

Bill 11
Mr. Strang

BILL 11

2002

ENERGY INFORMATION STATUTES AMENDMENT ACT, 2002

(Assented to _____, 2002)

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

Coal Conservation Act

Amends RSA 2000 cC-17

1(1) The *Coal Conservation Act* is amended by this section.

**(2) Section 9 is amended by adding the following after
subsection (3):**

(3.1) A regulation made pursuant to subsection (1)(o)
respecting confidentiality of records, reports or information
submitted to or acquired by the Board under this Act prevails
despite the *Freedom of Information and Protection of Privacy*
Act.

Electric Utilities Act

Amends RSA 2000 cE-5

2(1) The *Electric Utilities Act* is amended by this section.

**(2) Section 70 is renumbered as section 70(1) and the
following is added after subsection (1):**

(2) The duty of the Board to maintain the confidentiality of
documents or information provided to the Board under
subsection (1)(a) prevails despite the *Freedom of Information*
and Protection of Privacy Act for a period of 10 years following
the end of the year in which the negotiated settlement to which
the documents or information relates has completely expired.

Mines and Minerals Act

Amends RSA 2000 cM-17

3(1) The *Mines and Minerals Act* is amended by this section.

(2) Section 50 is amended

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

(1.1) For the purposes of subsection (1), a person is not legally entitled to a record, return or other information simply because the person has a right of access to it under the *Freedom of Information and Protection of Privacy Act*.

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

(3) With respect to any record, return or information obtained under this Act that would reveal geological work or geophysical work, subsection (1) prevails despite the *Freedom of Information and Protection of Privacy Act* for a period of 15 years following the end of the year in which the record, return or information was obtained.

(4) With respect to information that

- (a) was obtained on a royalty return,
- (b) appears on a royalty account, invoice or statement,
- (c) was obtained for the purposes of determining or verifying royalty liability or collecting or forecasting royalty, or
- (d) was obtained for the purposes of determining, prescribing or verifying an amount, factor or other component that is used to calculate royalty,

subsection (1) prevails despite the *Freedom of Information and Protection of Privacy Act* for a period of 5 years following the end of the year to which the information relates.

(5) In this section,

- (a) “geological work” means reporting on, advising on, evaluating, interpreting, geological surveying, sampling or examining lithological, palaeontological,

petrophysical or geochemical information related to any activity

- (i) that is aimed at the discovery or development of minerals or water, or
- (ii) that is aimed at the investigation of geological conditions,

and that requires the application of the principles of the geological sciences;

- (b) “geophysical work” means geophysical reporting on, advising on, acquiring, processing, evaluating or interpreting geophysical data or geophysical surveying that relates to any activity

- (i) that is aimed at the discovery or development of minerals or water, or
- (ii) that is aimed at the subsurface investigation of the earth,

and that requires the application of the principles of the geophysical sciences;

- (c) “royalty” means royalty reserved to the Crown in right of Alberta on a mineral;
- (d) “royalty return” means a report or other record obtained under this Act or under an agreement authorized by an order in council under section 9 of this Act that is used to determine or verify royalty liability or to collect or forecast royalty.

(3) Section 111 is renumbered as section 111(1) and the following is added after subsection (1):

(2) The right of the Minister to refuse to disclose a report, plan, map, survey, log or other data referred to in subsection (1) until the expiration of the one-year period referred to in that subsection prevails despite the *Freedom of Information and Protection of Privacy Act*.

Natural Gas Marketing Act

Amends RSA 2000 cN-1

4(1) The *Natural Gas Marketing Act* is amended by this section.

(2) Section 17 is amended

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

(1.1) For the purposes of subsection (1), a person is not legally entitled to a record, return or other information simply because the person has a right of access to it under the *Freedom of Information and Protection of Privacy Act*.

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

(4) With respect to any record, return or other information obtained by the Commission under this Act that is used for

(a) determining or verifying royalty liability or collecting or forecasting royalty, or

(b) determining, prescribing or verifying an amount, factor or other component that is used to calculate royalty,

subsection (1) prevails despite the *Freedom of Information and Protection of Privacy Act* for a period of 5 years following the end of the year to which the record, return or other information relates.

(5) In subsection (4), “royalty” means royalty reserved to the Crown in right of Alberta on a mineral as defined in the *Mines and Minerals Act*.

Oil and Gas Conservation Act

Amends RSA 2000 cO-6

5(1) The *Oil and Gas Conservation Act* is amended by this section.

