

1999 BILL 37

Third Session, 24th Legislature, 48 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 37

**FREEDOM OF INFORMATION AND PROTECTION
OF PRIVACY AMENDMENT ACT, 1999**

MR. FRIEDEL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 37
Mr. Friedel

BILL 37

1999

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY AMENDMENT ACT, 1999

(Assented to , 1999)

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 1(1) is amended

(a) by repealing clause (e) and substituting the following:

(e) “employee”, in relation to a public body, includes a person who performs a service for the public body as an appointee, volunteer or student or under a contract or agency relationship with the public body;

(b) in clause (f)

(i) by adding the following after subclause (i):

(i.1) if the public body is an agency, board, commission, corporation, office or other body designated as a public body in the regulations, the person designated by the Minister responsible for that body to act as the head of that body or, if a head is not so designated, the person who acts as the chief officer and is charged with the administration and operation of that body,

(ii) in subclause (iii) by striking out “executive”;

Explanatory Notes

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

2 Section 1(1)(e), (f), (g), (h) and (i) presently read:

1(1) In this Act,

(e) “employee”, in relation to a public body, includes a person retained under a contract to perform services for the public body;

(f) “head”, in relation to a public body, means

(i) if the public body is a department, branch or office of the Government of Alberta, the member of the Executive Council who presides over it,

(ii) if the public body is a local public body, the person or group of persons designated under section 89(a) as the head, and

(iii) in any other case, the chief executive officer of the public body;

(g) “health care body” means

(i) an approved hospital as defined in the Hospitals Act,

(ii) a nursing home as defined in the Nursing Homes Act,

(c) in clause (g)

(i) by repealing subclauses (i) and (ii) and substituting the following:

- (i) the board of an approved hospital as defined in the *Hospitals Act* other than an approved hospital that is owned and operated by a regional health authority under the *Regional Health Authorities Act*,
- (ii) the operator of a nursing home as defined in the *Nursing Homes Act* other than a nursing home that is owned and operated by a regional health authority under the *Regional Health Authorities Act*,

(ii) by adding the following after subclause (iii):

- (iii.1) the Alberta Cancer Board,

(d) by repealing clause (h) and substituting the following:

(h) “law enforcement” means

- (i) policing, including criminal intelligence operations,
- (ii) a police, security or administrative investigation, including the complaint giving rise to the investigation, that leads or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the investigation or by another body to which the results of the investigation are referred, or
- (iii) proceedings that lead or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the proceedings or by another body to which the results of the proceedings are referred;

(e) in clause (i) by striking out “or” at the end of subclause (xv) and repealing subclause (xvi) and substituting the following:

(xvi) any

- (A) commission,

- (iii) *a provincial health board established under the Regional Health Authorities Act,*
- (iv) *a regional health authority under the Regional Health Authorities Act,*
- (v) *a community health council established under the Regional Health Authorities Act, or*
- (vi) *a subsidiary health corporation as defined in the Regional Health Authorities Act;*
- (h) *“law enforcement” means*
 - (i) *policing, including criminal intelligence operations,*
 - (ii) *investigations that lead or could lead to a penalty or sanction being imposed, or*
 - (iii) *proceedings that lead or could lead to a penalty or sanction being imposed;*
- (i) *“local government body” means*
 - (i) *a municipality as defined in the Municipal Government Act,*
 - (iii) *an improvement district under the Municipal Government Act,*
 - (vi) *a special area as defined in the Special Areas Act,*
 - (ix) *a regional services commission under Part 15.1 of the Municipal Government Act,*
 - (x) *a board established under the Drainage Districts Act,*
 - (xi) *a board established under the Irrigation Act,*
 - (xii) *a management body established under the Alberta Housing Act, a housing authority continued under section 37 of the Alberta Housing Act and a foundation continued as a management body under section 38 of the Alberta Housing Act,*
 - (xiv) *a Metis settlement established under the Metis Settlements Act,*
 - (xv) *the Metis Settlements General Council established under the Metis Settlements Act, or*
 - (xvi) *any board, committee, commission, panel, agency or corporation that is created or owned by a body referred to in subclauses (i) to (xv) and all the members or officers of which are appointed or chosen by, or under the authority of, that body and includes without restricting the generality of the*

(B) police service, or

(C) policing committee,

as defined in the *Police Act*,

(xvii) any municipal library board, library system board, federation board or joint municipal library board continued or established under the *Libraries Act*, or

(xviii) any board, committee, commission, panel, agency or corporation that is created or owned by a body referred to in subclauses (i) to (xvii) and all the members or officers of which are appointed or chosen by that body, but does not include EPCOR Utilities Inc. or Enmax Power Corporation;

3 Section 3(e) is repealed and the following is substituted:

(e) does not prohibit the transfer, storage or destruction of a record

(i) in accordance with an enactment of Alberta or Canada, or

(ii) in accordance with a by-law, resolution or other legal instrument by which a local public body acts or, if a local public body does not have a by-law, resolution or other legal instrument in respect of the transfer, storage or destruction of a record, as authorized by the governing body of the local public body.

foregoing, a Regional Police Commission, a policing committee or a Municipal Police Commission as established under the Police Act;

3 Section 3 presently reads:

3 *This Act*

- (a) is in addition to and does not replace existing procedures for access to information or records,*
- (b) does not affect access to records*
 - (i) deposited in the Provincial Archives of Alberta, or*
 - (ii) deposited in the archives of a public body**that were unrestricted before the coming into force of this Act,*
- (c) does not limit the information otherwise available by law to a party to legal proceedings,*
- (d) does not affect the power of any court or tribunal to compel a witness to testify or to compel the production of documents, and*
- (e) does not prohibit the transfer, storage or destruction of any record in accordance with any other enactment of Alberta or Canada or a by-law of a local government body.*

4 Section 4 is amended

(a) in subsection (1)

(i) in clause (b) by striking out “of” and substituting “created by or for”;

(ii) in clause (c) by adding “, for” before “or is in”;

(iii) by repealing clause (c.1) and substituting the following:

(c.1) information that is collected by or for or is in the custody or under the control of the Ethics Commissioner and relates to the disclosure statements of deputy ministers and other senior officers that have been deposited with the Ethics Commissioner;

(c.2) a record that is created by or for or is in the custody or under the control of the Ethics Commissioner and relates to any advice relating to conflicts of interest whether or not the advice was given under the *Conflicts of Interest Act*;

(iv) by repealing clause (e) and substituting the following:

