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Freedom of
Information
&
Protection of
Privacy

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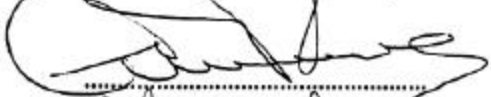
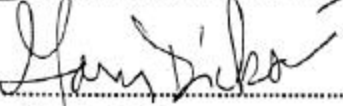


Report on
Public
Consultation



December, 1993

Endorsement

This Report is unanimously endorsed by the all-party Panel given responsibility for gathering and incorporating public input pertaining to Freedom of Information and Protection of Privacy legislation.

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	<i>John Havelock, MLA Calgary Shaw (Co-chair)</i>
	<i>Heather Forsyth, MLA Calgary Fish Creek</i>
	<i>Gary Friedel, MLA Peace River</i>
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December, 1993

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Foreword

In the Speech from the Throne on August 31, 1993, The Honourable Gordon Towers, Lieutenant Governor of the Province of Alberta, presented an Agenda for Change that focused on **'Government for the People.'**

The Speech emphasized the Government's priority and commitment to listen to and consult with the people. Specifically, it reinforced that **'this Government will continue with its extensive public consultations, and will welcome and encourage the participation of Albertans.'** It went on to present a legislative profile where **'the priority will be to deal with the freedom of information and the protection of privacy.'**

In keeping with these commitments, Premier Ralph Klein introduced the Access to Information and Protection of Privacy Act, Bill 1, in the Legislature on August 31, 1993. The legislation deals with the right to access government records, while setting out specific exemptions to protect the individual and public interest.

At the same time, Premier Klein encouraged all Albertans to bring their views on this important legislation through an all-party Panel formed to gather and incorporate public input.

This report presents an overview of the input Albertans provided during the public consultation process conducted in the September – November, 1993 timeframe. It has taken into consideration comments received from formal presentations made to the Panel, as well as informal dialogue encouraged between participants and the Panel in Regional Public Forums. The Panel appreciates the courtesy of the Minister of Justice in sharing with the Panel a summary of the submissions which were forwarded to his office or the offices of other Executive Council members.

Given the overall level of participation and thoroughness of submissions, it is not possible for the report to include verbatim transcripts of all of the comments and suggestions received. It is intended instead to present a synopsis of the common issues and themes which have been identified as being important to the formulation of the best possible Information Access and Protection of Privacy legislation for Albertans.

Section I reviews the public consultation process, while Section II identifies the issues and themes most frequently raised by Albertans. Section III summarizes the Panel's recommendations based on the public input provided. Section IV then provides a conclusion to the report.

Listings of individuals and organizations that participated in the consultation process, or provided a written submission or brief, are presented in Appendices A and B.

To obtain additional copies of this report, please contact:

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I. The Public Consultation Process

A public consultation process was established that incorporated two channels of input as presented in the following figure and described in subsequent sections.

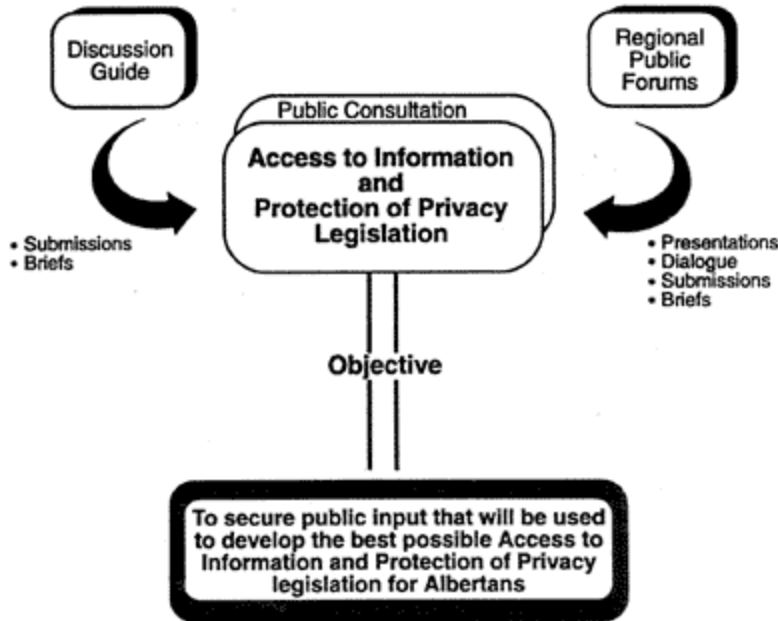


Figure 1.1 Public Consultation Process

A third channel was identified during the public consultation process. Submissions made directly to Ministers in response to the Discussion Guide were summarized and copied to the Panel.

Discussion Guide

In April, 1993, a Discussion Guide was prepared by the Department of Justice. The Guide presented key issues that were considered relevant to the proposed legislation introduced as Bill 61 – Access to Information and Protection of Privacy Act. It is noted that this Bill was reintroduced in its original form in August, 1993 as Bill 1. At the same time, the official opposition introduced Bill 201 as an alternative to Bill 1.

The Discussion Guide was widely distributed (in excess of 4,500 copies were released to the stakeholder community and interested parties). Responses were to be forwarded to the Minister of Justice no later than November 1, 1993.

Comments and suggestions were analyzed and taken into consideration in the preparation of this report.

Regional Public Forums

The regional public consultation process was launched by Premier Ralph Klein on August 31, 1993 with the formation of an all-party Panel. The Panel consisted of the following members:

- Ty Lund, MLA Rocky Mountain House (Chair)
- Jon Havelock, MLA Calgary Shaw (Co-Chair)
- Heather Forsyth, MLA Calgary Fish Creek
- Gary Friedel, MLA Peace River
- Gary Dickson, MLA Calgary Buffalo
- Peter Sekulic, MLA Edmonton Manning
- Howard Sapers, MLA Edmonton Glenora

The process incorporated fifteen Regional Public Forums to receive input from Albertans across the Province.

