

1998 BILL 221

Second Session, 24th Legislature, 47 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 221

FREEDOM OF INFORMATION AND PROTECTION
OF PRIVACY AMENDMENT ACT, 1998

MR. JOHNSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 221
Mr. Johnson

BILL 221

1998

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY AMENDMENT ACT, 1998

(Assented to _____, 1998)

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

Amends SA
1994 cF-18.5

1 *The Freedom of Information and Protection of Privacy Act*
is amended by this Act.

**2 Section 38(1) is amended by striking out “or” at the end of
clause (aa), by adding “or” at the end of clause (bb) and by
adding the following after clause (bb):**

- (cc) if the public body is an educational body and the
information
 - (i) is disclosed for the purpose of a social, cultural or
historical activity,
 - (ii) was collected a minimum of 9 years earlier, and
 - (iii) is of a nature that, in the opinion of the head of the
public body, disclosing it would not be an
unreasonable invasion of personal privacy.

Explanatory Notes

1 Amends chapter F-18.5 of the Statutes of Alberta, 1994.

2 Section 38(1) presently reads:

38(1) A public body may disclose personal information only

- (a) in accordance with Part 1,*
- (b) for the purpose for which the information was collected or compiled or for a use consistent with that purpose,*
- (c) if the individual the information is about has identified the information and consented, in the prescribed manner, to the disclosure,*
- (d) for the purpose of complying with an enactment of Alberta or Canada or with a treaty, arrangement or agreement made under an enactment of Alberta or Canada,*
- (e) for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure,*
- (f) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction to compel the production of information or with*

a rule of court that relates to the production of information,

- (g) to an officer or employee of the public body or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer, employee or member,*
- (h) for the purpose of enforcing a legal right that the Government of Alberta or a public body has against any person,*
- (i) for the purpose of
 - (i) collecting a fine or debt owing by an individual to the Government of Alberta or to a public body, or to an assignee of either of them, or*
 - (ii) making a payment owing by the Government of Alberta or by a public body to an individual,**
- (j) for the purpose of determining an individual's suitability or eligibility for a program or benefit,*
- (k) to the Auditor General or any other prescribed person or body for audit purposes,*
- (l) to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem,*
- (m) to a representative of a bargaining agent who has been authorized in writing by the employee the information is about to make an inquiry,*
- (n) to the Provincial Archives of Alberta or to the archives of a public body for permanent preservation,*
- (o) to a public body or a law enforcement agency in Canada to assist in an investigation
 - (i) undertaken with a view to a law enforcement proceeding, or*
 - (ii) from which a law enforcement proceeding is likely to result,**
- (p) if the public body is a law enforcement agency and the information is disclosed
 - (i) to another law enforcement agency in Canada, or**

3 This Act comes into force on Proclamation.

- (ii) *to a law enforcement agency in a foreign country under an arrangement, written agreement, treaty or legislative authority,*
- (q) *so that the next of kin or a friend of an injured, ill or deceased individual may be contacted,*
- (r) *in accordance with section 40 or 41,*
- (s) *to an expert for the purposes of section 17(2),*
- (t) *for use in a proceeding before a court or quasi-judicial body to which the Government of Alberta or a public body is a party,*
- (u) *when disclosure is by the Minister of Justice and Attorney General or an agent or lawyer of the Minister of Justice and Attorney General to a place of lawful detention,*
- (v) *for the purpose of managing or administering personnel of the Government of Alberta or a public body,*
- (w) *to the Director of Maintenance Enforcement for the purpose of enforcing a maintenance order under the Maintenance Enforcement Act,*
- (x) *to an officer of the Legislature, if the information is necessary for the performance of the duties of that officer,*
- (y) *for the purpose of supervising an individual under the control or supervision of a correctional authority,*
- (z) *when the information is available to the public,*
- (aa) *to a relative of a deceased individual if, in the opinion of the head of the public body, the disclosure is not an unreasonable invasion of the deceased's personal privacy, or*
- (bb) *to a lawyer or student-at-law acting for an inmate under the control or supervision of a correctional authority.*

3 Coming into force.