

2007 Bill 218

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 218

**FREEDOM OF INFORMATION AND PROTECTION OF
PRIVACY (REPEAL OF MINISTERIAL BRIEFING EXEMPTION)
AMENDMENT ACT, 2007**

MR. AGNIHOTRI

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 218
Mr. Agnihotri

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2007

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY (REPEAL OF MINISTERIAL BRIEFING EXEMPTION) AMENDMENT ACT, 2007

(Assented to _____, 2007)

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 6 is amended by repealing subsections (4) to (8).

Explanatory Notes

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

2 Section 6 presently reads:

6(1) An applicant has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under Division 2 of this Part, but if that information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record is subject to the payment of any fee required by the regulations.

(4) The right of access does not extend

(a) to a record created solely for the purpose of briefing a member of the Executive Council in respect of assuming responsibility for a ministry, or

(b) to a record created solely for the purpose of briefing a member of the Executive Council in preparation for a sitting of the Legislative Assembly.

3 Section 24 is amended by repealing subsections (2.1) and (2.2).

(5) Subsection (4)(a) does not apply to a record described in that clause if 5 years or more has elapsed since the member of the Executive Council was appointed as the member responsible for the ministry.

(6) Subsection (4)(b) does not apply to a record described in that clause if 5 years or more has elapsed since the beginning of the sitting in respect of which the record was created.

(7) The right of access to a record does not extend to a record relating to an audit by the Chief Internal Auditor of Alberta that is in the custody of the Chief Internal Auditor of Alberta or any person under the administration of the Chief Internal Auditor of Alberta, irrespective of whether the record was created by or for or supplied to the Chief Internal Auditor of Alberta.

(8) Subsection (7) does not apply to a record described in that subsection

- (a) if 15 years or more has elapsed since the audit to which the record relates was completed, or*
- (b) if the audit to which the record relates was discontinued or if no progress has been made on the audit for 15 years or more.*

3 Section 24 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 reveal

- (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council,*
- (b) consultations or deliberations involving*
 - (i) officers or employees of a public body,*
 - (ii) a member of the Executive Council, or*
 - (iii) the staff of a member of the Executive Council,*
- (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Alberta or a public body, or considerations that relate to those negotiations,*
- (d) plans relating to the management of personnel or the administration of a public body that have not yet been implemented,*

- (e) *the contents of draft legislation, regulations and orders of members of the Executive Council or the Lieutenant Governor in Council,*
 - (f) *the contents of agendas or minutes of meetings*
 - (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),*
 - (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, or*
 - (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.*
- (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, 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,*
 - (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, that is complete or on which no progress has been made for at least 3 years,*
 - (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.*

(2.1) The head of a public body must refuse to disclose to an applicant

- (a) a record relating to an audit by the Chief Internal Auditor of Alberta that is created by or for the Chief Internal Auditor of Alberta, or*
- (b) information that would reveal information about an audit by the Chief Internal Auditor of Alberta.*

(2.2) Subsection (2.1) does not apply to a record or information described in that subsection

- (a) if 15 years or more has elapsed since the audit to which the record or information relates was completed, or*
- (b) if the audit to which the record or information relates was discontinued or if no progress has been made on the audit for 15 years or more.*

(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.