<i>Locations</i>	<i>Dates</i>	<i>Number of Sessions</i>
Fort McMurray	September 30 & October 1, 1993	2 sessions
Peace River	October 1, 1993	1 session
Grande Prairie	October 2, 1993	1 session
Calgary	October 14 & 15, 1993	3 sessions
Red Deer	October 16, 1993	1 session
Medicine Hat	October 22, 1993	2 sessions
Lethbridge	October 23, 1993	1 session
Edmonton	October 28 & 29, 1993	3 sessions
Vermilion	October 30, 1993	1 session

The forums resulted in high quality presentations, submissions and briefs that were well thought out and representative of the importance of the proposed legislation. In this regard, ***the Panel acknowledges the effort put forward by groups and private citizens, and appreciates the input received.***

II. What Albertans are Saying

The public consultation process incorporated broad input from across the Province. This resulted in extensive dialogue on many issues and receipt of sixty written submissions and briefs.

With respect to participation in the forums, a significant level of individual and group participation was evident as follows:

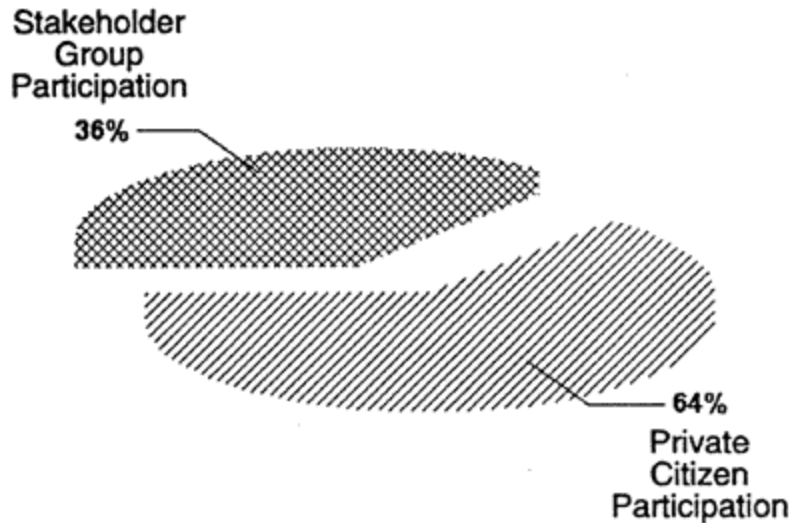


Figure 2.1 Public Forum Representation

Public Opinions

While the submissions and briefs were too expensive to be included in this report, a number of important opinions were expressed by participants as follows:

“.....it is essential for citizens to be informed of the processes of government in order to effectively exercise their options as citizens in a free and democratic country.”

Sherie Angevine, Private Citizen

“.....the burden must be upon the Government to establish appropriate grounds upon which to refuse disclosure. Those grounds should be limited and narrow.”

Norman Conrad, Riel Policy Institute

“Albertans must have access to government information in order to assess and evaluate the actions of government in an enlightened way. Distribution of government publications would give Albertans ready access to information and knowledge that is free of red tape and fees. This will help us make informed decisions about the government, its actions and its impact on our lives.”

Karen Labiuk, Marigold Library System

“Communities without memories of the past are like people with amnesia – they have no knowledge which can serve them for a comparison with the present, no standard for appropriate behaviour and no experience on which to base current decision making. The wise handling of the material which will form the basis of our history will be a boon to future generations of Albertans.”

Sean Moir/Kathryn Ivany, Edmonton and District Historical Society

Common Themes

A number of common themes were evident across the spectrum of input provided to the Panel. In many cases, they were represented by interests of both private citizens and stakeholder groups. Of particular note are the following:

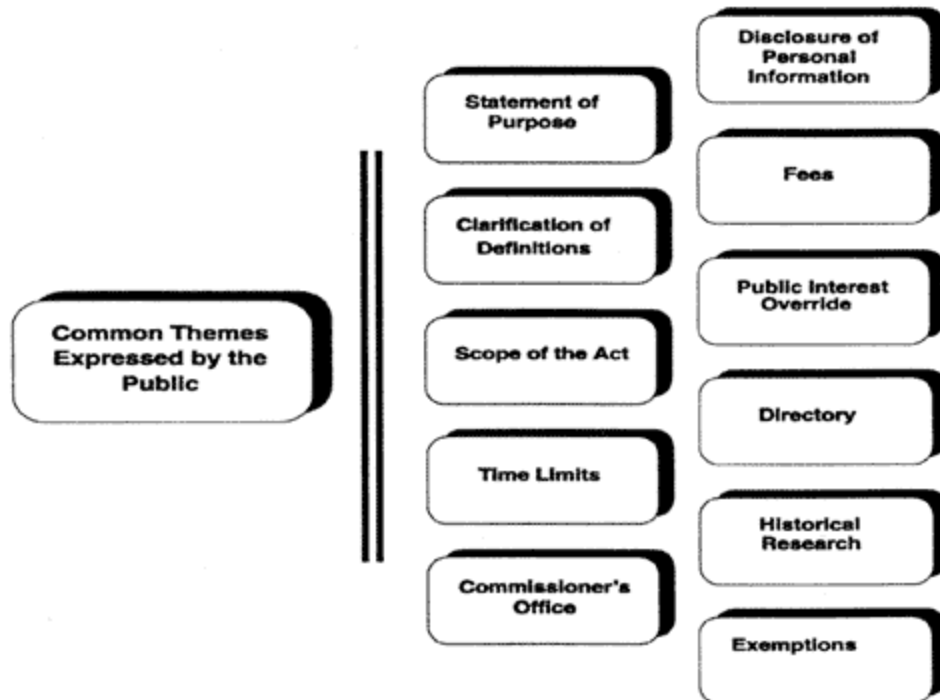


Figure 2.2 Common Themes

Statement of Purpose

A high level of interest was expressed in clearly writing a statement of purpose into the Act that would reflect the intent and fundamental principles upon which the legislation was introduced.

