

2015 Bill 12

Third Session, 28th Legislature, 64 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 12

COMMON BUSINESS NUMBER ACT

MR. QUEST

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 12

2015

COMMON BUSINESS NUMBER ACT

(Assented to , 2015)

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

Definitions

1 In this Act,

- (a) “business entity” means a person or organization, whether incorporated or not, that provides information to a public entity with respect to a business or non-profit undertaking carried on or to be carried on by the person or organization;
- (b) “business information” means the following information about a business entity:

- (i) the name of the entity and any operating, business, trade or other name used by it;
 - (ii) the legal structure of the entity;
 - (iii) the mailing address and street address of the entity and the legal land description of the entity;
 - (iv) the telephone number, fax number and e-mail address of the entity;
 - (v) if the entity is a corporation,
 - (A) the date of its incorporation,
 - (B) the jurisdiction under whose laws it is incorporated and its incorporation number in that jurisdiction,
 - (C) its registration number and date of registration in Alberta if it is incorporated in a jurisdiction other than Alberta,
 - (D) the names, addresses and e-mail addresses of its directors or individuals occupying a position substantially similar to that of a director,
 - (E) the address and e-mail address of its registered office and of its head office, and
 - (F) the name, address and e-mail address of its attorney for service;
 - (vi) if the entity is a partnership, the names, addresses and e-mail addresses of the partners;
 - (vii) the program account number of the entity, including information as to whether the status of the program account number is active or closed, and if the status of the program account number has changed, the reason for the change and the date on which the change occurred;
 - (viii) any other prescribed information;
- (c) “common business number” means a common business number assigned to a business entity pursuant to this Act;

- (d) “designated enactment” means an Act or regulation or a portion of an Act or regulation designated by the regulations;
- (e) “file” means to file, register, submit, deposit, apply or otherwise make available;
- (f) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (g) “prescribed” means prescribed by the regulations;
- (h) “program account number” means a program account number as defined in the regulations;
- (i) “public entity” means
 - (i) the department administered by the Minister, and
 - (ii) a body that has entered into an agreement with the Minister under section 3.

System of common business numbers

2(1) The Lieutenant Governor in Council may by regulation establish or adopt a system of common business numbers for identifying business entities.

(2) The Minister may enter into an agreement with the Government of Canada or an agency of the Government of Canada for the purpose of

- (a) establishing or adopting a system of common business numbers, and
- (b) integrating or co-ordinating the system of common business numbers established or adopted under this Act with any system of business numbers established by the Government of Canada or an agency of the Government of Canada.

Agreements with public entities

3(1) The Minister may enter into an agreement with a public body as defined in the *Freedom of Information and Protection of Privacy Act* or a prescribed body for the following purposes:

- (a) the use by the body of the system of common business numbers established or adopted pursuant to section 2;
- (b) the access by the body, or by a person or a member of a class of persons mentioned in the agreement, to information collected by the Minister pursuant to this Act.

(2) The Minister may establish programs with respect to the matters referred to in subsection (1) in relation to operating programs and activities under the administration of the Minister.

Requirement to provide business information

4(1) For the purpose of assigning a common business number to a business entity, if the business entity provides information to a public entity pursuant to a designated enactment, the public entity or a person acting for the public entity may

- (a) require that the business entity provide its business information to the public entity, and
- (b) provide the business information referred to in clause (a) to the Government of Canada or an agency of the Government of Canada.

(2) For the purpose of assigning a common business number to a business entity, a public entity that has been provided information by the business entity pursuant to a designated enactment before the prescribed date may

- (a) use the business information in its possession or, if the business information is incomplete, require from the business entity any additional business information not previously provided, and
- (b) provide the business information referred to in clause (a) to the Government of Canada or an agency of the Government of Canada.

(3) A public entity may require a business entity to provide business information in any form or format that the public entity considers appropriate.

(4) If a business entity does not provide its business information to a public entity pursuant to a requirement under subsection (1) or (2), the public entity may refuse to accept or to take any action with

respect to the information provided by the business entity pursuant to the designated enactment.

(5) A public entity that receives or uses business information under subsection (1) or (2) shall provide the business information to the Minister.

Requirement to provide common business number

5(1) A public entity may require a business entity to provide its common business number when the business entity provides information to the public entity pursuant to a designated enactment.

(2) A business entity shall comply with a requirement to provide its common business number imposed under subsection (1).

(3) If a business entity does not provide its common business number to a public entity, the public entity may refuse to accept or to take any action with respect to the information provided by the business entity pursuant to the designated enactment.

(4) A public entity that receives a common business number for a business entity under this section shall provide the common business number to the Minister.

Information system

6(1) The Minister may establish and manage an information system for the purpose of

- (a) receiving and storing common business numbers and business information received pursuant to this Act, and
- (b) integrating and updating business information with respect to business entities.

