

Bill 28
Mr. Lukaszuk

BILL 28

2003

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY AMENDMENT ACT, 2003

(Assented to , 2003)

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

Amends RSA 2000 cF-25

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

2 Section 1 is amended

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

(b.1) “biometric information” means information derived from an individual’s unique measurable characteristics;

(b) by repealing clause (n)(v) and substituting the following:

(v) the individual’s fingerprints, other biometric information, blood type, genetic information or inheritable characteristics,

3 Section 4(1) is amended

(a) in clause (l)(vi) by striking out “a district registrar” and substituting “the Director, or of a district registrar,”;

- (b) in clause (l)(vii) by striking out “where” and substituting “if that registry is authorized or recognized by an enactment and”;**
- (c) in clause (n) by adding “or elected” after “appointed”.**

4 Section 16(3)(c) is amended by striking out “the Government of Alberta” and substituting “a public body”.

5 Section 17 is amended

- (a) in subsection (2)**
 - (i) in clause (a) by striking out “in writing” and substituting “in the prescribed manner”;**
 - (ii) in clause (b) by striking out “notice of the disclosure is mailed to the last known address of” and substituting “written notice of the disclosure is given to”;**
 - (iii) by repealing clause (d);**
 - (iv) by repealing clause (j)(ii).**
- (b) in subsection (4) by adding the following after clause (e):**
 - (e.1) the personal information consists of an individual’s bank account information or credit card information,**

6 Section 29(1) is amended by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

- (a) that is readily available to the public,**

7 Section 30 is amended

(a) in subsection (1) by striking out “subject to section 29,”;

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

(1.1) Subsection (1) does not apply to information that the head of a public body may refuse to disclose in accordance with section 29.

8 Section 32(4) is amended

(a) by striking out “mail a notice of disclosure in the prescribed form” **and substituting** “give written notice of the disclosure”;

(b) in clause (a) by striking out “last known address of the”.

9 Section 36(1) is amended by striking out “applicant” **and substituting** “individual” **and by striking out** “applicant’s” **and substituting** “individual’s”.

10 Section 37(2)(a) is amended by striking out “the applicant” **and substituting** “the individual who made the request”.

11 Section 40 is amended

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

- (bb.1) if the personal information is information of a type routinely disclosed in a business or professional context and the disclosure
 - (i) is limited to an individual’s name and business contact information, including business title, address, telephone number, facsimile number and e-mail address, and

(ii) does not reveal other personal information about the individual or personal information about another individual,

(b) in subsections (2) and (3) by striking out “A post-secondary educational body may” and substituting “Notwithstanding subsection (1), a post-secondary educational body may”.

12 Section 43 is amended

(a) in subsection (1)

(i) by striking out “for research purposes”;

(ii) in clause (a)

(A) by adding “in a record” after “personal information”;

(B) in subclause (ii) by striking out “is contained in a record that”;

(iii) in clause (b)

(A) by adding “in a record” after “personal information”;

(B) by adding “and” at the end of subclause (ii), by striking out “and” at the end of subclause (iii) and by repealing subclause (iv);

(b) by repealing subsection (2).

13 Section 46(1) is amended by striking out “of 5” and substituting “not exceeding 5”.

14 Section 56(1) is amended by adding “or 74.5” after “section 69”.

15 Section 70 is repealed and the following is substituted:

Refusal to conduct inquiry

70 The Commissioner may refuse to conduct an inquiry pursuant to section 69 if in the opinion of the Commissioner

- (a) the subject-matter of a request for a review under section 65 has been dealt with in an order or investigation report of the Commissioner, or
- (b) the circumstances warrant refusing to conduct an inquiry.

16 The following is added after section 74:

**Division 1.1
Reviews of Decisions of the
Registrar of Motor
Vehicle Services**

Definitions

74.1 In this Division,

- (a) “personal driving and motor vehicle information” means personal driving and motor vehicle information as defined in section 8(1) of the *Traffic Safety Act*;
- (b) “Registrar” means the Registrar of Motor Vehicle Services.

Right to ask for a review

74.2(1) Despite section 4(1)(1)(ii), if a person makes a request to the Registrar for access to personal driving and motor vehicle information in accordance with the regulations made under section 8 of the *Traffic Safety Act*, the Commissioner may review the Registrar’s decision that relates to the request.

