

1971 Bill 136

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Fourth Session, 16th Legislature, 20 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 136**

**The Public Document Confidentiality Act**

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MR. WERRY

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 136

1971

## THE PUBLIC DOCUMENT CONFIDENTIALITY ACT

(Assented to \_\_\_\_\_, 1971)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

**1.** This Act may be cited as The Public Document Confidentiality Act.

**2.** In this Act

- (a) "Crown Agencies" means
  - (i) The Alberta Liquor Control Board, or
  - (ii) The Workmen's Compensation Board, or
  - (iii) The Oil and Gas Conservation Board, or
  - (iv) The Research Council of Alberta, or
  - (v) The Alberta Human Resources Research Council, or
  - (vi) The Alberta Government Telephones, or any other board or agency which may from time to time cause to be established;
- (b) "Department" means any department established by the Government to conduct the affairs of the Province which is in existence or may from time to time cause to be established;
- (c) "employee" means any employee appointed to a position pursuant to The Public Service Act, Crown Agencies, Employee Relations Act and who are appointed to a position by the Lieutenant-Governor in Council;
- (d) "Minister" means any member of the Executive Council;
- (e) "person" means an individual, co-operative, corporation, partnership.

**3.** (1) In the public interest, any file, document or paper kept by any person

## **Explanatory Notes**

Under the terms of this Bill any file, document or paper that has come into being by a Department or Crown Agency of the Government that relates to the personal history and record of a child or adult cannot be disclosed to any person without the written consent of the person.

There are exclusions where the information is required at a trial, hearing or proceeding where provisions are provided by other Acts and for information which is ordered by the Legislative Assembly.

When private information has been disclosed, the aggrieved person has full recourse in a court of law.

Employees of the Government, including Ministers of the Crown, who contravene this Act are guilty of an offence and are subject to fines.

(a) that deals with the personal history or record of a child or an adult, and  
(b) that has come into existence through any Department or Crown Agency  
shall not be disclosed to any person except upon the written consent of the person, parent or guardian of a child.

(2) No employee or Minister shall disclose or be compelled to disclose any information mentioned in subsection (1) above which has been obtained by him in the course of the performance of any of his duties, or available to him

- (a) except at a trial, hearing or proceeding which provisions are provided for by other Acts, or
- (b) except as ordered by the Legislative Assembly.

(3) Any employee who contravenes this section is guilty of an offence and liable upon summary conviction to a fine of not more than \$500.00 and not less than \$100.00 and in default of payment to a term of imprisonment of not more than three months.

(4) Any Minister who contravenes this section is guilty of an offence and liable upon summary conviction to a fine of not more than \$10,000.00 and not less than \$500.00 and in default of payment to a term of imprisonment of not more than three years.

**4.** Every person whose private information has been disclosed contrary to section 3 shall

- (a) have recourse in a court of law for damages incurred, and
- (b) does not have to receive permission from the Crown to cause an action to be taken against the Government of the Province of Alberta.

**5.** This Act comes into force on the day upon which it is assented to.