(e) teaching materials

(i) of an employee of a post-secondary educational body,

(ii) of a post-secondary educational body, or

(iii) of both an employee of a post-secondary educational body and the post-secondary educational body;

(e.1) research information of an employee of a post-secondary educational body;

(v) by repealing clause (i) and substituting the following:

(i) a personal record or constituency record of an elected member of a local public body;

(i.1) a personal record of an appointed member of the governing body of a local public body;

4 Section 4(1) presently reads:

4(1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:

- (a) information in a court file, a record of a judge of the Court of Appeal of Alberta, the Court of Queen's Bench of Alberta, The Surrogate Court of Alberta or The Provincial Court of Alberta, a record of a master of the Court of Queen's Bench of Alberta, a record of a sitting justice of the peace, a judicial administration record or a record relating to support services provided to the judges of any of the courts referred to in this clause;*
- (b) a personal note, communication or draft decision of a person who is acting in a judicial or quasi-judicial capacity including any authority designated by the Lieutenant Governor in Council to which the Administrative Procedures Act applies;*
- (c) a record that is created by or is in the custody or under the control of an officer of the Legislature and relates to the exercise of that officer's functions under an Act of Alberta;*
- (c.1) a record that is created by or is in the custody or under the control of the Ethics Commissioner and relates*
 - (i) to the disclosure statements of deputy ministers and other senior officers that have been deposited with the Ethics Commissioner, or*
 - (ii) to any advice relating to conflicts of interest whether or not the advice was given under the Conflicts of Interest Act;*
- (d) a question that is to be used on an examination or test;*
- (e) teaching materials or research information of employees of a post-secondary educational body;*
- (f) material that has been deposited in the Provincial Archives of Alberta or the archives of a public body by or for a person or entity other than a public body;*
- (g) a record relating to a prosecution if all proceedings in respect of the prosecution have not been completed;*
- (h) a record made from information*
 - (i) in the Personal Property Registry,*

(b) by adding the following after subsection (1):

(1.1) In this section and sections 22(1)(b) and 88(1)(k),
“governing body”

- (a) in relation to a university, means the board of governors or the general faculties council as described in the *Universities Act*,
- (b) in relation to a public college, means the board of governors or the academic council as described in the *Colleges Act*, and
- (c) in relation to a technical institute, means the board of governors or the academic council as described in the *Technical Institutes Act*.

- (ii) in the office of the Registrar of Motor Vehicle Services,*
- (ii.1) in the office of the Registrar of Corporations,*
- (ii.2) in the office of the Registrar of Companies,*
- (iii) in a Land Titles Office,*
- (iv) in an office of a district registrar as defined in the Vital Statistics Act, or*
- (v) in a registry operated by a public body where public access to the registry is normally permitted;*
- (i) a record of an elected official of a local public body that is not in the custody or under the control of the local public body;*
- (j) a personal record or constituency record of a member of the Executive Council;*
- (k) a record created by or for the office of the Speaker of the Legislative Assembly or the office of a Member of the Legislative Assembly that is in the custody or control of the Legislative Assembly Office;*
- (l) a record created by or for*
 - (i) a member of the Executive Council,*
 - (ii) a Member of the Legislative Assembly, or*
 - (iii) a chair of a Provincial agency as defined in the Financial Administration Act who is a Member of the Legislative Assembly**that has been sent or is to be sent to a member of the Executive Council, a Member of the Legislative Assembly or a chair of a Provincial agency as defined in the Financial Administration Act who is a Member of the Legislative Assembly;*
- (m) a record in the custody or control of a treasury branch other than a record that relates to a non-arm's length transaction between the Government of Alberta and another party;*
- (n) a record relating to the business or affairs of Credit Union Central Alberta Limited, a credit union or a dissolved credit union or relating to an application for incorporation as a credit union that is obtained or produced in the course of administering or enforcing the Credit Union Act or the regulations under it, other than a record that relates to a non-arm's length transaction between the Government and another party;*

5 Section 5(3) is repealed.

6 The following is added after section 7:

Abandoned
request

7.1(1) Where the head of a public body contacts an applicant in writing respecting the applicant's request, including

- (a) seeking further information from the applicant that is necessary to process the request, or
- (b) requesting the applicant to pay a fee or to agree to pay a fee,

and the applicant fails to respond to the head of the public body, as requested by the head, within 30 days of being contacted, the head of the public body may, by notice in writing to the applicant, declare the request abandoned.

(2) A notice under subsection (1) must state that the applicant may ask for a review under Part 4.

7 Section 13 is repealed and the following is substituted:

Extending time
limit for
responding

13(1) The head of a public body may extend the time for responding to a request for up to 30 days or, with the Commissioner's permission, for a longer period if

- (a) the applicant does not give enough detail to enable the public body to identify a requested record,
- (b) a large number of records are requested or must be searched and responding within the period set out in section 10 would unreasonably interfere with the operations of the public body,
- (c) more time is needed to consult with a third party or another public body before deciding whether or not to grant access to a record, or
- (d) a third party asks for a review under section 62(2) or 73(3).

5 Section 5(3) presently reads:

(3) Two years after section 6 comes into force, subsection (1) of this section is repealed and subsection (2) of this section comes into force.

6 Abandoned request.

7 Section 13 presently reads:

13(1) The head of a public body may extend the time for responding to a request for up to 30 days or, with the Commissioner's permission, for a longer period if

- (a) the applicant does not give enough detail to enable the public body to identify a requested record,*
- (b) a large number of records is requested or must be searched and responding within the period set out in section 10 would unreasonably interfere with the operations of the public body,*
- (c) more time is needed to consult with a third party or another public body before deciding whether or not to grant access to a record, or*
- (d) a third party asks for a review under section 62(2) or 73(3).*

(2) If the time is extended under subsection (1), the head of the public body must tell the applicant

(2) The head of a public body may, with the Commissioner's permission, extend the time for responding to a request if multiple concurrent requests have been made by the same applicant or multiple concurrent requests have been made by 2 or more applicants who work for the same organization or who work in association with each other.

(3) Despite subsection (1), where the head of a public body is considering giving access to a record to which section 29 applies, the head of the public body may extend the time for responding to the request for the period of time necessary to enable the head to comply with the requirements of section 30.

(4) If the time for responding to a request is extended under subsection (1), (2) or (3), the head of the public body must tell the applicant

- (a) the reason for the extension,
- (b) when a response can be expected, and
- (c) that the applicant may make a complaint to the Commissioner or to an adjudicator, as the case may be, about the extension.