(2) The following may ask the Commissioner to review a decision of the Registrar that relates to a request referred to in subsection (1):

- (a) an individual who believes that the individual’s own personal driving and motor vehicle information may be released as a result of the Registrar’s decision;

- (b) the person who made the request to the Registrar for access to personal driving and motor vehicle information.

How to ask for a review

74.3(1) To ask for a review under this Division, a written request must be delivered to the Commissioner.

(2) A request for a review under this Division must be delivered to the Commissioner within 60 days after the person asking for the review was given notice of the decision in accordance with the regulations under section 8 of the *Traffic Safety Act*.

Notifying others of review

74.4(1) On receiving a request for a review, the Commissioner must as soon as practicable

- (a) give a copy of the request
 - (i) to the Registrar, and
 - (ii) to any person the Commissioner considers appropriate,

and

- (b) provide a summary of the review procedures and an anticipated date for a decision on the review
 - (i) to the person who asked for the review,
 - (ii) to the Registrar, and
 - (iii) to any person the Commissioner considers appropriate.

(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 Registrar or a person referred to in subsection (1)(a)(ii).

Inquiry by Commissioner

74.5(1) Unless section 74.6 applies the Commissioner must conduct an inquiry and may decide all questions of fact and law arising in the course of the inquiry.

(2) An inquiry under subsection (1) may be conducted in private.

(3) The person who asked for the review, the Registrar and any other person given a copy of the request for the review must be given an opportunity to make representations to the Commissioner during the inquiry, but no one is entitled to be present during, to have access to or to comment on representations made to the Commissioner by another person.

(4) The Commissioner may decide whether the representations are to be made orally or in writing.

(5) The person who asked for the review, the Registrar and any other person given a copy of the request for the review may be represented at the inquiry by counsel or an agent.

(6) An inquiry under this section must be completed within 90 days after receiving the request for the review unless the Commissioner

(a) notifies the person who asked for the review, the Registrar and any other person given a copy of the request for the review that the Commissioner is extending that period, and

(b) provides an anticipated date for the completion of the review.

Refusal to conduct inquiry

74.6 The Commissioner may refuse to conduct an inquiry pursuant to section 74.5 if in the opinion of the Commissioner

(a) the subject-matter of the request for a review has been dealt with in an order of the Commissioner, or

(b) the circumstances warrant refusing to conduct an inquiry.

Commissioner's orders

74.7(1) On completing an inquiry under section 74.5, the Commissioner must dispose of the issues by making an order under this section.

(2) The Commissioner may, by order, do the following:

- (a) require the Registrar to give the person who made the request access to all or part of the personal driving and motor vehicle information to which access was requested if the Commissioner determines that the Registrar is not authorized to refuse access under the regulations made under section 8 of the *Traffic Safety Act*;
- (b) either confirm the decision of the Registrar or require the Registrar to reconsider it if the Commissioner determines that the Registrar is authorized to refuse access under the regulations made under section 8 of the *Traffic Safety Act*;
- (c) require the Registrar to refuse access to all or part of the personal driving and motor vehicle information if the Commissioner determines that the Registrar is required under the regulations made under section 8 of the *Traffic Safety Act* to refuse access.

(3) The Commissioner may specify any terms or conditions in an order made under this section.

(4) The Commissioner must give a copy of an order made under this section

- (a) to the person who asked for the review,
- (b) to the Registrar,
- (c) to any other person given a copy of the request for the review,
- (d) to the Minister, and
- (e) to the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Traffic Safety Act*.

(5) A copy of an order made by the Commissioner 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.

No appeal

74.8 An order made by the Commissioner under this Division is final.

Duty to comply with orders

74.9(1) Subject to subsection (2), not later than 50 days after being given a copy of an order of the Commissioner, the Registrar must comply with the order.

(2) The Registrar must not take any steps to comply with a Commissioner's order until the period for bringing an application for judicial review under subsection (3) ends.

(3) An application for judicial review of a Commissioner's order must be made not later than 45 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 Commissioner's order is stayed until the application is dealt with by the Court.

(5) Despite subsection (3), the Court may, on application made either before or after the expiry of the period referred to in subsection (3), extend that period if it considers it appropriate to do so.

Application of other sections

74.91 Sections 53(1)(a) and 54 and Division 1 do not apply to a review under this Division.

17 Section 83 is amended

- (a) by renumbering it as section 83(1);
- (b) in subsection (1) by striking out "or" at the end of clause (c) and by repealing clause (d) and substituting the following:
 - (d) by facsimile telecommunication, or
 - (e) in electronic form other than facsimile telecommunication if the person to whom the notice or document is to be given has consented to accept the notice or document in that form.
- (c) by adding the following after subsection (1):

(2) For the purposes of subsection (1)(e), whether a person has consented may be determined in accordance with section 8(2) of the *Electronic Transactions Act*.

