

1975 Bill 231

Fourth Session, 17th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 231

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

MR. LUDWIG

First Reading

Second Reading

Third Reading

Bill 231
Mr. Ludwig

BILL 231

1975

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

(Assented to , 1975)

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 person who resides in or who is domiciled in Alberta 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, for a reasonable time and in normal business hours.

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) that is privileged as having been 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 either under any statutory or other law or as a result of the exercise of a discretion allowed to a public official;
 - (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) that is privileged as being 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;
 - (g) where the information on record is private in that it relates to the private affairs of any person or organization and, upon a balance between private and public interest, it is not in the public interest to provide or to make the record available; or
 - (h) of a court proceeding where such court has by order of a judge operated in camera.

5. (1) Any person who believes that he is entitled to a record 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 by notice of motion, in the Supreme Court of Alberta for an order that the Government comply with the application and if, in the opinion of the Court, the person is so entitled it shall grant the order.

(2) At the hearing of the application for an order, the Government may produce evidence to show that the record comes within the scope of section 4 and in any case where privilege or privacy is claimed under subsections (b), (f) or (g) of section 4, may present particulars of such claim in a sealed envelope to be opened and read only by the judge hearing the application.

(3) The judge may order information contained in the sealed envelope to be resealed or to be communicated to the person who applied for the order or to be otherwise dealt

(4) An order made under this section shall be served on the Government by serving a copy on the Clerk of the Executive Council of Alberta.

6. A proceeding under this Act other than a proceeding pursuant to section 9 shall be deemed not to be an action as defined in *The Alberta Evidence Act*.

7. No appeal lies from any order made under this Act except as provided in subsection (3) and (4) of section 5, and no order shall be made by the Court as to costs in the application.

8. 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 on behalf of the Government in all proceedings upon the application; and the person so appointed shall sign any denial of such application or any claim of privilege or privacy pursuant to section 5.

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

10. The provisions of this Act shall not be construed so as to exclude any method of obtaining public information which is established by law.

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

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