

1978 BILL 250

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Fourth Session, 18th Legislature, 27 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 250

THE COMPUTER ACT

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MR. TAYLOR

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First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

Bill 250  
Mr. Taylor

## BILL 250

1978

### THE COMPUTER ACT

(Assented to \_\_\_\_\_, 1978)

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

**1.** In this Act

- (a) "consumer reference bureau" means a bureau licensed by the Minister pursuant to section 10;
- (b) "destroy" means erase, burn, shred or otherwise render permanently unreadable;
- (c) "owner of information" means any person who supplies information to a computer data processing company for storage in or processing by a computer at a direct cost to that person;
- (d) "record" means any information relating to an individual produced to be fed into a computer, stored in a computer or which is produced by a computer.

**2.** No information stored in a computer shall be released by the person who owns or operates the computer or who has access to the information stored therein without the written consent of the person to whom the information pertains, except where such release is

- (a) to the owner of the information by the owner or operator of the computer,
- (b) to any person to whom the information relates,
- (c) to a collection agency involved in collecting a debt of which the information is evidence,
- (d) to a law enforcement agency or officer,
- (e) to a credit bureau,
- (f) to a consumer reference bureau,
- (g) to a court of law by a law enforcement agency or officer, or
- (h) to a consumer by a consumer reference bureau, where the information relates to a business.

## **Explanatory Notes**

**General:** The purpose of this Bill is to ensure individuals a degree of privacy in regard to information which deals with their personal affairs and to guarantee the right to examine, revise, or correct such information.

### **1. Definitions.**

**2. Written consent before release of computerized information; exceptions.**

**3.** Every person who is the owner or operator of a computer or the owner of information stored in a computer shall upon written request by registered mail from an individual, send by mail a copy of every record pertaining to the individual in the person's control at a reasonable cost and within 21 days of receipt of the request.

**4.** (1) Every individual who receives a record whether pursuant to section 3 or otherwise which relates to him may send by registered mail to the owner or operator of the computer in which the record is or was stored or by which the record was produced, a written request that the owner or operator advise him of the source or sources of the information in the record.

(2) Every person who receives a request pursuant to subsection (1) shall send the information requested within 30 days of receipt of the request.

(3) Every individual who receives a record whether pursuant to section 3 or otherwise which relates to him and which he believes to be incorrect may send, by registered mail, to the owner or operator of the computer in which the record is or was stored or by which the record was produced or to the source of the information identified pursuant to subsection (2), a written demand that the information in the record that is incorrect be corrected.

(4) Every person who receives a demand from an individual pursuant to subsection (3) shall, within 30 days of receipt either

- (a) send the individual the evidence on which he relied in generating that part of the record alleged to be incorrect if such evidence indicates clearly that the record is correct, or
- (b) correct the record as demanded, destroy that part of the record that was incorrect and send the individual a copy of the corrected record.

**5.** (1) Where an individual who has sent a demand pursuant to section 4(3) and the person to whom the demand was sent does not comply with section 4(4)(b), the individual may commence an action by notice of motion in the District Court for an order that the person correct the record in accordance with the demand.

(2) Upon hearing an application pursuant to subsection (1) the Court may order the record corrected or destroyed, and a correction and apology to be sent to any person to whom the record has been released, refuse the application or make such other order as it deems appropriate.

**6.** The owner or operator of a computer shall destroy every copy of every record produced by a computer which could identify the individual to whom the information contained in it relates,

**3.** Individual to have access at reasonable cost to computerized information relating to him.

**4.** Individual to have right to know source of computerized information and to demand correction of inaccurate information.

**5.** Enforcement of demand for correction.

**6.** Disposition of computerized records when no longer required.

or deliver it to the person to whom the record pertains or to the owner of the information as soon as the record is of no further use to the owner of the record or the owner or operator of the computer.

**7.** Any person who contravenes any provision of this Act except section 3 is guilty of an offence and liable upon summary conviction to a fine of not less than \$500 and not more than \$5000 and to not more than 6 months' imprisonment, or to both fine and imprisonment.

**8.** Any person who contravenes section 3 of this Act is guilty of an offence and liable upon summary conviction to a fine of not less than \$500 and not more than \$5000.

**9.** Nothing in this Act shall be deemed to remove or reduce any remedy at law in respect of the publication of information relating to an individual.

**10.** The Minister of Consumer and Corporate Affairs may license any person who applies to him to be licensed as a consumer reference bureau if he is satisfied that the principal objective of the person is the provision of references and advice to consumers pertaining to businesses that consumers may wish to deal with.

**11.** The Lieutenant Governor in Council may by regulation exempt any person or information from the provisions of this Act.

**12.** This Act comes into force on a date to be fixed by Proclamation.

**7. Offences; penalties.**

**8. Offences; penalties.**

**9. Existing rights and remedies unaffected.**

**10. Licensing of consumer reference bureaus.**

**11. Exemption by regulation.**