8 Section 15(2) is amended by adding "about a third party" after "information".

9 Section 16 is repealed and the following is substituted:

Disclosure
harmful to
personal
privacy

16(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

- (a) the third party has, in writing, consented to or requested the disclosure,
- (b) there are compelling circumstances affecting anyone's health or safety and notice of the

- (a) *the reason for the extension,*
- (b) *when a response can be expected, and*
- (c) *that the applicant may make a complaint to the Commissioner or an adjudicator, as the case may be, about the extension.*

8 Section 15(2) presently reads:

(2) The head of a public body must refuse to disclose to an applicant information that was collected on a tax return or collected for the purpose of determining tax liability or collecting a tax.

9 Section 16 presently reads:

16(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

- (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,*
- (b) the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation,*

disclosure is mailed to the last known address of the third party,

- (c) an Act of Alberta or Canada authorizes or requires the disclosure,
- (d) the disclosure is for research purposes and is in accordance with section 40 or 41,
- (e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,
- (f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,
- (g) the information is about a licence, permit or other similar discretionary benefit relating to
 - (i) a commercial or professional activity, that has been granted to the third party by a public body, or
 - (ii) real property, including a development permit or building permit, that has been granted to the third party by a public body,

and the disclosure is limited to the name of the third party and the nature of the licence, permit or other similar discretionary benefit,

- (h) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body,
- (i) the personal information is about an individual who has been dead for 25 years or more, or
- (j) subject to subsection (3), the disclosure is not contrary to the public interest and reveals only the following personal information about a third party:
 - (i) enrolment in a school of an educational body or in a program offered by a post-secondary educational body,

- (c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,*
- (d) the personal information relates to employment or educational history,*
- (e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,*
- (f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,*
- (g) the personal information consists of the third party's name when*
 - (i) it appears with other personal information about the third party, or*
 - (ii) the disclosure of the name itself would reveal personal information about the third party,*
- or*
- (h) the personal information indicates the third party's racial or ethnic origin, or religious or political beliefs or associations.*

(3) In determining under subsection (1) or (2) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

- (a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,*
- (b) the disclosure is likely to promote public health and safety or the protection of the environment,*
- (c) the personal information is relevant to a fair determination of the applicant's rights,*
- (d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,*
- (e) the third party will be exposed unfairly to financial or other harm,*
- (f) the personal information has been supplied in confidence,*
- (g) the personal information is likely to be inaccurate or unreliable, and*

- (ii) admission to a facility or institution of a health care body as a current patient or resident, except where the disclosure would reveal the nature of the third party's treatment,
 - (iii) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or
 - (iv) receipt of an honour or award granted by or through a public body.
- (3) The disclosure of personal information under subsection (2)(j) is an unreasonable invasion of personal privacy if the third party whom the information is about has requested that the information not be disclosed.
- (4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if
- (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,
 - (b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,
 - (c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,
 - (d) the personal information relates to employment or educational history,
 - (e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,
 - (f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,
 - (g) the personal information consists of the third party's name when

- (h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant.*
- (4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if*
 - (a) the third party has, in writing, consented to or requested the disclosure,*
 - (b) there are compelling circumstances affecting anyone's health or safety and notice of the disclosure is mailed to the last known address of the third party,*
 - (c) an Act of Alberta or Canada authorizes or requires the disclosure,*
 - (d) the disclosure is for research purposes and is in accordance with section 40,*
 - (e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,*
 - (f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,*
 - (g) the disclosure reveals details of a licence, permit or other similar discretionary benefit granted to the third party by a public body,*
 - (h) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body, or*
 - (i) the personal information is about an individual who has been dead for 25 years or more.*

- (i) it appears with other personal information about the third party, or
- (ii) the disclosure of the name itself would reveal personal information about the third party,

or

- (h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

- (a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,
- (b) the disclosure is likely to promote public health and safety or the protection of the environment,
- (c) the personal information is relevant to a fair determination of the applicant's rights,
- (d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,
- (e) the third party will be exposed unfairly to financial or other harm,
- (f) the personal information has been supplied in confidence,
- (g) the personal information is likely to be inaccurate or unreliable,
- (h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and
- (i) the personal information was originally provided by the applicant.

10 Section 17 is amended by adding the following after subsection (2):

(3) The head of a public body may refuse to disclose to an applicant information in a record that reveals the identity of an individual who has provided information to the public body in confidence about a threat to an individual's safety or mental or physical health.

11 Section 18 is repealed and the following is substituted:

Confidential
evaluations

18(1) The head of a public body may refuse to disclose to an applicant personal information that is evaluative or opinion material compiled for the purpose of determining the applicant's suitability, eligibility or qualifications for employment or for the awarding of contracts or other benefits by a public body when the information is provided, explicitly or implicitly, in confidence.

(2) The head of a public body may refuse to disclose to an applicant personal information that identifies or could reasonably identify a participant in a formal employee evaluation process concerning the applicant when the information is provided, explicitly or implicitly, in confidence.

(3) For the purpose of subsection (2), "participant" includes a peer, subordinate or client of an applicant, but does not include the applicant's supervisor or superior.

12 Section 19 is amended

(a) in subsection (1) by adding the following after clause (d):

- (d.1) reveal criminal intelligence that has a reasonable connection with the detection, prevention or suppression of organized criminal activities or of serious and repetitive criminal activities,
- (d.2) interfere with or harm an ongoing or unsolved law enforcement investigation, including a police investigation,
- (d.3) reveal any information relating to or used in the exercise of prosecutorial discretion,

10 Confidential information about health and safety.

11 Section 18 presently reads:

18 The head of a public body may refuse to disclose to an applicant personal information that is evaluative or opinion material compiled solely for the purpose of determining the applicant's suitability, eligibility or qualifications for employment or for the awarding of government contracts or other benefits when the information is provided, explicitly or implicitly, in confidence.

12 Section 19(1) presently reads:

19(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) harm a law enforcement matter,*
- (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada or harm the detection, prevention or suppression of espionage, sabotage or terrorism,*
- (c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,*
- (d) reveal the identity of a confidential source of law enforcement information,*

(b) by adding the following after subsection (1):

(1.1) Subsection (1)(d.3) does not apply to information that has been in existence for 10 years or more.

