

2008 Bill 45

First Session, 27th Legislature, 57 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 45

STATISTICS BUREAU AMENDMENT ACT, 2008

THE MINISTER OF EMPLOYMENT AND IMMIGRATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 45

2008

STATISTICS BUREAU AMENDMENT ACT, 2008

(Assented to _____, 2008)

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

Amends RSA 2000 cS-18

1 The *Statistics Bureau Act* is amended by this Act.

2 The title and chapter number of the Act are repealed and the following is substituted:

OFFICE OF STATISTICS AND INFORMATION ACT
Chapter O-5.5

3 Section 1 is repealed and the following is substituted:

Definitions

1 In this Act,

- (a) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (b) “Office” means the Office of Statistics and Information continued under section 2;
- (c) “respondent” means a person from whom information is sought under this Act.

Explanatory Notes

1 Amends chapter S-18 of the Revised Statutes of Alberta 2000.

2 The title and chapter number presently read:

STATISTICS BUREAU ACT
Chapter S-18

3 Section 1 presently reads:

1 In this Act,

(a) "Bureau" means the Alberta Bureau of Statistics established by this Act;

(b) "Minister" means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act.

4 Section 2 is amended

- (a) **by repealing subsection (1) and substituting the following:**

Office of Statistics and Information

2(1) The Alberta Bureau of Statistics is continued within the public service of Alberta under the name “Office of Statistics and Information”.

- (b) **in subsection (2)**

- (i) **by striking out “Bureau” and substituting “Office”;**
- (ii) **by striking out “that Department of the Public Service” and substituting “the ministry”.**

5 Section 3 is repealed and the following is substituted:

Duties of the Office

3(1) The purpose of the Office is to plan, promote, consolidate and develop social and economic statistics or statistical information relating to Alberta.

(2) The duties of the Office shall include the following:

- (a) to collect, compile, analyze, abstract and publish statistics or other information relating to the commercial, industrial, financial, social, economic or other activities or conditions of Alberta, including but not limited to taking a mandatory census or survey;
- (b) to collaborate with or assist ministries in the collection, compilation and publication of statistics or other information, including statistics or other information derived from the activities of those ministries;
- (c) to co-ordinate statistical activities between the Government of Alberta and statistical agencies of other governments;
- (d) to study, investigate, report on and advise on any question relating to social or economic conditions or to

4 Section 2 presently reads:

2(1) There shall be a branch of the Public Service of Alberta which shall be known as the Alberta Bureau of Statistics.

(2) The Bureau shall be attached to and shall form part of that Department of the Public Service prescribed by the Lieutenant Governor in Council.

5 Section 3 presently reads:

3 The duties of the Bureau may include the following:

- (a) to collect, compile, analyze, abstract and publish statistical information relative to the commercial, industrial, financial, social, economic and general activities and condition of Alberta;*
- (b) to collaborate with all other Departments and officers of the Government in the collection, compilation and publication of statistics;*
- (c) to study, investigate, report and advise on any questions relating to economic conditions or to any economic problem designated by the Minister;*
- (d) generally to organize a scheme of co-ordinated social and economic statistics pertaining to the whole of Alberta.*

any social or economic problem designated by the Minister.

6 Section 4 is amended

(a) by renumbering it as section 4(1);

(b) in subsection (1) by striking out “Bureau” and substituting “Office”;

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

(2) The Minister may use the services of any employee of the public service of Alberta to carry out a duty of the Office.

(3) The Minister may retain any person under contract, and the employees and agents of that person, to carry out a duty of the Office.

7 Section 5 is repealed and the following is substituted:

Rules, schedules, etc.

5 The Minister may make rules, instructions, schedules and forms as the Minister considers requisite for the carrying out of a duty of the Office.

8 Section 6 is repealed and the following is substituted:

Agreements — Statistics Canada

6 The Minister may enter into an agreement with Statistics Canada for the collection, transmission or exchange of

(a) specific replies to statistical inquiries,

(b) replies to specific classes of information collected under this Act, or

6 Section 4 presently reads:

4 In accordance with the Public Service Act, there may be appointed any employees required for the carrying out of the duties of the Bureau.