(2) In addition to the information referred to in subsection (1)(a), the Minister may receive and store the following information in the information system:

- (a) the date the common business number was assigned to the business entity;
- (b) the operation type of the business entity, as identified by a public entity;
- (c) the registration status of the business entity;

- (d) any other prescribed information.

Disclosure of information

7(1) Information relating to a business entity that is stored in the information system established under section 6(1) may be disclosed by the Minister

- (a) to a public entity or person acting for a public entity for the purpose of
 - (i) correcting or updating information in the information system or in the possession of the public entity, or
 - (ii) administering or enforcing a designated enactment,
- (b) to a party to an agreement entered into under section 2 or 3 in accordance with the agreement, or
- (c) to a person employed in the department administered by the Minister for the purposes of a program established under section 3(2).

(2) The authority to disclose information relating to a business entity under this section is in addition to any other express or implied authority or obligation to disclose that information.

Filing of and access to information

8 Information that a business entity is, pursuant to a designated enactment, required to file or authorized to access may be filed or accessed, as the case may be, by a person or a member of a class of persons authorized to do so in an agreement between the Minister and the public entity, subject to any conditions on the authorization set out in the agreement.

Fees

9 Subject to the regulations, the Minister may determine the amount of fees payable for any services provided pursuant to this Act.

Immunity

10 No action or proceeding lies or shall be commenced against the Crown in right of Alberta, the Minister or any officer, employee or agent of the Crown in right of Alberta, if that person is acting

pursuant to the authority of this Act or the regulations, for anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or purported exercise of any power conferred by this Act or the regulations or in the carrying out or purported carrying out of any duty imposed by this Act or the regulations.

Regulations

11 The Lieutenant Governor in Council may make regulations

- (a) defining, enlarging or restricting the meaning of any term or expression used in this Act but not defined in this Act;
- (b) prescribing information as business information;
- (c) designating an Act or regulation or a portion of an Act or a regulation as a designated enactment;
- (d) prescribing bodies for the purposes of section 3(1);
- (e) prescribing a date for the purposes of section 4(2);
- (f) prescribing information that may be received and stored in the information system established under section 6(1) and respecting disclosure of information that is stored in the information system;
- (g) respecting the use of forms that are approved and accepted by the Minister and requiring the use of those forms;
- (h) respecting the standards with which persons must comply in the collection, transmission and provision of information pursuant to this Act or in the provision of services pursuant to a designated enactment, and respecting compliance with those standards;
- (i) providing that designated enactments, or provisions of them, prevail notwithstanding this Act or the regulations;
- (j) authorizing or requiring information that business entities are required to file pursuant to this Act or a designated enactment to be filed and maintained in an electronic or other format;

- (k) authorizing or requiring the use of forms by business entities that must file information pursuant to this Act or a designated enactment and respecting the use on those forms of an electronic signature or a signature that is copied or reproduced, including establishing standards for reliability of any form of signature;
- (l) authorizing or requiring forms that business entities are required to file pursuant to this Act or a designated enactment to be filed without signatures;
- (m) respecting the electronic formats that may be used to file information pursuant to this Act or a designated enactment;
- (n) respecting when information that is filed in an electronic format is deemed to be filed;
- (o) governing the filing of information that is presented in an electronic format;
- (p) prescribing procedures for the paying of fees, taxes, rates or other charges required pursuant to a designated enactment;
- (q) respecting the collection and remittance of fees collected on behalf of the Government of Canada or an agency of the Government of Canada or a public entity;
- (r) prescribing procedures for business entities to file information pursuant to a designated enactment;
- (s) requiring business entities to make financial and statistical reports, and prescribing the procedures for and manner of making those reports;
- (t) prescribing common dates or periods for business entities to file information or to make payments pursuant to designated enactments;
- (u) prescribing methods for allocating payments made pursuant to designated enactments;
- (v) requiring renewal of licences or filings pursuant to designated enactments, with or without conditions;

- (w) prescribing information to be provided for the purpose of administering and enforcing this Act and requiring a business entity to provide that information to the Minister;
- (x) prescribing new or additional procedures and requirements that must be complied with respecting filing information, making reports, paying fees, taxes, rates or other charges or doing any other thing pursuant to a designated enactment respecting a matter regulated by this Act and the regulations;
- (y) exempting any person or organization or category of persons or organizations from complying with all or any provision of this Act, the regulations or any designated enactment that deals with matters regulated by this Act and the regulations and prescribing terms and conditions that the person or organization or category of persons or organizations must comply with in order to be eligible for exemption;
- (z) respecting fees payable for services under this Act, and providing for the refund or waiver of fees;
- (aa) prescribing any other matter or thing required or authorized by this Act to be prescribed;
- (bb) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the purposes of this Act.

Conflict between enactments

12 Subject to regulations made under section 11(i), if a provision of this Act or a regulation made under this Act is inconsistent with or in conflict with a provision of a designated enactment, the provision of this Act or the regulation made under this Act prevails.

Coming into force

13 This Act, except section 2, comes into force on Proclamation.