Clarification of Definitions

Many participants expressed that the Act be clear in its definition of terms, such as personal information, public bodies and record.

Scope of the Act

A significant number of participants provided recommendations on various aspects of what the Act should and should not apply to.

Time Limits

Recommendations on time limits were extensive and ranged from the time limit for public bodies to respond to requests, to time limits affecting the review of decisions by the Commissioner.

Disclosure of Personal Information

A number of participants raised important issues to consider in the disclosure of personal information, with respect to the protection of personal privacy.

Fees

Many opinions were expressed with respect to the setting of reasonable fees that would not prohibit access by the general public. The ability to waive fees under certain circumstances was also raised.

Public Interest Override

A high level of interest was expressed in ensuring that the Act would allow for the disclosure of information about a risk of significant harm to the environment, public health or safety, or where disclosure would be clearly in the public interest.

Directory of Public Bodies and Records

While a number of participants emphasized the need for the Government to implement practices and public education that would facilitate ease of access, the primary interest was associated with the need for currency, completeness and broad distribution of the directory.

Archival, Historical and Genealogical Research

A strong representation was evident from libraries, museums, archives and historical societies with respect to the Act not restricting access to information that is currently available for research, historical, archival and genealogical purposes.

Exemptions

Many participants expressed opinions on various aspects of exemptions to the Act, with a view that they should be limited and specific.

III. Panel Recommendations

Following completion of the Regional Public Forums, the Panel conducted a comprehensive analysis of all issues raised by private citizens and stakeholder groups. Recommendations were then formulated.

Recommendations reflecting public opinion on the intent and provisions of the proposed legislation have been logically grouped according to topics relevant to existing and proposed legislation. Due to the complexity of certain issues, however, specific drafting recommendations have been made to ensure that public input received is accurately reflected. Where appropriate, specific references have also been made to Alberta Bill 1.

The following recommendations represent consensus of the all-party Panel with respect to public input received.

Administrative and Implementation Considerations

- A 1-800 number should be established by the government to provide advisory services (e.g. advice on interpretation of legislation), and to support public bodies in the development and implementation of practices to ensure compliance with the Act.
- Special access provisions should be made for citizens with sensory impairments.
- Clear, concise and standardized records management practices should be established for all public bodies that would include items such as retention schedules and disposal practices.
- Establish an administrative system that will ensure efficiency, affordability and accessibility.
- Effective information management systems and practices should be established across all public bodies to facilitate coordination and management of access to electronic and hard copy records.

- Distribution of public documents should be made through library and other systems to facilitate ease of access across the province. This would be a cost effective and responsive method of ensuring access of information to the general public.
- The feasibility of establishing an effective electronic network to facilitate access to government records and information should be explored.

General Issues

- A single Act should incorporate access and protection of privacy problems. All statutory provisions relating to access and protection of privacy should, wherever practicable, be consolidated in that single Act.
- An all-party Legislative Assembly Committee should be established to undertake a formal review of items such as the effectiveness of the legislation, administration of the Act, functioning of the Commissioner's Office, fees and cost, 3 years after implementation. A schedule should be established outlining suggested mandatory and minimum areas of review to be undertaken.
- An integral component of the proposed 3 year review of the legislation should include the examination of methods of collection, collation and dissemination of personal information, and the identification of efficiencies that could benefit the government in administering this legislation.
- The Minister of Justice may wish to provide a legal opinion as to whether the right of citizens to vote in Section 3 of the Charter of Rights and Freedoms encompasses a corresponding right to sufficient information about public policies to permit an informed decision. This issue was raised in public hearings and the Panel did not have the resources to obtain such an opinion.

Name of the Act

- Amend the name of the Act to 'Freedom of Information and Protection of Privacy' to more clearly express the intent of the legislation.

Purpose Clause

- Include a purpose clause that would present the intent and reinforce the user friendly nature of the legislation. Suggested principles are as follows:
 - to allow a right of access to any person to the records in the custody and control of the government subject only to limited and specific exceptions;

- to control the manner in which the government may collect personal information from individual Albertans; to control the use that the government may make of that information; and to control the disclosure by government of such information;
- to allow individuals, subject to limited and specific exceptions, the right to have access to information about themselves held by the government;
- to allow individuals the right to request corrections to information about themselves held by the government; and
- to provide an independent review of decisions made by the government under the legislation.

Definitions

General

- The Organization for Economic Cooperation and Development (OECD) guidelines should be examined to determine their relevancy and applicability to the Alberta Act. Emphasis should be placed on presenting a clear definition and use of terms such as data, information, generic data, personal data and personal information banks.

Record

- The definition of 'record' should be as expansive as possible and reflect the various formats, methods and technologies that will be employed in the collection, dissemination and management of information.
- While there was representation that special provisions (e.g. exclusions) should be made for certain government policy and procedure manuals, it is recommended these records should be included within the normal terms of the Act.

Personal Information

- Expand the definition of 'personal information' to include sexual orientation, political beliefs or associations, marital status, family status, national or ethnic origin, and criminal records, where a pardon has been issued.

Cabinet Confidences and Records

- Cabinet confidences and records should be included within the Act but have the narrowest possible definition.

Public Body

- Entities should be designated for addition by Order-in-Council and require Legislative approval for deletion.
- Identify the entities in Regulations and not in a schedule to the Act.
- Include the Legislative Assembly Office in the Act.
- The office of a member of the Legislative Assembly should be exempt from the Act.
- Executive Council should be included in the Act and be able to rely on exemptions available to departments of the government.
- Treasury Branches should be exempt except for information relation to non-arms length dealings among the government and a third party.