13 Section 20(1)(a) is amended by adding the following after subclause (ii):

- (ii.1) an aboriginal organization that exercises government functions, including
 - (A) the council of a band as defined in the *Indian Act* (Canada), and
 - (B) an organization established to negotiate or implement, on behalf of aboriginal people, a treaty or land claim agreement with the Government of Canada,

14 Section 23 is amended

(a) in subsection (1)

(i) by repealing clause (f) and substituting the following:

- (f) the contents of agendas or minutes of meetings

- (e) *deprive a person of the right to a fair trial or impartial adjudication,*
- (f) *reveal a record that has been confiscated from a person by a peace officer in accordance with a law,*
- (g) *facilitate the escape from custody of an individual who is being lawfully detained,*
- (h) *facilitate the commission of an unlawful act or hamper the control of crime,*
- (i) *reveal technical information relating to weapons or potential weapons,*
- (j) *harm the security of any property or system, including a building, a vehicle, a computer system or a communications system, or*
- (k) *reveal information in a correctional record supplied, explicitly or implicitly, in confidence.*

13 Section 20(1) presently reads:

20(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) *harm relations between the Government of Alberta or its agencies and any of the following or their agencies:*
 - (i) *the Government of Canada or a province or territory of Canada,*
 - (ii) *a local government body,*
 - (iii) *the government of a foreign state, or*
 - (iv) *an international organization of states,*
- or*
- (b) *reveal information supplied, explicitly or implicitly, in confidence by a government, local government body or an organization listed in clause (a) or its agencies.*

14 Section 23(1)(f) and (g) and (2) presently read in part:

23(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal

- (f) *the contents of agendas or minutes of meetings of an agency, board, commission, corporation, office or other body that is a public body, or*

(i) of the governing body of an agency, board, commission, corporation, office or other body that is designated as a public body in the regulations, or

(ii) of a committee of a governing body referred to in subclause (i),

(ii) by adding “or” at the end of clause (g) and by adding the following after clause (g):

(h) the contents of a formal research or audit report that in the opinion of the head of the public body is incomplete unless no progress has been made on the report for at least 3 years.

(b) in subsection (2)

(i) by repealing clause (c) and substituting the following:

(c) is the result of product or environmental testing carried out by or for a public body, that is complete or on which no progress has been made for at least 3 years, unless the testing was done

(i) for a fee as a service to a person other than a public body, or

(ii) for the purpose of developing methods of testing or testing products for possible purchase,

(ii) by repealing clause (e) and substituting the following:

(e) is the result of background research of a scientific or technical nature undertaken in connection with the formulation of a policy proposal, that is complete or on which no progress has been made for at least 3 years,

(c) by adding the following after subsection (2):

(3) In this section, “audit” means a financial or other formal and systematic examination or review of a program, portion of a program or activity.

- (g) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.*

(2) This section does not apply to information that

- (a) has been in existence for 15 years or more,*
- (b) is a statement of the reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function,*
- (c) is the result of product or environmental testing carried out by or for a public body, unless the testing was done
 - (i) for a fee as a service to a person other than a public body, or*
 - (ii) for the purpose of developing methods of testing or testing products for possible purchase,**
- (d) is a statistical survey,*
- (e) is the result of background research of a scientific or technical nature undertaken in connection with the formulation of a policy proposal,*
- (f) is an instruction or guideline issued to the officers or employees of a public body, or*
- (g) is a substantive rule or statement of policy that has been adopted by a public body for the purpose of interpreting an Act or regulation or administering a program or activity of the public body.*

15 Section 24(1)(d) is repealed and the following is substituted:

- (d) information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee or the public body of priority of publication.

16 Section 25 is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following after clause (b):

- (c) standardized tests used by a public body, including intelligence tests,

17 Section 26(1)(b) and (c) are repealed and the following is substituted:

- (b) information prepared by or for
 - (i) the Minister of Justice and Attorney General,
 - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
 - (iii) an agent or lawyer of a public body,in relation to a matter involving the provision of legal services, or
- (c) information in correspondence between
 - (i) the Minister of Justice and Attorney General,
 - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or

15 Section 24(1)(d) presently reads:

24(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm the economic interest of a public body or the Government of Alberta or the ability of the Government to manage the economy, including the following information:

- (d) scientific or technical information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee or public body of priority of publication.*

16 Section 25 presently reads:

25 The head of a public body may refuse to disclose to an applicant information relating to

- (a) testing or auditing procedures or techniques, or*
- (b) details of specific tests to be given or audits to be conducted,*

if disclosure could reasonably be expected to prejudice the use or results of particular tests or audits.

17 Section 26(1)(b) and (c) presently read:

26(1) The head of a public body may refuse to disclose to an applicant

- (b) information prepared by or for an agent or lawyer of the Minister of Justice and Attorney General or a public body in relation to a matter involving the provision of legal services, or*
- (c) information in correspondence between an agent or lawyer of the Minister of Justice and Attorney General or a public body and any other person in relation to a matter involving the provision of advice or other services by the agent or lawyer.*

(iii) an agent or lawyer of a public body,

and any other person in relation to a matter involving the provision of advice or other services by the Minister of Justice and Attorney General or by the agent or lawyer.

18 Section 29 is amended by adding the following after subsection (1):

(1.1) Subsection (1) does not apply to a record containing information described in section 16(2)(j).

19 Section 32(a) is amended by striking out “or under an Act” and substituting “an enactment”.

20 Section 33 is amended

(a) in subsection (1)

(i) by adding the following after clause (b):

(b.1) the information is collected in a health or safety emergency where

(i) the individual is not able to provide the information directly, or

(ii) direct collection could reasonably be expected to endanger the mental or physical health or safety of the individual or another person,

18 Section 29(1) presently reads:

29(1) When the head of a public body is considering giving access to a record that may contain information

(a) that affects the interests of a third party under section 15, or

(b) the disclosure of which may be an unreasonable invasion of a third party's personal privacy under section 16,

the head must, subject to section 28, where practicable and as soon as practicable, give written notice to the third party in accordance with subsection (3).

19 Section 32(a) presently reads:

32 No personal information may be collected by or for a public body unless

(a) the collection of that information is expressly authorized by or under an Act of Alberta or Canada,

20 Section 33(3) presently reads:

(3) Subsections (1) and (2) do not apply if, in the opinion of the head of the public body concerned, compliance with them might result in the collection of inaccurate information.

