

1980 BILL 238

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 238

THE PRIVACY ACT

DR. BUCK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 238
Dr. Buck

BILL 238

1980

THE PRIVACY ACT

(Assented to , 1980)

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

1 The purpose of this Act is to extend the present laws of Alberta to provide individuals the right of access to information concerning themselves and the right to control over the dissemination of such information.

2 In this Act

(a) “automated information system” means any system of equipment for storing, collecting, distributing or reproducing information;

(b) “government institution” means any department, ministry, board, commission, body or agency of the Government;

(c) “individual” means a Canadian citizen or person lawfully residing in Canada;

(d) “organization” means a company incorporated or registered under *The Companies Act*, a society incorporated or registered under *The Societies Act*, a partnership or a sole proprietorship;

(e) “information” means

(i) data relating to the age, race, color, place of origin, religion, ancestry, sexual proclivity or criminal record of an individual,

(ii) data or opinion concerning an individual’s health, competence, financial status or personal habits, past or present or financial background, or

(iii) medical, psychiatric or psychological records or opinions pertaining to an individual;

Explanatory Notes

1 Purpose

2 Definitions

3 Any individual, organization or government institution which maintains an automated information system shall appoint a custodian who shall be responsible for the system.

4 A custodian shall

- (a) take all reasonable precautions to ensure the security of the system;
- (b) take all reasonable measures to ensure the accuracy of the information contained in the system;
- (c) cause an advertisement to be published yearly which gives the name of the system, the name of the organization or individual who maintains the system, the nature of the information which is contained within the system and the name and address of the custodian;
- (d) inform individuals upon whom information is kept of
 - (i) the presence of such information,
 - (ii) the general nature of the information,
 - (iii) the procedure whereby such information may be viewed and challenged,
 - (iv) the method whereby such information is disclosed,
 - (v) the length of time that information will be retained;
 - (vi) the intended use of the information, and
 - (vii) the name and address of the custodian;
- (e) upon written request, provide an individual with a copy of every record under his control containing information pertaining to that individual;
- (f) except in the case of medical, psychiatric, psychological and police records, where an individual has delivered to the custodian a written request that information is promptly removed from any record within the automated information system and destroyed upon the expiration of that period.

5 A custodian may charge an individual only for the actual cost of reproducing a record that is supplied pursuant to this Act.

3 Information systems to have appointed custodians

4 Duties of custodian

5 Charge for copy

6 No record shall be presented to an individual in an edited form unless the editing has been solely for the purposes of removing information pertaining to another individual.

7 A custodian shall, upon written request of the individual to correct his record

(a) alter the record to show the corrections requested by the individual, or

(b) note that the correctness of the information is contested by the individual and include the text of the correction requested alongside the original.

8(1) No custodian shall release or knowingly or negligently permit the release of information within an automated information system in his care to any person, organization, or government institution, for profit accruing to the custodian, his employer or the recipient, without the written consent of the individual to whom the information pertains.

(2) No custodian of a government institution shall knowingly or negligently release information from the automated information system in his care to any person, organization or government institution, without the written consent of the individual to whom the information pertains.

9(1) Sections 4(c), (d), (e), and (f) and sections 7, and 8(2) do not apply to police records of law enforcement agencies, pertaining directly to investigations.

(2) Sections 4(c), (d) and (e), and section 7 do not apply to records of a physician pertaining to the diagnosis and treatment of psychiatric or psychological disorders where it is the opinion of the physician that disclosure would harm the individual or hamper treatment.

10(1) No individual, organization or government institution shall solicit information from a third party and place it in an automated information system without the written consent of the individual to whom that information pertains.

(2) Subsection (1) does not apply

(a) to a peace officer in the performance of his duty, or

(b) any employee of a government institution who needs the information for the performance of his duties and whose right to have the information is established by statute.

6 Record copy not to be edited

7 Record corrected or annotated

8 Record not to be released without consent

9 Exceptions

10 Solicitation of information

11 The Lieutenant Governor in Council may make regulations prescribing

(a) the maximum that may be charged for the provision of information, and

(b) classes of information and records that are to be exempted from the provision of this Act in the public interest.

12 Any person who fails to comply with any provision of this Act is guilty of a summary offence punishable by a fine of not more than \$5000 or 6 months imprisonment or both fine and imprisonment.

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

11 Regulations

12 Offences and penalties