Scope of the Act

- Municipalities, educational institutions (e.g. Universities, schools) and hospitals should be included as public bodies within the Act; provided such institutions must be given 5 years to comply with the Act and be further considered within the proposed 3 year review of the legislation.
- Self-governing professions, Not-For-Profit groups and charities receiving public monies should be considered for inclusion during the proposed 3 year review of the legislation.
- Treasury Board confidences and records should not be exempt, but rather be subject to the exemptions provided for Cabinet confidences and records.
- Judicial or quasi-judicial bodies should be narrowly defined in relation to who and what is to be included. Refer to the Administrative Procedures Act for further clarification.
- The Act should provide that it applies to information that was in existence before the legislation is enacted.

Relationship to Other Acts

- In the case of conflict between the Act and other Acts, the Act should prevail except where other legislation provides for greater disclosure.
- The Act must supersede other Acts in regard to destruction of records during the implementation period. Records which are to be subject to the Freedom of Information and Protection of Personal Privacy Act must not be destroyed during

such period. The intent is that the Public Records Regulation would be strictly adhered to with regard to the review of records and the disposition process during the implementation period.

Access

Right of Access

- Incorporate a positive duty on the part of the head of a public body to assist applicants in preparing a request for information and responding thereto.

Time Limit for Responding

- There must be a response issued to the applicant within 30 days of the date of receipt of a request. Notification of refusal to the applicant must include reasons for the refusal.
- Within 15 days after a request is received, the head of a public body must have transferred the request to another public body, if necessary. Transfer time should be included within the 30 day response requirement.
- If a third party is entitled to notice, the time for the third party to respond should be limited to 20 days. Such notice should include the anticipated decision date for the giving of access to the relevant record.

Contents of Response

- The head of a public body must acknowledge the existence of a record subject to limited exclusions (e.g. law enforcement, individual safety).
- While it is recognized the legislation should prevent abuse, the terms 'frivolous and vexatious' are too broad and should be more narrowly defined.

Commissioner's Office

Appointment

- The Commissioner should be appointed in a similar manner to other officers of the Legislative Assembly and be responsible to the Legislature.

Term of Office

- Appoint the Commissioner under an exclusive employment contract for a period of 5 years.
- The proposed 3 year review of the legislation should incorporate an analysis of the time commitment required of the Commissioner on a long term basis.

Resignation, Removal or Suspension of Commissioner

- Termination of the Commissioner should only be through the authority of the Legislative Assembly, similar to other officers of the Legislative Assembly.

Acting Commissioner

- To preclude an Acting Commissioner from remaining in such capacity for an extended period of time, the Acting Commissioner should hold office for a maximum of 90 days from the first sitting day of the session immediately succeeding his appointment.

Powers of the Commissioner

- The Commissioner must have the power to make binding decisions.
- The Office of the Commissioner should be separate and not combined with other offices.
- Decisions of the Commissioner are appealable to the court only for judicial review.
- Expand the powers of the Commissioner to include those available to Commissioners in other jurisdictions, most notably B.C. and Ontario. Specifically, incorporate powers pertaining to the monitoring and administration of the Act to ensure that its purposes are achieved, and conducting investigations and audits to ensure compliance with any provision of the Act.

Directory of Public Bodies and Records

- A comprehensive directory of public bodies and records should be prepared and made available within 1 year of Act proclamation. The directory should list records that are available without a formal request under the Act.
- The directory should incorporate the following matters:
 - a description of the mandate and functions of each public body and its components;
 - a description and list of the records in the custody or under the control of each body;
 - a subject index; and
 - the title, business address and business phone number of the head of the public body.

- The directory should include, for each personal information bank, the following:
 - its title and location;
 - a description of the kind of personal information and the categories of individuals whose personal information is included;
 - the authority for collecting the personal information;
 - the purposes for which the personal information was obtained or compiled, and the purposes for which it is used or disclosed; and
 - the categories of persons who use the personal information or to whom it is disclosed.
- If personal information is used or disclosed by a public body for a purpose that is not included in the directory published, the head of the public body must:
 - keep a record of the purpose and either attach or link the record to the personal information;
 - promptly notify the Minister responsible for the Act of the purpose; and
 - ensure that the purpose is included in the next publication of the directory.
- The Minister responsible for the Act must:
 - ensure that copies of the directory are available at public libraries in Alberta and at the offices of the public bodies; and
 - publish and distribute, at intervals of 2 years or less, supplements or replacements to keep the directory up to date.
- If the Act does not list Public Bodies by schedule, then it should be policy to ensure that a copy of such list accompanies each copy of the Act requested by an Albertan.

Review by Commissioner

- Time frames for review must be consistent with the recommended 30 day time frame for responding to a request for access.
- Notification to affected parties should contain the anticipated decision date and details of the review and appeal procedures.

- The Commissioner should have the right to determine whether the review will be open or closed.
- The Commissioner should have the discretion to decide whether or not to conduct or discontinue a review, subject to the giving of written notification of reasons.
- The time frame for completion of a review should be no greater than 90 days.
- The time frame for an applicant to deliver a request for review of a decision of the head of a public body should be a minimum of 60 days, or such time as the Commissioner may allow.
- The Commissioner should notify all parties who, in his/her discretion, will be impacted. These parties should be provided with copies of the notice and the report.
- The applicant should be able to be represented by counsel or an agent at the review.
- Include provisions for the Commissioner to accept either written or verbal representations.
- The Commissioner should have the power to compel the head of a public body to produce the information required pursuant to the review and have the right to examine any record necessary to facilitate the review of the applicant's request (e.g. all Government records) and not just records to which this Act applies.

Public Interest Override

- Incorporate a general public interest override requiring the head of a public body to disclose to the public, to an affected group of people, or an applicant, information about a risk of significant harm to the environment, public health or safety, or where the disclosure of information is clearly in the public interest.