18 Section 87 is repealed and the following is substituted:

Directory of public bodies

87(1) The Minister must publish, in printed or electronic form, a directory to assist in identifying and locating records.

(2) The directory must list each public body and include for each public body

- (a) the name and business contact information of the individual that is the public body's contact person for matters relating to the administration of this Act, or
- (b) if the public body does not have a contact person for matters relating to the administration of this Act, the name and business contact information of the head of the public body.

Directory of personal information banks

87.1(1) The head of a public body must publish a directory, in printed or electronic form, that lists the public body's personal information banks.

(2) The directory must include, for each personal information bank, the following:

- (a) the title and location of the personal information bank;
- (b) a description of the kind of personal information and the categories of individuals whose personal information is included;
- (c) the authority for collecting the personal information;
- (d) the purposes for which the personal information was collected or compiled and the purposes for which it is used or disclosed.

(3) If personal information is used or disclosed by a public body for a purpose that is not included in the directory

published under subsection (1), the head of the public body must

- (a) keep a record of the purpose and either attach or link that record to the personal information, and
- (b) ensure that the purpose is included in the next publication of the directory.

(4) The head of a public body must ensure that the directory referred to in subsection (1) is kept as current as is practicable, and that access to the directory is available to the public at an office of the public body.

(5) In this section, “personal information bank” means a collection of personal information that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual.

19 Section 89(1) is amended by striking out “Within 2 years after this section comes into force, the” **and substituting** “The”.

20 Section 93 is amended

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

(3.1) An applicant may, in writing, request that the head of a public body excuse the applicant from paying all or part of a fee for services under subsection (1).

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

(4.1) If an applicant has, under subsection (3.1), requested the head of a public body to excuse the applicant from paying all or part of a fee, the head must give written notice of the head’s decision to grant or refuse the request to the applicant within 30 days after receiving the request.

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

(5) If the head of a public body refuses an applicant's request under subsection (3.1), the notice referred to in subsection (4.1) must state that the applicant may ask for a review under Part 5.

21 Section 94 is amended

(a) in subsection (1)(l) by adding "17(2)(a)," after "sections";

(b) in subsection (2)

(i) by adding "it is not contrary to the public interest to delete the body and that" after "satisfied that";

(ii) by adding "or" at the end of clause (a) and by repealing clauses (b) and (c) and substituting the following:

(b) all of the following apply:

(i) the Government of Alberta does not appoint a majority of members to the body or to the governing board of the body;

(ii) the Government of Alberta does not provide the majority of the body's continuing funding;

(iii) the Government of Alberta does not hold a controlling interest in the share capital of the body.

22 Section 97 is amended by striking out "May 18, 2002" and substituting "July 1, 2010".

23 The *Election Act* is amended in section 13(2) by adding the following after clause (b):

(b.1) using personal information held by a public body as defined in the *Freedom of Information and Protection of Privacy Act* if in the opinion of the Chief Electoral Officer the information is necessary for the purposes of creating or revising the register;

- (b.2) using personal information listed in public telephone directories;

24 The *Traffic Safety Act* is amended in section 8

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

(2) Neither the Registrar nor any person acting on behalf of the Registrar or providing services under this Act shall release personal driving and motor vehicle information except to the persons to whom and in the circumstances under which personal driving and motor vehicle information may be released in accordance with the regulations.

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

(4) The Lieutenant Governor in Council may make regulations respecting

- (a) the release of personal driving and motor vehicle information,
- (b) the criteria that the Registrar must consider when deciding whether a person may be given access to personal driving and motor vehicle information,
- (c) the circumstances under which the Registrar or a person acting on behalf of the Registrar may release personal driving and motor vehicle information,
- (d) the terms and conditions that may be imposed on a person that is given access to personal driving and motor vehicle information, and
- (e) notification of a decision of the Registrar to give or deny a person access to personal driving and motor vehicle information.

