

*Bill 8*  
*Mr. Groeneveld*

## **BILL 8**

2005

### **PERSONAL INFORMATION PROTECTION AMENDMENT ACT, 2005**

*(Assented to , 2005)*

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

#### **Amends SA 2003 cP-6.5**

**1 The *Personal Information Protection Act* is amended by this Act.**

#### **2 Section 4(3) is amended**

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

(f) health information as defined in the *Health Information Act* to which that Act applies;

**(b) by repealing clauses (m) and (n) and substituting the following:**

(m) the collection, use or disclosure of personal information by, or for, a registered constituency association or a registered party as defined in the *Election Finances and Contributions Disclosure Act* or in respect of an office or a position in a registered constituency association or a registered party;

(n) the collection, use or disclosure of personal information by, or for, an individual who is a bona fide candidate for public office or for an office or a position in a registered

constituency association or a registered party as defined in the *Election Finances and Contributions Disclosure Act* where the information is being collected, used or disclosed, as the case may be, for the purposes of campaigning for that office or position and for no other purpose;

**3 The following is added after section 43:**

**Extra-provincial commissioner**

**43.1(1)** In this section,

- (a) “extra-provincial commissioner” means a person who, in respect of Canada or in respect of another province of Canada, has duties, powers and functions similar to those of the Commissioner;
- (b) “information protection statute” means a statute of Canada or of another province of Canada the purpose of which is similar to the purpose of this Act as set out in section 3.

**(2)** The Commissioner may, where the Commissioner considers it appropriate to do so, do one or more of the following:

- (a) consult with or enter into agreements with extra-provincial commissioners with respect to matters that come under this Act or other information protection statutes;
- (b) subject to clause (d), make a delegation under section 43 to an extra-provincial commissioner;
- (c) accept a delegation from an extra-provincial commissioner of any power, duty or function of the extra-provincial commissioner that is provided for under an information protection statute;
- (d) in the case of a matter that is the subject of an investigation or a review referred to in section 36 or 46 or an inquiry referred to in section 50 and that also comes within the jurisdiction of an extra-provincial

commissioner, delegate the matter to that extra-provincial commissioner for the purposes of conducting an investigation, a review or an inquiry;

- (e) in the case of a matter that comes within the jurisdiction of an extra-provincial commissioner, refer the matter to that extra-provincial commissioner for the purposes of having the matter dealt with;
- (f) in the case of a matter that comes within the jurisdiction of the Commissioner, accept a referral of the matter from an extra-provincial commissioner for the purposes of dealing with the matter;
- (g) notwithstanding anything in section 41, disclose information for the purposes of exercising or performing any power, duty or function pursuant to clauses (a) to (f);
- (h) notwithstanding anything in section 41, collect, use and disclose personal information about an individual without the consent of the individual for the purposes of exercising or performing any power, duty or function referred to in this section.

(3) Notwithstanding section 36, 46 or 50, where, under subsection (2)(d), the Commissioner delegates a matter to an extra-provincial commissioner, the matter is not to be further dealt with under section 36, 46 or 50, as the case may be, at any time during which the delegation remains in effect.

**4 Section 56(1)(a)(v) is amended by striking out “Colleges Act” and substituting “Post-secondary Learning Act”.**

**5 Section 61(1)(d) is repealed and the following is substituted:**

- (d) if the individual is deceased,
  - (i) by the individual’s personal representative if the exercise of the right or power relates to the administration of the individual’s estate;

- (ii) by the person who is authorized by law to deal with the disposition of the deceased's remains if the exercise of the right or power relates to the disposition of the deceased's remains;
- (iii) by the person who has arranged for, or is arranging for, the deceased's funeral if the exercise of that right or power reasonably relates to the funeral or to the notification, recognition or acknowledgment of the death of the deceased;

**6 Section 63(1) is repealed and the following is substituted:**

**Review of Act**

**63(1)** A special committee of the Legislative Assembly must begin a comprehensive review of this Act by July 1, 2006 and at least once every 3 years after that, and must submit a report to the Legislative Assembly within 18 months after beginning the review.

**Explanatory Notes**

**1** Amends chapter P-6.5 of the Statutes of Alberta, 2003.

**2** Section 4(3) presently reads in part:

*(3) This Act does not apply to the following:*

*(f) health information as defined in the Health Information Act where that information is collected, used or disclosed by an organization for health care purposes including health research and management of the health care system, but for the purposes of this clause health information does not include personal employee information;*

*(m) the collection, use or disclosure of personal information by a registered constituency association*

*or a registered party as defined in the Election Finances and Contributions Disclosure Act;*

- (n) the collection, use or disclosure of personal information by an individual who is a bona fide candidate for public office where the information is being collected, used or disclosed, as the case may be, for the purposes of campaigning for that office and for no other purpose;*

**3** Extra-provincial commissioner.

**4** Section 56(1)(a)(v) presently reads:

*56(1) In this section,*

- (a) “commercial activity” means*

- (v) the operation of a private college as defined in the Colleges Act;*

**5** Section 61(1)(d) presently reads:

*61(1) Any right or power conferred on an individual by this Act may be exercised*

- (d) if the individual is deceased, by the individual’s personal representative if the exercise of the right or power relates to the administration of the individual’s estate;*

**6** Section 63(1) presently reads:

*63(1) Eighteen months after this Act comes into force and at least once every 3 years thereafter, a special committee of the Legislative Assembly must begin a comprehensive review*

*of this Act and must submit a report respecting this Act to the Legislative Assembly within 18 months after beginning the review.*