Fees

- No fee should be charged for access to an applicant's own personal information.
- Reasonable fees should be established for access to records other than the applicant's own personal information; provided establishment of fees should not be for the purpose of full cost recovery.
- The costs of reproducing the record(s), including an applicant's own personal information, should be charged back to the applicant.
- An applicant should be provided with the particulars of the cost indicating the maximum fee to be charged prior to providing the service.

- The Commissioner or head of the public body should have the right to waive or reduce fees if, in their opinion:
 - the applicant cannot afford the payment or for any reason it is fair to excuse the payment; or
 - the record relates to a matter of public interest, including the environment or public health or safety.

Enforcement

- Orders of the Commissioner may be registered with the Court of Queen's Bench of Alberta and enforced like any Queen's Bench order.

Penalties

- Create an offense for negligent or willful destruction of records where the intent has been to evade an information request or disclosure. The offense should come into effect upon proclamation of the legislation.
- Increase the maximum amount of the fine from \$5,000 to \$10,000.

Exemption to Penalty

- It is suggested that 'whistle blower' protection for public sector employees be included for situations where there has been a request made that has been denied an all avenues of appeal exhausted, or no request made, if there is a public interest and disclosure does not fall within the stated exemptions.

Information Held Outside of Government

- Concerns were expressed with respect to information retained outside of government (e.g. credit agencies). While no specific changes to the legislation are recommended, it is suggested that government consider this within the context of other legislation.
- Regarding services or information managed on behalf of the government, such organizations, individuals or agents should be subject to the Act in respect of the services provided or information so managed.

Archival, Historical and Genealogical Research

- The Act should not restrict access to information that is currently available for historical, archival and genealogical purposes.

- For government records in the custody of designated Archives:
 - all records, which to date have been open and unrestricted, should remain open, unrestricted and exempt from the Act; and
 - all records, which to date have been restricted due to departmental request, should be subject to the proposed legislation.
- No record should be taken into custody of designated Archives until it is in the public domain and open and available to researchers.
- For government records that are in the custody of designated Archives, there should be allowance for disclosure of information for archival or historical purposes if the disclosure is for historical research and the information is about a person who has been dead for 25 or more years, or the information is in a record that has been in existence for 25 or more years.

How to Make a Request

- Consideration should be given to enabling an applicant to register a continuing request where there is a direct impact on the applicant (e.g. request remains on file for limited period if information is not available, though the anticipated to be, or further information will be available after the time of the request).

Exemptions

General

- In order for a record to be exempt from disclosure, there must be a reasonable expectation of harm flowing from the release of that record. A harm-based test should be used for exemptions.
- In cases where the head of a public body deletes information before providing access to a record, the head should be required to indicate what exemption is relied upon.

Business Interests of a Third Party

- The third party business interest exemption in the Act should read:

The head of the public body must refuse to disclose to an applicant information:

(a) that would reveal:

(i) trade secrets of a third party, or

- (ii) commercial, financial, labour relations, scientific or technical information of a third party.
- (b) that is supplied, implicitly or explicitly, in confidence, and
- (c) the disclosure of which could reasonably be expected to:
 - (i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,
 - (ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,
 - (iii) result in undue financial loss or gain to any person or organization, or
 - (iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.
- Information on all matters pertaining to government payment for services and/or supplies, and loan or guarantee transactions where non-arms length dealings with the government and a third party are apparent, should be accessible and subject to the Act.
- The head of a public body should be able to disclose third party information when the commercial information is in a record that is in the custody or control of a designated Archive and that has been in existence for 50 or more years.

Personal Privacy of Third Party

- A sunset clause of 25 years after death should be included in the exemption relating to the personal privacy of a third party.
- Reference to personal information should include sexual orientation, political affiliation, marital status, family status and criminal records, where a pardon has been issued.
- The Act should provide that disclosure of personal information will be wrongful if it is an unreasonable invasion of personal privacy. In making that determination, the head would have to consider a number of factors including:
 - whether the disclosure is desirable for the purpose of subjecting government activities to public scrutiny; and
 - whether the disclosure is likely to promote public health and safety or to promote the protection of the environment.

- The Act should provide disclosure of personal information if the information concerns a license permit or discretionary financial benefit granted to a third party.

Cabinet Confidences and Records

- These records should be exempt from disclosure until a period of 15 years from the date of creation has elapsed.

Disclosure Harmful to Individual Safety

- Refusal to disclose to an applicant personal information about the applicant is acceptable if the disclosure could reasonably be expected to result in 'immediate and grave harm' to the applicant's safety or mental or physical health, and 'is supported by expert opinion'.

Confidential Evaluations

- Confidential evaluations should state that a refusal by the head of a public body to disclose evaluative information to an applicant, is subject to an automatic review by the Commissioner.

Disclosure Harmful to Law Enforcement

- During the public consultation, extensive discussion was conducted in relation to disclosure harmful to law enforcement. Critical review of this area should be undertaken in conjunction with the 3 year review of the legislation.
- There should be specific reference to what harm-based test would apply to this exemption.

Disclosure Harmful to Intergovernmental Relations

- The time limit should be amended from 25 to 15 or more years to facilitate earlier public access.

Advice from Officials

- The time limit should be amended from 25 to 15 or more years to facilitate earlier public access.

Economic and Other Interests of Public Bodies

- Disclosure of the results of product or environmental testing 'must' not be refused by the head of a public body, subject to stated exemptions.

Privileged Information

- Section 20(a) of Bill 1 should be made mandatory with respect to information of a client that is not the government or a public body. Personal information that is provided in confidence to a lawyer employed by the government should be protected.

Information that is or will be available to the Public

- Future date should be specified as 60 days after receipt of the applicant's request.
- If the information is not published or released within 60 days after the applicant's request is received, the head of a public body must reconsider this request as if it were a new request received on the last day of that period.