25 Sections 16 and 24 come into force on Proclamation.

Explanatory Notes

1 Amends chapter F-25 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

- (b) “applicant” means a person who makes a request for access to a record under section 7(1);*
- (n) “personal information” means recorded information about an identifiable individual, including*
 - (v) the individual’s fingerprints, blood type or inheritable characteristics,*

3 Section 4(1) presently reads in part:

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:

- (l) a record made from information*
 - (i) in the Personal Property Registry,*
 - (ii) in the office of the Registrar of Motor Vehicle Services,*
 - (iii) in the office of the Registrar of Corporations,*
 - (iv) in the office of the Registrar of Companies,*
 - (v) in a Land Titles Office,*

- (vi) *in an office of a district registrar as defined in the Vital Statistics Act, or*
- (vii) *in a registry operated by a public body where public access to the registry is normally permitted;*
- (n) *a personal record of an appointed member of the governing body of a local public body;*

4 Section 16(3)(c) presently reads:

- (3) *Subsections (1) and (2) do not apply if*
 - (c) *the information relates to a non-arm's length transaction between the Government of Alberta and another party, or*

5 Section 17 presently reads in part:

- (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 disclosure is mailed to the last known address of the third party,*
 - (d) *the disclosure is for research purposes and is in accordance with section 42 or 43,*
 - (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,*

- (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.*

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

- (e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,*

6 Section 29(1) presently reads:

29(1) The head of a public body may refuse to disclose to an applicant information

- (a) that is available for purchase by the public, or*
- (b) that is to be published or released to the public within 60 days after the applicant's request is received.*

7 Section 30(1) presently reads:

30(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 16, or*

(b) the disclosure of which may be an unreasonable invasion of a third party's personal privacy under section 17,

the head must, subject to section 29, where practicable and as soon as practicable, give written notice to the third party in accordance with subsection (4).

8 Section 32(4) presently reads:

(4) If it is not practicable to comply with subsection (3), the head of the public body must mail a notice of disclosure in the prescribed form

(a) to the last known address of the third party, and

(b) to the Commissioner.

9 Section 36(1) presently reads:

36(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.

10 Section 37(2)(a) presently reads:

(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

11 Section 40 presently reads in part:

40(1) A public body may disclose personal information only

(bb) when the information is available to the public,

(2) 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.

(3) 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.

12 Section 43 presently reads:

43(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 17, or

(B) is in accordance with section 42,

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 16,*

(ii) *the disclosure of the information would not be harmful to a law enforcement matter within the meaning of section 20,*

(iii) *the information is not subject to any type of legal privilege under section 27, 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*

(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.*

13 Section 46(1) presently reads:

46(1) Except as provided for in section 47, the Commissioner holds office for a term of 5 years.

14 Section 56 presently reads in part:

56(1) In conducting an investigation under section 53(1)(a) or an inquiry under section 69 or in giving advice and recommendations under section 54, the Commissioner has all the powers, privileges

and immunities of a commissioner under the Public Inquiries Act and the powers given by subsection (2) of this section.

15 Section 70 presently reads:

70 The Commissioner may refuse to conduct an inquiry pursuant to section 69 if in the opinion of the Commissioner the subject-matter of a request for a review under section 65 has been dealt with in an order or investigation report of the Commissioner.

16 Review of decision of Registrar of Motor Vehicle Services.

17 Section 83(d) presently reads:

83 Where this Act requires any notice or other document to be given to a person, it is to be given

(d) by means of a machine or device that electronically transmits a copy of a document, picture or other printed material by means of a telecommunications system.

18 Section 87 presently reads:

87(1) The Minister must publish a directory to assist in identifying and locating records.

(2) The directory must include

- (a) a description of the mandate and functions of each public body and its components,*
- (b) a description of the records in the custody or under the control of each public body,*
- (c) a general listing of the records in the custody or under the control of each public body,*
- (d) a subject index, and*
- (e) the title, business address and business telephone number of the head of the public body.*

(3) The directory must include, for each personal information bank, the following:

- (a) the title and location of the personal information bank;*
- (b) a description of the kind of personal information and the categories of individuals whose personal information is included;*
- (c) the authority for collecting the personal information;*
- (d) the purposes for which the personal information was collected or compiled and the purposes for which it is used or disclosed;*
- (e) the categories of persons who use the personal information or to whom it is disclosed.*

(4) If personal information is used or disclosed by a public body for a purpose that is not included in the directory published under subsection (1), the head of the public body must

- (a) *keep a record of the purpose and either attach or link that record to the personal information,*
- (b) *promptly notify the Minister of the purpose, and*
- (c) *ensure that the purpose is included in the next publication of the directory.*