(2) Section 10 is amended by adding the following after subsection (5):

(6) A regulation made pursuant to subsection (1)(mm) respecting confidentiality of records, reports or information submitted to or acquired by the Board under this Act prevails despite the *Freedom of Information and Protection of Privacy Act*.

Oil Sands Conservation Act

Amends RSA 2000 cO-7

6(1) The *Oil Sands Conservation Act* is amended by this section.

(2) Section 20 is amended by adding the following after subsection (3):

(4) A regulation made pursuant to subsection (1)(q) respecting confidentiality of records, reports or information submitted to or acquired by the Board under this Act prevails despite the *Freedom of Information and Protection of Privacy Act*.

Explanatory Notes

Coal Conservation Act

1(1) Amends chapter C-17 of the Revised Statutes of Alberta 2000.

(2) Section 9(1)(o) presently reads:

9(1) The Lieutenant Governor in Council may make regulations

(o) specifying which records, reports or information submitted to, or otherwise acquired by, the Board under this Act shall be confidential, and when and to whom the information contained in them may be made available;

Electric Utilities Act

2(1) Amends chapter E-5 of the Revised Statutes of Alberta 2000.

(2) Section 70 presently reads:

70 When considering a settlement negotiated in accordance with this Part, the Board

- (a) may accept confidential documents or information from the parties to an issue and, on acceptance, shall maintain the confidentiality of the documents or information, and*
- (b) may participate in or hold any discussions in private if the Board considers it necessary and if all parties to the issue have notice of the discussions.*

Mines and Minerals Act

3(1) Amends chapter M-17 of the Revised Statutes of Alberta 2000.

(2) Section 50 presently reads:

50(1) Except as provided under the regulations, no person shall communicate or allow to be communicated any record, return or information obtained under this Act to a person not legally entitled to that information or allow any person not legally entitled to that record, return or information to have access to any record, return or information obtained under this Act.

(2) A person who knowingly receives records or information obtained under this Act holds the records or information subject to the same restrictions under subsection (1) that apply to the person from whom the records or information were received.

(3) Section 111 presently reads:

111 When a licensee

- (a) withdraws from Alberta and discontinues carrying on business in Alberta, or*
- (b) being a corporation*

- (i) *is struck off the register of companies under the Companies Act or is wound up or dissolved, or*
- (ii) *has its registration cancelled or is dissolved or liquidated and dissolved under the Business Corporations Act,*

all reports, plans, maps, surveys, logs and other data filed with or surrendered to the Department pursuant to the regulations become the property of the Crown in right of Alberta and may be made available to the public by the Minister after the expiration of one year of the termination or cancellation of the licence.

Natural Gas Marketing Act

4(1) Amends chapter N-1 of the Revised Statutes of Alberta 2000.

(2) Section 17 presently reads:

17(1) Except as provided under the regulations, a person who is or was employed or engaged in the administration or enforcement of this Act shall not

- (a) *communicate or allow to be communicated any record, return or other information obtained by the Commission under this Act to a person not legally entitled to that record, return or other information, or*
- (b) *allow any person not legally entitled to any record, return or other information obtained by the Commission under this Act to have access to it.*

(2) A person who knowingly receives records, returns or other information communicated to the person under subsection (1) holds the records, returns or other information subject to the same restrictions under subsection (1) that apply to the person from whom the records, returns or other information were received.

(3) Notwithstanding any other Act or law, no person who is or was employed or engaged in the administration or enforcement of this Act may be required, other than in proceedings relating to the administration or enforcement of this Act, to give evidence relating to any record, return or other information obtained under this Act or to produce anything containing that record, return or other information.

Oil and Gas Conservation Act

5(1) Amends chapter O-6 of the Revised Statutes of Alberta 2000.

(2) Section 10(1)(mm) presently reads:

10(1) The Board may make regulations

(mm) as to the records, reports and information submitted to or acquired by the Board under this Act that shall be confidential, and as to when and to whom the information contained in them may be made available;

Oil Sands Conservation Act

6(1) Amends chapter O-7 of the Revised Statutes of Alberta 2000.

(2) Section 20(1)(q) presently reads:

20(1) The Board may make regulations

(q) respecting the records, reports and information submitted to or acquired by the Board under this Act that shall be confidential, and prescribing when, to whom and the manner in which those records, reports or information may be made available;