(b.2) the information concerns an individual who is designated as a person to be contacted in an emergency or other specified circumstances,

(b.3) the information is collected for the purpose of determining suitability for an honour or award, including an honorary degree, scholarship, prize or bursary,

(b.4) the information is collected from published or other public sources for the purpose of fund-raising,

(ii) in clause (j) by striking out “a public body” and substituting “the public body”;

(b) by repealing subsection (3) and substituting the following:

(3) Subsections (1) and (2) do not apply if, in the opinion of the head of the public body concerned, it could reasonably be expected that the information collected would be inaccurate.

21 Section 34(b) is repealed and the following is substituted:

(b) retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it, or for any shorter period of time as agreed to in writing by

(i) the individual,

(ii) the public body, and

(iii) if the body that approves the records and retention and disposition schedule for the public body is different from the public body, that body.

22 Section 35 is amended

(a) by adding the following after subsection (1):

(1.1) Despite subsection (1), the head of a public body must not correct an opinion, including a professional or expert opinion.

21 Section 34 presently reads:

34 If an individual's personal information will be used by a public body to make a decision that directly affects the individual, the public body must

- (a) make every reasonable effort to ensure that the information is accurate and complete, and*
- (b) retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.*

22 Section 35 presently reads:

35(1) An applicant who believes there is an error or omission in the applicant's personal information may request the head of the public body that has the information in its custody or under its control to correct the information.

(b) by repealing subsection (2) and substituting the following:

(2) If no correction is made in response to a request under subsection (1), or if because of subsection (1.1) no correction may be made, the head of the public body must annotate or link the personal information with that part of the requested correction that is relevant and material to the record in question.

(c) by adding the following after subsection (3):

(3.1) Despite subsection (3), the head of a public body may dispense with notifying any other public body or third party that a correction, annotation or linkage has been made if

- (a) in the opinion of the head of the public body, the correction, annotation or linkage is not material, and
- (b) the individual who requested the correction is advised and agrees in writing that notification is not necessary.

23 The following is added after section 35:

Transferring
request to
correct
personal
information

35.1(1) Within 15 days after a request to correct personal information under section 35(1) is received by a public body, the head of the public body may transfer the request to another public body if

- (a) the personal information was collected by the other public body, or
- (b) the other public body created the record containing the personal information.

(2) If a request is transferred under subsection (1),

- (a) the head of the public body who transferred the request must notify the applicant of the transfer as soon as possible, and
- (b) the head of the public body to which the request is transferred must make every reasonable effort to respond to the request not later than 30 days after

(2) If no correction is made in response to a request under subsection (1), the head of the public body must annotate or link the information with the correction that was requested but not made.

(3) On correcting, annotating or linking personal information under this section, the head of the public body must notify any other public body or any third party to whom that information has been disclosed during the one year before the correction was requested that a correction, annotation or linkage has been made.

(4) On being notified under subsection (3) of a correction, annotation or linkage of personal information, a public body must make the correction, annotation or linkage on any record of that information in its custody or under its control.

(5) Within 30 days after the request under subsection (1) is received, the head of the public body must give written notice to the individual that

(a) the correction has been made, or

(b) an annotation or linkage has been made pursuant to subsection (2).

(6) Section 13 applies to the period set out in subsection (5).

23 Transferring request to correct personal information.

receiving the request unless the time limit is extended pursuant to section 35(6).

24 Section 37 is amended by renumbering it as section 37(1) and by adding the following after subsection (1):

(2) Despite subsection (1), but subject to subsection (3), a post-secondary educational body may use personal information in its alumni records for the purpose of its own fund-raising activities.

(3) A post-secondary educational body must, when requested to do so by an individual, discontinue using that individual's personal information under subsection (2).

(4) A public body may use personal information only to the extent necessary to enable the public body to carry out its purpose in a reasonable manner.

25 Section 38 is amended

(a) in subsection (1)

(i) by adding the following after clause (a):

(a.1) if the disclosure would not be an unreasonable invasion of a third party's personal privacy under section 16,

(ii) by adding the following after clause (g):

(g.1) to an officer or employee of a public body or to a member of the Executive Council, if the disclosure is necessary for the delivery of a common or integrated program or service and for the performance of the duties of the officer or employee or member to whom the information is disclosed,

(iii) in clause (j) by adding "or verifying" after "determining";

(iv) in clause (q) by striking out "next of kin or a" and substituting "spouse, relative or";

(v) in clause (v) by striking out "a public body" and substituting "the public body";

(vi) by striking out “or” at the end of clause (aa) and adding the following after clause (bb):

- (cc) if the head of the public body believes, on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person, or
- (dd) to the Administrator of the *Motor Vehicle Accident Claims Act* or to an agent or lawyer of the Administrator for the purpose of dealing with claims under that Act.

(b) by adding the following after subsection (1):

(1.1) A post-secondary educational body may disclose personal information in its alumni records for the purpose of fund-raising activities of the post-secondary educational body if the post-secondary educational body and the person to whom the information is disclosed have entered into a written agreement

- (a) that allows individuals a right of access to personal information that is disclosed about them under this subsection, and
- (b) that provides that the person to whom the information is disclosed must discontinue using the personal information of any individual who so requests.

(1.2) A post-secondary educational body may, for the purpose of assisting students in selecting courses, disclose teaching and course evaluations that were completed by students.

(c) by repealing subsection (2) and substituting the following:

(2) A public body may disclose personal information only to the extent necessary to enable the public body to carry out the purposes described in subsections (1), (1.1) and (1.2) in a reasonable manner.

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*
 - (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),*

**26 Section 39 is amended by striking out “37(a) and 38(b)”
and substituting “37(1)(a) and 38(1)(b)”.**

- (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*
- (2) *Only information that is reasonably required may be disclosed under subsection (1)(i)..*

26 Section 39 presently reads:

39 For the purposes of sections 37(a) and 38(b), a use or disclosure of personal information is consistent with the purpose for which the information was collected or compiled if the use or disclosure

- (a) has a reasonable and direct connection to that purpose, and*
- (b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.*

27 Section 41 is repealed and the following is substituted:

PART 2.1

DISCLOSURE OF INFORMATION IN ARCHIVES

Disclosure of
information in
archives

41(1) The Provincial Archives of Alberta and the archives of a public body may disclose for research purposes

- (a) personal information that
 - (i) has been in existence for 25 years or more if the disclosure
 - (A) would not be an unreasonable invasion of personal privacy under section 16, or
 - (B) is in accordance with section 40,
 - or
 - (ii) is contained in a record that has been in existence for 75 years or more;
- (b) information other than personal information that has been in existence for 25 years or more if
 - (i) the disclosure of the information would not be harmful to the business interests of a third party within the meaning of section 15,
 - (ii) the disclosure of the information would not be harmful to a law enforcement matter within the meaning of section 19,
 - (iii) the information is not subject to any type of legal privilege under section 26, and
 - (iv) access to the information is not restricted or prohibited by another Act of Alberta or Canada.