Protection of Privacy

Purpose of Collection of Information

- Assuming Section 38 (c) of Bill 1 is included in the revised Act, the provision should be amended to state 'that information relates directly to and is necessary for an operating program or activity of the public body.'

Manner of Collection of Information

- The clause 'where reasonably practical' should be removed in reference to the collection of personal information directly from the individual (Section 39 (l) of Bill 1). There are sufficient exemptions from collecting personal information directly from the individual set forth in the Section.
- Substitute 'a proceeding before a court or a judicial or quasi-judicial tribunal' in place and stead of 'providing legal services' in Section 39 (l) subsection (f) of Bill 1.
- Section 39 (2) of Bill 1 should:
 - apply to all information collected, consequently delete 'unless the regulations provide that this subsection does not apply to that type of information'; and
 - include the provision 'the title, business address and business telephone number of an officer or employee of the public body who can answer the individual's questions about the collection.'
- Section 39 (3) of Bill 1 should remove the provision 'or defeat the purpose or prejudice the use for which the information is collected'.

Use of Personal Information

- A comprehensive definition of 'consistent purposes' should be added to the legislation.
- A list of consistent purposes for which personal information is used or disclosed should be published annually.

Duties of a Public Body

- The head of a public body must make every effort to ensure that information is accurate and complete prior to use or disclosure.

Right of Correction

- It is imperative that personal information is updated regularly, consequently the following provisions should be added:
 - On correcting or annotating personal information, the head of the public body must notify any other public body or any third party to whom the information has been disclosed during the one year period before the correction was requested; and
 - On being notified of a correction or annotation of personal information, a public body must make the correction or annotation on any record of that information in its custody or under its control.

When Personal Information May Be Disclosed

- Section 45 of Bill 1 should provide that personal data be disclosed in generic form. Also, the personal data may be disclosed as personal data if the release of it in generic form will not fulfill the other provisions of the Section.
- Section 45 Subsection (c) of Bill 1 should include 'before a court proceeding or a judicial or a quasi-judicial tribunal' at the end to restrict the legal right.
- Section 45 Subsection (e) of Bill 1 should be deleted and replaced with the following provisions:
 - (e) to a public body or a law enforcement agency in Canada to assist in that investigation
 - (i) undertaken with a view to a law enforcement proceeding, or
 - (ii) from which a law enforcement proceeding is likely to result.
 - (f) if the public body is a law enforcement agency in Canada and the information is disclosed

(iii) to another law enforcement agency in Canada, or

(iv) to a law enforcement agency in a foreign country under an arrangement, written agreement, treaty, or legislative authority.

- Section 45 Subsection (l) of Bill 1 should be amended to read “for use in a proceeding before a court or a judicial or quasi-judicial tribunal to which the Government of Alberta or a public body is a party.”
- Section 45 Subsection (s) and (u) of Bill 1 are extremely broad and should be deleted.
- The following exemption should be added to Section 45 of Bill 1:
 - “to a representative of the bargaining agent who has been authorized in writing by the employee, whom the information is about, to make an inquiry.”

IV. Conclusion

This report concludes the public consultation process with respect to proposed legislation covering access to information and protection of privacy. It has highlighted critical elements of public input received and will be presented to the Minister of Justice for consideration in drafting the final legislation.

It is anticipated that this will achieve the objective of developing and implementing the best possible Freedom of Information and Protection of Privacy legislation for Albertans. If this report is implemented in the legislation, it will be the strongest Bill in Canada and uniquely Albertan.

Appendix A – List of Submissions and Briefs

Abramowicz, Peter – Calgary
Alberta Association of Chiefs of Police – Calgary
Alberta Civil Liberties Research Centre (Amendments to Bill and Privacy under Bill) – Calgary
Alberta Genealogical Society – Red Deer
Alberta Human Rights & Civil Liberties Association – Edmonton
Alberta Teachers' Association – Edmonton
Albertans for Property Rights Association (APRA) – Calgary
Angevine, Sherie – Calgary
Association of Records Managers and Administrators (ARMA) – Calgary
Association of Records Managers and Administrators (ARMA) – Edmonton
Athabasca University – Edmonton
Canadian Association of Journalists (Edmonton Chapter) – Edmonton
City of Calgary – Calgary
City of Edmonton – Edmonton
Consumer's Association of Canada (Alberta) – Edmonton
Curle, Len – Calgary
Dane, Alan – Edmonton
Day, John Patrick – Edmonton
Decarie, Stephen – Calgary
Dialog Magazine
Edmonton & District Historical Society – Edmonton
Edmonton Friends of the North – Edmonton
Elofson, Wendy D. – Calgary
Federation of Alberta Naturalists – Calgary
Fort McMurray Historical Society – Fort McMurray
Fox, Uta H. – Calgary
Freedom of Information & Protection of Privacy Assoc. of Alberta (FIPA) – Calgary
Freedom of Information & Protection of Privacy Assoc. of Alberta (FIPA) – Edmonton
Germain, Adam – Fort McMurray
Gingrich, Rebecca
Grasslands Naturalists – Medicine Hat
Independent Lawyers of Alberta – Calgary
Independent Small Business and Citizens Legal Reform Association (ISBC) – Calgary
Keyano College – Fort McMurray
Koroluk, Peter – Edmonton
Law Society of Alberta
Lethbridge West Progressive Conservative Association – Lethbridge

