

1974 Bill 225

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 225

**An Act Respecting The Right Of The Public To Information
Concerning The Public Business**

MR. LUDWIG

First Reading

Second Reading

Third Reading

Bill 225
Mr. Ludwig

BILL 225

1974

AN ACT RESPECTING THE RIGHT OF THE PUBLIC TO INFORMATION CONCERNING THE PUBLIC BUSINESS

(Assented to _____, 1974)

Whereas the people of Alberta have a political right to be informed by their government concerning the public business that they may protect and preserve the democratic principles and practices of the Constitution;

Now therefore that the people of Alberta may more vigilantly ensure their democratic heritage shall not be staled by secret usages nor withered by silent tyrannies,

HER 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 Right to Information Act, Alberta*.

2. In this Act,

- (a) "public business" includes any activity or operation carried on or performed in Alberta or elsewhere by the government of Alberta, by any department, branch, board, commission, agency, or Crown Corporation, of that government, by any court or other tribunal of Alberta, or by any body or authority performing a function of the government of Alberta; and
- (b) "record" includes the whole or any part of any book, document, paper, card, tape or other thing on or in which information is written, recorded, stored or reproduced and, where any record does not convey the information contained in the record by reason of its having been kept in a form that requires explanation, includes a transcript of the explanation of the record.

3. Any Albertan may apply to the government for a record made in the course of public business and the government shall, within a reasonable time thereafter, provide a copy of such record to any person who so applies or make such record available for inspection by him.

4. Section 3 shall not apply to any record or part thereof
- (a) where any statutory or other law provides that such record or part thereof shall not be made public;
 - (b) made in the course of an investigation or inquiry in the administration of the law or in the course of obtaining or giving legal advice or in contemplation of a legal proceeding;
 - (c) where the information on record is elsewhere provided or available, or in the discretion of any public official, may be made available under any statutory or other law;
 - (d) where the information on record is so trivial in public interest that the cost to provide or to make the record available is not in the public interest;
 - (e) where the application therefor is made for a frivolous or vexatious purpose;
 - (f) where the information on record is of a confidential nature exchanged by public officials within the government or between public officials of the government and any other government and is expressed to be confidential; or
 - (g) where the information on record relates to the private affairs of any person or organization and, upon a balance of convenience between private and public interest, it is not in the public interest to provide or to make the record available.

5. (1) Any person entitled under section 3 who applies to the Government for a record of public business and is denied in writing or, within a reasonable time after application made, is not provided with a copy of such record or has not had such record made available to him for inspection, may apply to a judge of the Supreme Court of Alberta, for an order that the government comply with the application and the judge shall so order.

(2) An order made under this section shall be served upon the government by mailing a copy of the order to the Clerk of the Executive Council of Alberta.

(3) If, within 14 clear days after the order is so mailed, the government files with the court a reply that the record is privileged under section 4, together with particulars in support thereof, proceedings upon the order shall thereby be stayed.

(4) The judge shall examine and consider the reply and the statement of particulars and shall thereafter affirm or quash the order made under subsection (1) or amend or vary the terms thereof as he deems best in the public interest.

6. (1) The government may, in any case where privilege is claimed under section 4, file the statement of particulars in support of such claim of privilege with the reply but separately in a sealed envelope.

(2) The judge shall peruse the statement of particulars and may order it to be resealed or to be communicated to the person who applied for the order or to be otherwise dealt with as he sees fit.

7. Except as provided in section 10, a proceeding under this Act shall be deemed not to be a legal proceeding as defined in *The Alberta Evidence Act*.

8. No appeal lies from any order made under this Act and no costs or disbursements are allowable or fees payable on the proceedings.

9. Upon an application made under section 3, the government shall appoint a member or other official of the government to represent and to be responsible for and in behalf of the government in all proceedings upon the application; and the person so appointed shall sign any denial of such application or any reply of privilege.

10. (1) Every person who violates or fails to comply with any provision of this Act or any order made by a judge pursuant to this Act is guilty of an offence and is liable on summary conviction to imprisonment for any term not exceeding 6 months.

(2) Any proceeding under this section may be instituted at any time within six months after the time when the subject matter of the proceeding arose.

11. The provisions of this Act shall not be taken to exclude any method of obtaining Public information in which it may by law, be obtained.

12. Nothing in this Act shall be deemed to abrogate, abridge or infringe any of the privileges, immunities and powers held, enjoyed and exercised by the Legislative Assembly of Alberta and by the members thereof.

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