7 Section 5 presently reads:

5 The Minister may make rules, instructions, schedules and forms as the Minister considers requisite for

- (a) conducting the work and business of the Bureau,*
- (b) the collecting, compiling and publishing of statistics and other information, and*
- (c) the taking of any census authorized by this Act.*

8 Section 6 presently reads:

6 The Minister may make any arrangements the Minister considers expedient between the Bureau and any Department of the Government of Canada for the collection, transmission and exchange of any information or statistics.

- (c) tabulations or analyses based on the replies referred to in clause (a) or (b).

Agreements — other

6.1(1) The Minister may enter into an agreement with a ministry, municipality, corporation, business or organization, the Government of Canada or the government of a province or territory of Canada for the exchange of information collected jointly and for subsequent tabulation or publication based on that information.

(2) The agreement must provide that

- (a) a notice is required to be sent to each respondent advising that
 - (i) the information is being collected jointly on behalf of the Office and the other party, and
 - (ii) the respondent may object in writing to the exchange of information between the parties that might identify the respondent,

and

- (b) the agreement does not apply to the exchange of information between the parties that might identify a respondent who has objected as referred to in clause (a).

(3) An exchange of information under an agreement under this section may, subject to subsection (2)(b), include replies to original inquiries and supplementary information provided by a respondent to the Office or the other party jointly collecting the information.

(4) This section does not apply to an agreement with Statistics Canada.

9 Section 7 is amended

- (a) in subsection (1) by striking out “Bureau shall” and substituting “Office may”;**

9 Section 7 presently reads:

7(1) The Bureau shall take a census or survey with regard to mines, quarries, fisheries and forests, and of manufacturing, construction, commercial and service establishments, and of any other industrial, trading, business and professional activities prescribed by the

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

(2) A person who receives a census or survey form for the purposes of subsection (1) shall answer and return it, properly certified as accurate, no later than the time prescribed on the form or any extended time that the Minister may allow.

(3) Subsection (2) does not apply unless the census or survey form indicates that the census or survey is mandatory.

(4) The Minister shall, subject to the regulations, determine if a census or survey is mandatory.

10 The following is added after section 7:

Collection of information

7.1(1) The Office may collect information, including personal information, directly or indirectly, for the purposes of this Act.

(2) A ministry, municipality, corporation, business or organization is authorized to provide a record in its custody or control to the Office on request that, in the opinion of the Office, may aid

- (a) in the carrying out of a duty of the Office, or
- (b) in the completion or collection of information obtained under clause (a).

(3) A person who requests information under this Act must advise a respondent

- (a) of the person's name and title of office,
- (b) of the purpose of the request,
- (c) whether the respondent is obliged to comply with the request,
- (d) whether the information collected will be or may be shared pursuant to an agreement under section 6 or 6.1, and

Minister, at the intervals the Minister directs, so as to ascertain with the utmost possible accuracy the products and operations thereof.

(2) Statistical forms may be delivered to any person from whom information is desired for the purposes of this Act and that person shall answer the inquiries on the forms and return them to the Bureau, properly certified as accurate, not later than the time prescribed on the forms or any extended time that the Minister may allow.

10 Collection of information.

- (e) if the information collected will be or might be shared pursuant to an agreement under section 6.1, of the respondent's right to object to the exchange of information that might identify the respondent.

11 Section 8 is amended by repealing subsection (2) and substituting the following:

(2) No person shall permit the examination of the contents of an individual return received under this Act without modifying the contents to prevent a person from identifying any of the contents so examined as relating to any individual person or business.

(3) Subsections (1) and (2) do not apply to a disclosure permitted under section 6 or 6.1.

(4) Subsection (2) does not apply to a disclosure

- (a) to a person who has taken the oath of secrecy required by section 9, or
- (b) to an individual person or business of particulars that are about that individual person or business.

(5) This section prevails over sections 40 to 43 of the *Freedom of Information and Protection of Privacy Act*.

12 The following is added after section 8:

Limited right of access

8.1(1) An individual person's or business's right of access to records in the custody or control of the Office is limited to information about that person or business.

(2) This section prevails over section 6(1) of the *Freedom of Information and Protection of Privacy Act*.

11 Section 8 presently reads:

8(1) No report, summary of statistics or other publication issued under this Act shall contain any of the particulars contained in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business except when the previous consent in writing of the individual person or of the person in authority in the business has been obtained for the release of the information.