(2) The archives of a post-secondary educational body may disclose for research purposes information, including personal information, that has been in existence for 25 years or more if

- (a) the post-secondary educational body and the person to whom the information is disclosed have entered into a written agreement that

27 Section 41 presently reads:

41 The Provincial Archives of Alberta and the archives of a public body may disclose personal information for research purposes if

- (a) the disclosure would not be an unreasonable invasion of personal privacy under section 16,*
- (b) the disclosure is in accordance with section 40,*
- (c) the information is about someone who has been dead for 25 years or more, or*
- (d) the information is in a record that has been in existence for 75 years or more.*

- (i) ensures security and confidentiality of the information, and
 - (ii) prohibits subsequent use or disclosure of the personal information in individually identifiable form without the express authorization of the post-secondary educational body,
- and
- (b) access to the information is not restricted or prohibited by another Act of Alberta or Canada.

28 Section 51(1) is amended

(a) by repealing clause (a) and substituting the following:

- (a) conduct investigations to ensure compliance with any provision of this Act or compliance with rules relating to the destruction of records
 - (i) set out in any other enactment of Alberta, or
 - (ii) set out in a by-law, resolution or other legal instrument by which a local public body acts or, if a local public body does not have a by-law, resolution or other legal instrument setting out rules related to the destruction of records, as authorized by the governing body of a local public body,

(b) by repealing clause (i) and substituting the following:

- (i) bring to the attention of the head of a public body any failure by the public body to assist applicants under section 9, and

29 Section 53 is repealed and the following is substituted:

Power to
authorize a
public body to
disregard
requests

53 If the head of a public body asks, the Commissioner may authorize the public body to disregard one or more requests under section 7(1) or 35(1) if

- (a) because of their repetitious or systematic nature, the requests would unreasonably interfere with the

28 Section 51(1) presently reads in part:

51(1) In addition to the Commissioner's powers and duties under Part 4 with respect to reviews, the Commissioner is generally responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may

- (a) conduct investigations to ensure compliance with any provision of this Act or compliance with rules relating to the destruction of records set out in*
 - (i) any other enactment of Alberta, or*
 - (ii) a by-law or other legal instrument by which a local public body acts,*
- (i) bring to the attention of the head of a public body any failure to meet the prescribed standards for fulfilling the duty to assist applicants, and*

29 Section 53 presently reads:

53 If the head of a public body asks, the Commissioner may authorize the public body to disregard requests under section 7(1) that, because of their repetitious or systematic nature, would unreasonably interfere with the operations of the public body or amount to an abuse of the right to access.

operations of the public body or amount to an abuse of the right to make those requests, or

- (b) one or more of the requests are frivolous or vexatious.

30 Section 59(1) is repealed and the following is substituted:

Delegation by
the
Commissioner

59(1) The Commissioner may delegate to any person any duty, power or function of the Commissioner under this Act except the power to delegate.

31 Section 62(3.1) is amended by striking out “section 38(aa)” and substituting “section 38(1)(aa)”.

32 Section 63(2) is repealed and the following is substituted:

(2) A request for a review of a decision of the head of a public body must be delivered to the Commissioner

- (a) if the request is pursuant to section 62(1), (3) or (3.1), within
 - (i) 60 days after the person asking for the review is notified of the decision, or
 - (ii) any longer period allowed by the Commissioner,
- or
- (b) if the request is pursuant to section 62(2), within 20 days after the person asking for the review is notified of the decision.

30 Section 59(1) presently reads:

59(1) The Commissioner may delegate to any person any duty, power or function of the Commissioner under this Act, except

- (a) the power to delegate under this section,*
- (b) the power to examine information described in section 19 or 21, and*
- (c) the duties, powers and functions specified in section 51(1)(b), 53 or 68.*

31 Section 62(3.1) presently reads:

(3.1) A relative of a deceased individual may ask the Commissioner to review a decision of a head of a public body under section 38(aa) not to disclose personal information.

32 Section 63(2) presently reads:

(2) A request for a review under section 62(1) or (3) of a decision of the head of a public body must be delivered within

- (a) 60 days after the person asking for the review is notified of the decision, or*
- (b) any longer period allowed by the Commissioner.*

33 Section 64 is amended by renumbering it as section 64(1) and by adding the following after subsection (1):

(2) Despite subsection (1)(a), the Commissioner may sever any information in the request that the Commissioner considers appropriate before giving a copy of the request to the head of the public body or any other person affected by the request.

34 Section 66(1) is amended by striking out “If” and substituting “Unless section 66.1 applies, if”.

35 The following is added after section 66:

Refusal to
conduct
inquiry

66.1 The Commissioner may refuse to conduct an inquiry pursuant to section 66 if in the opinion of the Commissioner the subject-matter of a request for a review under section 62 has been dealt with in an order or investigation report of the Commissioner.

36 Section 70 is repealed and the following is substituted:

Duty to comply
with orders

70(1) Subject to subsection (2), not later than 35 days after being given a copy of an order of the Commissioner, the head of a public body concerned must comply with the order.

(2) The head of a public body shall not take any steps to comply with the order until the period for bringing a judicial review application under subsection (3) ends.

(3) An application for judicial review of a Commissioner’s order must be made not later than 30 days after the person making the application is given a copy of the order.

(4) If an application for judicial review is made pursuant to subsection (3), the order of the Commissioner is stayed until the application is dealt with by the Court.

33 Commissioner may sever information.

34 Section 66(1) presently reads:

66(1) If a matter is not settled under section 65, the Commissioner must conduct an inquiry and may decide all questions of fact and law arising in the course of the inquiry.

35 Refusal to conduct inquiry.

36 Section 70 presently reads:

70(1) Not later than 30 days after being given a copy of an order of the Commissioner, the head of the public body concerned must comply with the order unless an application for judicial review of the order is made before that period ends.

(2) If an application for judicial review is made before the end of the period referred to in subsection (1), the order of the Commissioner is stayed until the application is dealt with by the Court.

