electronic health record) for employment purposes, rather than for the provision of health services. The Portfolio Officer found that the *Health Information Act* (HIA) did not authorize the disclosure and that Netcare should not be used for employment management purposes.

<http://www.oipc.ab.ca/downloads/documentloader.ashx?id=2373>.

F2008-023 Edmonton School District No. 7 (released May 6, 2009)

An Adjudicator determined that the school district did not have custody of a complaint letter that was received by a school secretary and passed on, unopened, to the teachers' union.

<http://www.oipc.ab.ca/downloads/documentloader.ashx?id=2388>

F2009-005 University of Alberta (released May 13, 2009)

An Adjudicator found that the University of Alberta failed to demonstrate that it had conducted an adequate search for records and ordered the university to conduct a more extensive search, including computer back-up files.

<http://www.oipc.ab.ca/downloads/documentloader.ashx?id=2393>

F2008-027 Edmonton Police Service (released June 16, 2009)

An Applicant requested a copy of the Professionalism Committee Final Report from the Edmonton Police Service. The EPS withheld the report on the basis of section 24 (advice). During the course of the inquiry, the EPS decided it would no longer rely on section 24 and released most of the report. However, some information was severed under section 21 (disclosure harmful to intergovernmental relations). The Adjudicator found that section 21 did not apply, and ordered the entire report released to the Applicant.

<http://www.oipc.ab.ca/downloads/documentloader.ashx?id=2434>

F2009-008 Edmonton Police Service (released June 22, 2009)

An Applicant asked the Edmonton Police Service for copies of records related to an ethics committee review. An Adjudicator confirmed the decision of the EPS to withhold certain personal information, but found that section 21 did not apply to other parts of the record and some of the information was not properly withheld under section 24.

<http://www.oipc.ab.ca/downloads/documentloader.ashx?id=2435>

OIPC Publications and News Releases

Basics of Solicitor-Client Privilege

On February 10, 2009, the Commissioner hosted a half-day seminar regarding proper application of the solicitor-client privilege to records. A paper, based on the presentation, is available on the OIPC website.

http://www.oipc.ab.ca/Content_Files/Files/News/Basics_of_Solicitor_Client_Privilege.pdf

News Release H2009-IR-002

This investigation report under the *Health Information Act* (HIA) is an important reminder to public bodies subject to the FOIP Act as well - only courts with jurisdiction in Alberta or Canada can compel the release of records.

http://www.oipc.ab.ca/Content_Files/Files/News/NR_H2009_IR_002.pdf

Winning Submissions for the Look @ Me! Competition

The Office of the Information and Privacy Commissioner recently sponsored a contest open to high school and post-secondary students entitled *Look @ Me! – The Privacy Project*. The purpose of the contest was to find out what young people in Alberta think about the protection of their personal information.

To view the winning entries, see

<http://www.oipc.ab.ca/pages/NewsReleases/default.aspx?id=1544>.

Identity Health Check

March was Fraud Prevention Month. As part of the month's events, the OIPC, and the Alberta Fraud Prevention Coalition, produced a useful tool to help individuals determine their risk of becoming a victim of identity theft.

http://www.oipc.ab.ca/Content_Files/Files/Docs/IdentityChecklist.pdf

Captured on Camera: Street-level imaging technology, the Internet and you

The federal, Quebec, BC and Alberta Information and Privacy Commissioner offices have produced a joint fact sheet entitled *Captured on Camera – Street-level imaging technology, the Internet and you*. This fact sheet examines some of the privacy concerns in the deployment of services like Google's *Street View*.

<http://www.oipc.ab.ca/downloads/documentloader.ashx?id=2367>

Upcoming Events

PIPA Conference 2009

October 15 and 16, 2009 - Hyatt Regency Hotel, Vancouver, BC

- The theme of the 4th annual PIPA conference is *Solving the Privacy Puzzle*. The focus for this year's conference is on practical, real-world problems and solutions. This forum offers an excellent opportunity to hear from privacy regulators, stakeholders, and from business experts around the globe about managing personal information in the electronic age. For more information, visit <http://www.verney.ca/pipa2009/>.

Prairie Health Information Privacy Day

November 2, 2009 – Calgary, Alberta

- Hosted by the Office of the Information and Privacy Commissioner of Alberta, the Office of the Information and Privacy Commissioner of Saskatchewan, and the Manitoba Ombudsman, this event focuses on present and future health information privacy challenges. Stay tuned for more information, to be posted at <http://www.ombudsman.mb.ca/access.htm>.

Did You Know...

... The Access and Privacy Conference 2009 was held at the Edmonton Marriott at River Cree Resort in Edmonton, Alberta on June 9-11th, 2009. The conference program, materials and presentations are available on the conference website at <http://www3.extension.ualberta.ca/accessandprivacy/program.htm>.

... In April 2009, the Office of the Privacy Commissioner of Canada released the results of a recent Ekos survey on Canadians' awareness of privacy laws and issues. The report found that 66 per cent of respondents were unaware of any federal institutions responsible for helping to protect personal information. Of the 34 per cent who claimed to have some knowledge of federal institutions responsible for privacy, only one in five knew of the federal Privacy Commissioner's office. This appears to indicate that only about seven per cent of Canadians are aware of the OPCC. To view the complete report, visit http://www.priv.gc.ca/information/survey/2009/ekos_2009_01_e.cfm.

Service Alberta
Access and Privacy
3rd Floor, 10155 – 102 Street
Edmonton, Alberta T5J 4L4
Phone: (780) 422-2657
Fax: (780) 427-1120
Web site: <http://foip.alberta.ca>

FOIP Help Desk:
Phone: (780) 427-5848
Toll free dial 310-0000 first
E-mail: foiphelpdesk@gov.ab.ca

If you have an e-mail address, please let us know. Send an e-mail to foiphelpdesk@gov.ab.ca stating your name and organization and we will add you to our e-mail distribution list.