(2) No person shall communicate or allow to be communicated to any person who has not taken the oath of secrecy required by section 9, the contents of any individual return, report or answer made or given pursuant to this Act.

12 Limited right of access.

13 Section 9 is amended

(a) in subsection (1)

- (i) by striking out** “Every officer and other person employed in the execution of any duty under this Act, before entering on those duties” **and substituting** “Before carrying out a duty of the Office, a person”;
- (ii) by striking out** “employment in or by the Alberta Bureau of Statistics” **and substituting** “carrying out a duty under the *Office of Statistics and Information Act*”;

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

- (2)** The oath must be taken and recorded in the manner determined by the Minister.

14 Section 10 is amended

(a) in subsection (1)

- (i) in clause (a) by striking out** “duties under this Act” **and substituting** “a duty of the Office”;
- (ii) by striking out** “\$100” **and substituting** “\$1000”;

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

- (2)** A respondent who, with respect to a person carrying out a duty under this Act,
 - (a) wilfully and falsely answers any question,
 - (b) refuses or neglects to answer any question the respondent is required to answer,
 - (c) refuses or neglects to complete to the best of the respondent’s knowledge and belief any form the respondent is required to complete, or

13 Section 9 presently reads:

9(1) Every officer and other person employed in the execution of any duty under this Act, before entering on those duties shall take the following oath of secrecy:

“I, _____, do solemnly swear that I will not, without due authority, disclose or make known any matter or thing that comes to my knowledge by reason of my employment in or by the Alberta Bureau of Statistics.”

(2) The oath is to be taken before the Clerk of the Executive Council and recorded in the manner that the Minister prescribes.

14 Section 10 presently reads:

10(1) A person

(a) who, in the pretended performance of duties under this Act, obtains or seeks to obtain information that the person is not authorized to obtain, or

(b) who contravenes section 8(2),

is guilty of an offence and liable to a fine of not more than \$100 and in default of payment to imprisonment for a term of not more than 30 days.

(2) A person

(a) who refuses or neglects to answer or who wilfully and falsely answers any question that the person has been asked by a person employed in the execution of any duty under this Act,

(b) who refuses or neglects to complete to the best of the person’s knowledge and belief any form that the person is required to complete pursuant to this Act, or

- (d) refuses or neglects to provide or return any record, form, return, report or answer the respondent is required to provide or return when and as required,

is guilty of an offence and is liable to a fine of not more than \$500 and in default of payment to imprisonment for a term of not more than 3 months.

15 The following is added after section 10:

Regulations

11 The Lieutenant Governor in Council may make regulations

- (a) respecting the collection, use or disclosure of information under sections 6 to 8.1;
- (b) respecting the taking of a mandatory census or survey;
- (c) governing any matter the Lieutenant Governor in Council considers necessary to carry out the purposes of this Act.

16 The *Alberta Corporate Tax Act* is amended in section 77(5)(a)(i) by striking out “*Statistics Bureau Act*” and substituting “*Office of Statistics and Information Act*”.

17 The *Alberta Personal Income Tax Act* is amended in section 79(5)(b)(i) by striking out “*Statistics Bureau Act*” and substituting “*Office of Statistics and Information Act*”.

(c) *who refuses or neglects to return to the Bureau any form, return, report or answer when and as it is required of the person under this Act,*

is guilty of an offence and is liable to a fine of not more than \$100 and in default of payment to imprisonment for a term of not more than 3 months.

15 Regulations.

16 Amends chapter A-15 of the Revised Statutes of Alberta 2000.
Section 77(5)(a)(i) presently reads:

(5) *Tax information may be communicated as follows:*

(a) *to a person employed or engaged by the Government of Alberta if the tax information is*

(i) *statistical in nature and to be used solely in accordance with section 3 of the Statistics Bureau Act;*

17 Amends chapter A-30 of the Revised Statutes of Alberta 2000.
Section 79(5)(b)(i) presently reads:

(5) *Tax information may be communicated as follows:*

(b) *to a person employed or engaged by the Government of Alberta if the tax information is*

(i) *statistical in nature and to be used solely in accordance with section 3 of the Statistics Bureau Act;*

18 This Act comes into force on Proclamation.

18 Coming into force.