37 Section 71 is amended

(a) in subsection (1)(a.2) and (a.3) by adding “, in the Commissioner’s opinion,” before “the Commissioner has a conflict”;

(b) by adding the following after subsection (1):

(1.1) An adjudicator must not review an order of the Commissioner made under this Act.

38 Section 73.1 is amended

(a) in subsection (1) by adding “, in the Commissioner’s opinion,” before “the Commissioner has a conflict”;

(b) in subsection (2) by striking out “Commissioner” and substituting “head of a public body”.

37 Section 71(1) presently reads:

71(1) The Lieutenant Governor in Council may designate a judge of the Court of Queen's Bench of Alberta to act as an adjudicator

- (a) to investigate complaints made against the Commissioner as the head of the office of the Information and Privacy Commissioner with respect to any matter referred to in section 51(2),*
- (a.1) if the person who is appointed as the Commissioner is, at the same time, appointed as any other officer of the Legislature, to investigate complaints respecting any matter referred to in section 51(2) made against that person when acting as the head of that office,*
- (a.2) to investigate complaints respecting any matter referred to in section 51(2) made against a head of a public body and the Commissioner had been a member, employee or head of that public body or the Commissioner has a conflict with respect to that public body,*
- (a.3) to review, if requested under section 73.1, a decision, act or failure to act of a head of a public body and the Commissioner had been a member, employee or head of that public body or the Commissioner has a conflict with respect to that public body,*
- (b) to review, if requested under section 73, any decision, act or failure to act of the Commissioner as the head of the office of the Information and Privacy Commissioner, and*
- (c) if the person who is appointed as the Commissioner is, at the same time, appointed as any other officer of the Legislature, to review, if requested under section 73, any decision, act or failure to act of that person when acting as the head of that office.*

38 Section 73.1 presently reads:

73.1(1) This section applies where the Commissioner is asked under section 62(1), (2), (3) or (3.1) to review a decision, act or failure to act of a head of a public body and the Commissioner had been a member, employee or head of that public body or the Commissioner has a conflict with respect to that public body.

(2) A person who makes a request to the Commissioner for access to a record or for correction of personal information may ask an adjudicator to review any decision, act or failure to act of the head of the public body that relates to the request.

39 Section 74(2) is repealed and the following is substituted:

- (2) A request for a review of a decision must be delivered
 - (a) if the request is pursuant to section 62(1), (3) or (3.1), within
 - (i) 60 days after the person asking for the review is notified of the decision, or
 - (ii) any longer period allowed by the adjudicator,
 - or
 - (b) if the request is pursuant to section 62(2), within 20 days after the person asking for the review is notified of the decision.

40 Section 76 is amended

(a) by adding the following after subsection (2):

(2.1) An adjudicator must give a copy of an order made by the adjudicator under this Act to the Commissioner.

(b) by adding the following after subsection (4):

(5) An order made by an adjudicator under this Act is final.

41 The following is added after section 85:

Protection of
employee

85.1(1) A public body or person acting on behalf of a public body must not take any adverse employment action against an employee as a result of the employee properly disclosing information in accordance with this Act.

(3) A third party notified under section 30 of a decision by the head of a public body to give access may ask an adjudicator to review that decision.

(4) A person who believes that the person's own personal information has been collected, used or disclosed in violation of Part 2 may ask an adjudicator to review that matter.

39 Section 74 presently reads:

74(1) To ask for a review under this Division, a written request must be delivered to the Minister.

(2) A request for a review of a decision must be delivered within

(a) 60 days after the person asking for the review is notified of the decision, or

(b) any longer period allowed by the adjudicator.

40 Section 76 presently reads:

76(1) An adjudicator has the powers and duties given to the Commissioner by sections 65 and 66(1) and (2), and sections 66(3) to (6) and 67 apply to an inquiry conducted by an adjudicator.

(2) On completing an inquiry, an adjudicator has the same duty to dispose of the issues, the same power to make orders and the same duty to notify others of those orders as the Commissioner has under section 68(1), (2), (3)(a) to (d), (4) and (5).

(3) A copy of an order made by an adjudicator under this section may be filed with a clerk of the Court of Queen's Bench and, after filing, the order is enforceable as a judgment or order of that Court.

(4) Section 70 applies to an order of an adjudicator.

41 Protection of employee.

(2) A person who violates subsection (1) is guilty of an offence and liable to a fine of not more than \$10 000.

42 Section 86(1) is amended

(a) by adding the following after clause (a):

(a.1) attempt to gain or gain access to personal information in violation of this Act,

(b) by adding the following after clause (c):

(c.1) alter, falsify or conceal any record, or direct another person to do so, with the intent to evade a request for access to the record,

43 Section 87(4) is repealed and the following is substituted:

(4) The head of a public body may excuse the applicant from paying all or part of a fee if, in the opinion of the head,

(a) the applicant cannot afford the payment or for any other reason it is fair to excuse payment, or

(b) the record relates to a matter of public interest, including the environment or public health or safety.

(4.1) If an applicant has requested the head of a public body to excuse the applicant from paying all or part of a fee and the head of a public body has refused the applicant's request, the head must notify the applicant that the applicant may ask for a review under Part 4.

42 Section 86(1) presently reads:

86(1) A person must not wilfully

- (a) collect, use or disclose personal information in violation of Part 2,*
- (b) make a false statement to, or mislead or attempt to mislead, the Commissioner or another person in the performance of the duties, powers or functions of the Commissioner or other person under this Act,*
- (c) obstruct the Commissioner or another person in the performance of the duties, powers or functions of the Commissioner or other person under this Act,*
- (d) fail to comply with an order made by the Commissioner under section 68 or by an adjudicator under section 76(2), or*
- (e) destroy any records subject to this Act with the intent to evade a request for access to the records.*

43 Section 87(4) presently reads:

(4) The head of a public body, or the Commissioner at the request of an applicant, may excuse the applicant from paying all or part of a fee if, in the opinion of the head or the Commissioner, as the case may be,

- (a) the applicant cannot afford the payment or for any other reason it is fair to excuse payment, or*
- (b) the record relates to a matter of public interest, including the environment or public health or safety.*

44 Section 88 is amended

(a) in subsection (1)

(i) by adding the following after clause (a):

- (a.1) respecting the establishment of criteria to be used for designating agencies, boards, commissions, corporations, offices or other bodies as public bodies;

(ii) by adding the following after clause (h):

- (h.1) respecting technical standards and safeguards to be observed for the security and protection of personal information;
- (h.2) respecting standards to be observed and procedures to be followed by a public body implementing a program for data matching, data sharing or data linkage;

(iii) in clause (i) by striking out “sections 37(b) and 38(c)” and substituting “sections 37(1)(b) and 38(1)(c)”;

(iv) in clause (k)(i) by adding “of its elected officials or of its governing body or a committee of its governing body” after “meetings”;

(b) in subsection (2)(a) by adding “or” at the end of subclause (i), striking out “or” at the end of subclause (ii) and repealing subclause (iii).