(5) *Subsections (2)(c), (3) and (4) do not apply in respect of a local public body.*

(6) *The head of a local public body must make available for inspection and copying by the public a directory that lists the local public body's personal information banks and includes, for each bank, the information specified in subsection (3)(a) to (c).*

(7) *The Minister must*

- (a) *ensure that copies of the directory are made available to public bodies and to public libraries as defined in the Libraries Act, and*
- (b) *publish and distribute, at intervals of 2 years or less, supplements or replacements to keep the directory up to date.*

(8) *The head of a public body must ensure that copies of the directory are available to the public at an office of the public body.*

(9) *In this section, "personal information bank" means a collection of personal information that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual.*

19 Section 89(1) presently reads:

89(1) Within 2 years after this section comes into force, the head of every public body must provide facilities at

- (a) *the headquarters of the public body, and*

- (b) *any offices of the public body that, in the opinion of the head, are reasonably practicable,*

where the public may inspect any manual, handbook or other guideline used in decision-making processes that affect the public by employees of the public body in administering or carrying out programs or activities of the public body.

20 Section 93 presently reads in part:

(3) If an applicant is required to pay fees for services under subsection (1), the public body must give the applicant an estimate of the total fee before providing the services.

(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.*

(5) 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 5.

21 Section 94 presently reads in part:

94(1) The Lieutenant Governor in Council may make regulations

(1) *respecting the manner of giving consent for the purposes of sections 39(1)(b) and 40(1)(d);*

(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, or*

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

(b) *the Government of Alberta no longer*

(i) *holds a controlling interest in the share capital of the body,*

(ii) *appoints a majority of members to the body or to the governing board of the body, or*

(iii) *exercises any other similar control over the body,*

or

(c) *it is in the public interest to delete the body.*

22 Section 97 presently reads:

97 A special committee of the Legislative Assembly must begin a comprehensive review of this Act by May 18, 2002 and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

23 Amends chapter E-1 of the Revised Statutes of Alberta 2000. Section 13 presently reads in part:

13(1) The Chief Electoral Officer shall establish a register of electors from which lists of electors for polling subdivisions for each electoral division may be compiled for use at general elections, by-elections, referendums and plebiscites held under this Act or under an Act to which this Act applies.

(2) The register may be created and revised by any or all of the following:

- (a) conducting a door to door enumeration in accordance with Division 3 of all or some of the electoral divisions, or portions of any of them, as determined by the Chief Electoral Officer;*
- (b) using information provided by the Chief Electoral Officer of Canada that was used for compiling lists of electors for use at a general election, by-election, plebiscite or referendum conducted by the Chief Electoral Officer of Canada;*
- (c) using any other information obtained by or available to the Chief Electoral Officer.*

24 Amends chapter T-6 of the Revised Statutes of Alberta 2000. Section 8 presently reads:

8(1) In this section, "personal driving and motor vehicle information" means

- (a) any information supplied by an individual under this Act in order for that individual to be issued a motor vehicle document in that individual's name, or*
- (b) any information pertaining to the driving record of an individual.*

(2) Neither the Registrar nor any person acting on behalf of the Registrar or providing services under this Act shall release personal driving and motor vehicle information except to the persons to whom and in the circumstances under which personal

information may be disclosed under section 40 of the Freedom of Information and Protection of Privacy Act.

(3) Notwithstanding subsection (2), on request the Registrar

(a) may furnish an abstract of the driving record of a person

(i) to that person,

(ii) for the 3-year period or a greater period preceding the request as permitted by the Registrar, to an insurer or surety, if

(A) the abstract is required for the purposes of determining whether to grant or maintain motor vehicle insurance in respect of that person, and

(B) the insurer or surety, as the case may be, has a written authorization from that person authorizing the abstract to be released to the insurer or surety,

(iii) to a peace officer,

(iv) to an employer or prospective employer of that person if the employer or prospective employer has a written authorization from that person authorizing the abstract to be released to the employer or prospective employer,

(v) to a parent or guardian of that person if, under the law, that person requires the signature of that parent or guardian on that person's operator's licence application, or

(vi) to a lawyer of that person if the lawyer has a written authorization from that person authorizing the abstract to be released to that lawyer,

and

(b) shall furnish to a person who is injured or whose property is damaged by a motor vehicle, or to that person's personal representative, in the case where that person is killed by a motor vehicle, any information on the Government's records

pertaining to the proof of financial responsibility of any owner or driver of the motor vehicle.

25 Coming into force.