Library Association of Alberta – Calgary
Marigold Library System – Medicine Hat
McCullough, Ron – Edmonton
Meneley, Robert A. – Calgary
Michelson, Ralph D.
Moeckl, Douglas – Vermilion
Municipal District of Rocky View – Calgary
National Firearms Association – Edmonton
Northgrave, Sylvia
Provincial Archives of Alberta
Red Deer and District Archives Committee – Red Deer
Rew, Dorene A. – Red Deer
Riel Policy Institute – Calgary
Schultchen, M. Jane – Lethbridge
Social Justice Commission – Archdiocese of Edmonton
Strathcona County
Students Association of Mount Royal College – Calgary
Town of Lacombe
Village of Standard
Village of Thorsby
Wallace, Rick
Willett, Susan

Appendix B – List of Participants

Abramowicz, Peter – Calgary
Abramski, Nick – Edmonton
Albers, Brenda – Edmonton
Alberta Association of Chiefs of Police (Mark Logar) – Calgary
Alberta Civil Liberties Research Centre (Dr. Ed Webking, Anne Jayne, Linda McKay Panos) – Calgary
Alberta Education (Ben Simon) – Edmonton
Alberta Genealogical Society – Red Deer Branch (Gordon Becker) – Red Deer
Alberta Handicapped Communications Society (Alan Blanes) – Edmonton
Alberta Human Rights & Civil Liberties Association (Charles Bidwell, Ph. D.) – Edmonton
Alberta Justice (Lil Clelland) – Lethbridge
Alberta Labour (Greg Smith) – Edmonton
Alberta Property Rights Association (Hector McElroy) – Calgary
Alberta Public Works (Sue Kessler) – Edmonton
Alberta Registries, Vital Statistics (Linda Blacklock) – Edmonton
Alberta Software (Gene Kozak) – Calgary
Alberta Taxpayers Association (Jason Kenney) – Edmonton
Alberta Teachers' Association (Bauni MacKay, C. Hyman) – Edmonton
Alberta Transportation & Utilities (S. Quickfall) – Edmonton
Alberta Wilderness Association (Glenda Hoist) - Calgary
Anderson, John – Calgary
Angevine, Sherie – Calgary
Archives Society of Alberta (Gertrude Bloor McLaren, Faye Hutchinson, Bruce Ibsen, Michael Dawe, Winston Jones) – Edmonton
Archives Society of Alberta Glenbow Museum (Andrea Garnier) – Edmonton
Association of Records Managers & Administrators (Vicky Williams, Irene Price, Sharon Robertson, Richard Lafus, Raphael Thierrin, Deanne Brews) – Calgary
Association of Records Managers & Administrators (Gary Durie, Bryan Corbett, Mickey Hargreaves) – Edmonton
Athabasca University (Alvin Finkel) – Edmonton
Beaumier, Gail – Edmonton
Borich, Matilda – Lethbridge
Brimacombe, F – Vermilion
Brown, Bert – Lethbridge
Buziak, Todd – Peace River
Calgary Herald (Monte Stewart) – Calgary
Calgary Poverty Focus Group (Marilyn Seelye) – Calgary
Calgary Sun (Jesse Arndt) – Calgary

Callioux, Ins – Peace River
Cameron, Robert – Calgary
Canadian Association of Journalists, N. Alberta Chapter (Matt McClure, Bob Makichuk, Ian Gray) – Edmonton
Carroll, Jim – Edmonton
CBC (Bill MacLaughlin) – Edmonton
Chadi, Sine (MLA) – Edmonton
CHMG (Amy Stalker) – Edmonton
City of Calgary (Norman Carruthers) – Calgary
City of Edmonton (Alderman Phair/Fil Fraser) – Edmonton
CKYL (Wendy Machlan) – Peace River
Clarín, Felix – Calgary
Clark, Colleen – Calgary
Coffman, Jeffrey – Lethbridge
Consumer's Association of Canada (Wendy Armstrong, Ralph Nader, J. Morrison, Lynne Arling) – Edmonton
Cornish, Dirk – Edmonton
Cornish, Carol – Edmonton
Council of President, University of Calgary (Margaret Hildebrand) – Calgary
Curle, Len - Calgary
Daly, E. – Edmonton
Daly, Bill – Edmonton
Dane, Allan – Edmonton
Dann, Bob – Calgary
Dawe, Jean – Edmonton
Day, John – Edmonton
Decarie, Stephen – Calgary
Democracy Watch (Duff Conacher) – Edmonton
Dialog with the Disabled Society of Alberta (Lee Melnychuk, Gord Wosley) – Edmonton
Dills, Steve – Vermilion
Dr. E.P. Scarlett High School PTA (S. Etherington) – Calgary
Dunford, Clint – Lethbridge
Edmonton & District Historical Society (Katherine Ivany, Sean Moir) – Edmonton
Edmonton Downtowner (Colin Smith, D. Turnbull) – Edmonton
Edmonton Friends of the North Environment Society (Robert Wilde, Lorraine Vetsch) – Edmonton
Edmonton Management Systems (Jani Vogel) – Edmonton
Elofson, Wendy – Calgary
Elton, David – Lethbridge

Evans, Gloria – Edmonton
Federation of Alberta Naturalists (Maryhelen Posey) – Calgary
Fehr, Gary – Lethbridge
Fitzgerald, Frank – Edmonton
Fletcher, Derek – Calgary
Folks, Dick – Peace River
Fort McMurray Historical Society (Mary Weber-Blatz) – Fort McMurray
Fort McMurray Today (Karen Parks) – Fort McMurray
Forwick, Josephine – Edmonton
Fox, Uta – Calgary
Freedom of Information & Privacy Association of Alberta (Brian Edy, Dixie Orth, Mike Bannes, Samuel Goldstein, Prof. Banks) – Calgary
Freedom of Information & Privacy Association of Alberta (Shirish Chotalia) – Edmonton
Gainor, Lorrie – Calgary
Geneological Society of Alberta, Edmonton Branch (Arlene Borgstede) – Edmonton
Germain, Adam (MLA) – Fort McMurray
Getty, Ian – Calgary
Gibson, D.I. – Calgary
Giffew, Barry – Edmonton
Gordon, Edward – Fort McMurray
Government of Canada (Dave Ilkeuv) – Calgary
Graham, E.J. – Edmonton
Grassland Naturalists (D. Baresco) – Medicine Hat
Gunter, Terry – Calgary
Haroba, Bobby – Edmonton
Harris, Gwen – Edmonton
Harris, R. – Edmonton
Harvey, Richard – Calgary
Haslam, Robert – Calgary
Herald, Denis – Calgary
Hierath, Ron (MLA) – Lethbridge
Hills, Bruce – Peace River
Historical Society of Alberta (Ron Robertson) – Calgary
Hlady, Mark (MLA) – Calgary
Holst, Glenda – Calgary
Horol, Joe – Calgary
Hughes, David – Edmonton
Hyde, Phil – Red Deer
Ikle, Ken – Lethbridge