45 Section 89 is amended

(a) by adding “and” at the end of clause (a) and by repealing clause (b);

(b) in clause (c) by adding “, which must not exceed the fees provided for in the regulations” after “section 87”.

44 Section 88(1)(i) and (k) and (2)(a) presently read:

88(1) The Lieutenant Governor in Council may make regulations

(i) respecting the manner of giving consent for the purposes of sections 37(b) and 38(c);

(k) authorizing, for the purposes of section 22(1)(b), a local public body to hold meetings of its elected officials, or of its governing body or a committee of its governing body, to consider specified matters in the absence of the public unless another Act

(i) expressly authorizes the local public body to hold meetings in the absence of the public, and

(ii) specifies the matters that may be discussed at those meetings;

(2) The Lieutenant Governor in Council may delete a body designated under subsection (1)(a) only if the Commissioner is satisfied that

(a) the body

(i) has been discontinued or no longer exists,

(ii) has been amalgamated with another body and use of the name under which it was designated has been discontinued, or

(iii) has changed its name,

45 Section 89 presently reads:

89 A local public body, by by-law or other legal instrument by which the local public body acts,

(a) must designate a person or group of persons as the head of the local public body for the purposes of this Act,

(b) may authorize any person to perform any duty or exercise any function under this Act of the person or group of persons designated as the head of the local public body, and

(c) may set any fees the local public body requires to be paid under section 87.

46 Section 91 is repealed and the following is substituted:

Review of Act

91(1) The Minister must begin a comprehensive review of this Act within 3 years after the coming into force of this section and must, within one year after beginning the review, prepare a report that includes any recommendations for amendments made by the Minister.

(2) The Minister must lay a copy of the report referred to in subsection (1) before the Legislative Assembly if it is sitting, and if it is not sitting, within 15 days after the commencement of the next sitting.

47 Section 92 is repealed.

48 Section 98 is amended

(a) by repealing subsection (2) and substituting the following:

(2) Subject to subsection (2.1), sections 1(1)(f)(ii) and (p)(vi), 4(1)(i), 22, 51(1)(a)(ii), 82(5) and (6) and 89 come into force on Proclamation, and the Proclamation of those provisions, or of any portion of them, may relate to all or any of the following local public bodies:

(a) an educational body;

(b) a local government body.

(2.1) Sections 1(1)(f)(ii) and (p)(vi), 4(1)(i), 22, 51(1)(a)(ii), 82(5) and (6) and 89 as they relate to section 1(1)(g)(iii.1) come into force on the date this section comes into force.

46 Section 91 presently reads:

91 A special committee of the Legislative Assembly must begin a comprehensive review of this Act within 3 years after section 6 comes into force and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

47 Section 92 presently reads:

92(1) For the purposes of appointing the first Information and Privacy Commissioner, if the Legislative Assembly is not sitting, the Lieutenant Governor in Council on the recommendation of the Standing Committee on Legislative Offices may appoint an Information and Privacy Commissioner, and unless the office sooner becomes vacant, the person so appointed holds office until the appointment is confirmed by the Legislative Assembly.

(2) Notwithstanding section 44, if the first Information and Privacy Commissioner is the Ethics Commissioner, the term of office of the Information and Privacy Commissioner expires when the appointment of the Ethics Commissioner expires or the office sooner becomes vacant.

48 Section 98 presently reads in part:

(2) Sections 1(1)(f)(ii) and (p)(vi), 4(1)(i), 22, 51(1)(a)(ii), 82(5) and (6) and 89 come into force on Proclamation, and the Proclamation of those provisions, or of any portion of them, may relate to all or any of the following local public bodies:

(a) an educational body;

(b) a health care body;

(c) a local government body.

(4) If a Proclamation under subsection (2) relates to health care bodies, the Proclamation may be made applicable to all or any of the following health care bodies:

(a) an approved hospital as defined in the Hospitals Act;

(b) a nursing home as defined in the Nursing Homes Act;

(b) by repealing subsection (4);

(c) in subsection (5) by repealing clause (j) and substituting the following:

(j) any

(i) commission,

(ii) police service, or

(iii) policing committee

as defined in the *Police Act*;

(k) any municipal library board, library system board, federation board or joint municipal library board continued or established under the *Libraries Act*;

(l) any board, committee, commission, panel, agency or corporation that is created or owned by a body referred to in clauses (a) to (k) and all the members or officers of which are appointed or chosen by that body, but does not include EPCOR Utilities Inc. or Enmax Power Corporation.

- (c) *a provincial health board established under the Regional Health Authorities Act;*
 - (d) *a regional health authority under the Regional Health Authorities Act;*
 - (e) *a community health council established under the Regional Health Authorities Act;*
 - (f) *a subsidiary health corporation as defined in the Regional Health Authorities Act.*
- (5) *If a Proclamation under subsection (2) relates to local government bodies, the Proclamation may be made applicable to all or any of the following local government bodies:*
- (a) *a municipality as defined in the Municipal Government Act;*
 - (b) *an improvement district under the Municipal Government Act;*
 - (c) *a special area as defined in the Special Areas Act;*
 - (d) *a regional services commission under Part 15.1 of the Municipal Government Act;*
 - (e) *a board established under the Drainage Districts Act;*
 - (f) *a board established under the Irrigation Act;*
 - (g) *a management body established under the Alberta Housing Act, a housing authority continued under section 37 of the Alberta Housing Act and a foundation continued as a management body under section 38 of the Alberta Housing Act;*
 - (h) *a Metis settlement established under the Metis Settlements Act;*
 - (i) *the Metis Settlements General Council established under the Metis Settlements Act;*
 - (j) *any board, committee, commission, panel, agency or corporation that is created or owned by a body referred to in clauses (a) to (i) and all the members or officers of which are appointed or chosen by, or under the authority of, that body and includes, without restricting the generality of the foregoing, a Regional Police Commission, a policing committee or a Municipal Police Commission as established under the Police Act.*