

1971 Bill 137

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 137

The Government Computer Privacy Act

MR. HYNDMAN

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

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1971

THE GOVERNMENT COMPUTER PRIVACY ACT

(Assented to _____, 1971)

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

1. In this Act,

- (a) "Data" means information that has been fed into and stored in a data bank;
- (b) "Data bank" means a filing system (including a computer) that records and stores information;
- (c) "Minister" means the Provincial Treasurer;
- (d) "Operator" means the person responsible for the operation of a data bank and for the introduction into and extraction from it of data.

2. (1) The Minister shall cause a register to be kept of all data banks operated by the Government of the Province of Alberta and any boards, commissions or agencies thereof.

(2) The register shall set forth, in respect of each data bank

- (a) the nature of the data stored or to be stored therein;
- (b) the purpose for which data is stored therein;
- (c) the class of persons authorized to extract data therefrom.

(3) The operator of the data bank shall furnish the information referred to in subsection (2).

(4) The operator shall advise the Minister of any alterations of, additions to or deletions from the said information within four weeks of such alteration, addition or deletion.

3. Only data relevant to the purposes for which the data bank is operated shall be stored therein.

Explanatory Notes

The purpose of this Bill is to:

1. Safeguard the privacy of individual citizens by preventing indiscriminate access to Government computers and data banks which contain personal information.
2. Regulate and control the dissemination of data from Government computers that record and store personal information relating to identifiable individuals.
3. Prevent the pooling, by unauthorized persons, of personal information on citizens contained in numerous computers maintained by Government departments, agencies, commissions and Crown corporations.

The Bill provides for the establishment of a Government Computer Register at a central office so that, at a glance, the following information will be easily and readily available:

- (a) The nature of the data stored in the computer.
- (b) The purpose for which the stored data are to be used.
- (c) The class of civil servants authorized to extract data from it.

The Government Computer Register would be kept up-to-date as new computers are installed or existing computers expanded in their operations.

The Bill requires that the Legislature be advised each year, by means of a tabled report, of the status of the register.

Computer data relating to the personal history of an Alberta citizen could only be revealed to someone outside the Government department, agency, commission or Crown corporation where they were compiled in three instances:

1. If the Legislature, by a motion, ordered production of the data.
2. Upon the written consent of the citizen, or, of the citizen is a child, upon written consent of the child's parent or guardian.
3. At a trial, hearing or proceeding provided for in another Act.

4. Data in a Government Data Bank

- (a) that relates to the personal history or record of an adult or a child, and
- (b) which has come into existence through any Government Department, board, commission or agency shall not be disclosed to any person outside the department, board, commission or agency which compiled the data except
 - (a) upon an order of the Legislative Assembly;
 - (b) upon the written consent of the adult or of the parent or guardian of the child;
 - (c) at a trial, hearing or proceeding the authority for which is provided for by another Act.

5. Where the Minister

- (a) permits data stored in a data bank to be used for purposes other than those stated on the register, or
- (b) allows access to the said data to persons other than those entered on the register as having authorized access

He shall be liable in damages to the person whose personal data is involved and, where such acts or omissions are wilful, is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

6. The Minister shall make an annual report setting forth the information contained in the data bank register, which report shall be tabled before the Legislative Assembly before March 1st in each year or, if the Legislature is not sitting, within 15 days of the commencement of the next ensuing session thereof.

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