Independent Lawyer's Society of Alberta (Wayne Lenhardt) – Calgary
Independent Small Business & Citizen's Reform Association (Rose Marie Watts) – Calgary
Irving, Chris – Calgary
Jacques, Wayne (MLA) – Grande Prairie
Juba, Leo – Edmonton
Keyano College (Brian Husband, Doug McRae) – Fort McMurray
Koroluk, Peter – Edmonton
Krawell, C. – Edmonton
Kutz, Susan – Edmonton
Laing, Robert – Peace River
Lawrence, M.D. – Edmonton
Lenhardt, Wayne – Calgary
LeRoux, Ginette – Calgary
Lethbridge West P.C. Association (Stuart Langland) – Lethbridge
Library Association of Alberta (Alvin Schrader, Keith Turnbull) – Edmonton
Library Association of Alberta (Rose-Mary Griebel, Susan Platt) – Calgary
Lloydminster Public Library – (Ron Gillies) – Vermilion
Logan, Dwight – Grande Prairie
Louis Riel Policy Institute (Norman Conrad) – Calgary
Loyek, Lawrence – Edmonton
Ludwig, Alberta – Calgary
M.D. of Rocky View (Gloria Wilkinson) – Calgary
MacFarlane, Ruth – Edmonton
Machan, Terry – Peace River
Mackecel, Richard – Calgary
MacLennan, Dan – Calgary
MacLeod, Shelby – Lethbridge
Marigold Library System (Karen Labuik) – Medicine Hat
Mattiaj, Ben – Lethbridge
Maxwell, Linda – Calgary
McCallum, Robert – Calgary
McCloughan, C. – Edmonton
McCormick, Peter – Lethbridge
McCulloch, Ron – Edmonton
McHugh, Pat – Edmonton
Medicine Hat News (Maureen MacNeill) – Medicine Hat
Melnychuk, Lee – Edmonton
Meneley, Bob – Calgary
Mickle, W.J. – Lethbridge

Mickle, Helen – Lethbridge
Middleton, Rob – Medicine Hat
Misutka, Patricia – Edmonton
Moecki, Douglas – Vermilion
Mount Royal College Students Association (Stephen Davies, Brendan Correia, Don Kozak) – Calgary
Mudart, Mariette – Edmonton
National Firearms Association (David Tomlinson) – Edmonton
Navratil, Lucyna – Calgary
Neill, Mark – Edmonton
Nelles, Bob – Calgary
Nicol, Ken (MLA) – Lethbridge
Northern Lights Library System (Kolette Taber) – Vermilion
Northfield, Deborah – Edmonton
Northfield, Tanya – Edmonton
Nowakowski, John – Edmonton
Ozubko, Melanie – Calgary
Paszkowski, Walter (MLA) – Grande Prairie
Peace River Centennial Museum & Archives (Victoria Barsalou) – Peace River
Peace River Record Gazette (Diana Rinne) – Peace River
Peace River School Division #10 (Robin Folks) – Peace River
Pechanee, R. – Edmonton
Perran, Heuray – Edmonton
Pincher Creek Historical Society (Jean Pelletier) – Lethbridge
Pincher Creek Museum (Kurt Froese) – Lethbridge
Poiria, Venice – Edmonton
Professional Marketing Research Society (Rick Wallace) – Edmonton
Provincial Archives of Alberta (Dr. W.J. Byrne, Dr. Sandra Thompson) – Edmonton
Radford-Ross, Gail – Edmonton
Ragsdale, Timmy – Edmonton
Red Deer & District Archives (Michael Dawe) – Red Deer
Ree, S. – Edmonton
Rew, Dorene – Red Deer
Reynolds, Mirth, Richards & Farmer (Don Lucky) – Edmonton
Rockyview Weekly (Scott and Geoff Taylor) – Calgary
SAIT News (Terry Albertine) – Calgary
Sasaki, Janis – Edmonton
Schritt, Rodney – Medicine Hat
Schultchen, Jane – Lethbridge

Scott, T. – Calgary
Sears, Rita – Calgary
Shortgrass Library System (Colleen Swift) – Medicine Hat
Siksika Urban Association (Roy Little Chief) – Calgary
Sohonbran, Chris – Lethbridge
Speer, Raymond – Calgary
Spurgeon, Les – Calgary
Stauffer, Robert – Edmonton
Tanner, Doris – Edmonton
Taylor, Lorne (MLA) – Medicine Hat
Thompson, Shauna – Fort McMurray
Thompson, B.H. – Calgary
Thompson, J.N. – Calgary
Toews, Tony – Vermilion
Tompkins, B. – Edmonton
University of Alberta Student Records (Hugh King) – Edmonton
Vardalas, Evelyn – Grande Prairie
Victory Church (Lee MacDonald) – Calgary
West, Steve (MLA) – Vermilion
West, Marie – Vermilion
White, Lance (MLA) – Edmonton
Winchester, Buss – Edmonton
Wolf, R.E. – Calgary
Wolochaty, Mark – Calgary