



Legislative Assembly of Alberta

The 30th Legislature  
Fourth Session

Standing Committee  
on  
Alberta's Economic Future

Property Rights Advocate Annual Report Review  
Personal Information Protection Act Review

Tuesday, January 10, 2023  
9 a.m.

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**Legislative Assembly of Alberta  
The 30th Legislature  
Fourth Session**

**Standing Committee on Alberta's Economic Future**

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## **Standing Committee on Alberta's Economic Future**

### **Participants**

Office of the Property Rights Advocate

Peter J. Dobbie, KC, Farmers' Advocate and Property Rights Advocate

Leanne Mundt, Associate Property Rights Advocate

Ministry of Technology and Innovation

Maureen Towle, Assistant Deputy Minister, Data, Privacy and Innovation

Office of the Information and Privacy Commissioner

Kim Kreuzer Work, Assistant Commissioner, Strategic Initiatives and Knowledge Management

Diane McLeod, Information and Privacy Commissioner



**9 a.m. Tuesday, January 10, 2023**

[Mr. van Dijken in the chair]

**The Chair:** Good morning, everyone. I'd like to call this meeting to order.

Welcome to members and staff that are in attendance to this meeting of the Standing Committee on Alberta's Economic Future. My name is Glenn van Dijken. I'm the MLA for Athabasca-Barrhead-Westlock and chair of this committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, starting to my right with MLA Turton.

**Mr. Turton:** Yes. Good morning, everyone. MLA Searle Turton for Spruce Grove-Stony Plain.

**Mr. Feehan:** Good morning, everyone. Richard – sorry.

**Mr. Dobbie:** Not an MLA, but Peter Dobbie. I am proud to be the Property Rights and Farmers' Advocate for the province of Alberta.

**Mr. Feehan:** Good morning, everyone. I'm Richard Feehan, the MLA for Edmonton-Rutherford.

**Mr. Carson:** Good morning. Jon Carson, MLA for Edmonton-West Henday.

**Mr. Bilous:** Morning. Deron Bilous, MLA, Edmonton-Beverly-Clareview.

**Dr. Williamson:** Morning. Christina Williamson, research officer.

**Mr. Koenig:** I'm Trafton Koenig with the Parliamentary Counsel office.

**Ms Robert:** Good morning. Nancy Robert, clerk of *Journals* and committees.

**Mr. Roth:** Good morning. Aaron Roth, committee clerk.

**The Chair:** Thank you.

I now invite members joining us online to introduce themselves, starting with Deputy Chair Goehring.

**Ms Goehring:** Good morning, everyone. I'm Nicole Goehring, the MLA for Edmonton-Castle Downs.

**Mr. Rowswell:** MLA Garth Rowswell for Vermilion-Lloydminster-Wainwright.

**Ms Armstrong-Homeniuk:** Good morning, everyone. Jackie Armstrong-Homeniuk, MLA, Fort Saskatchewan-Vegreville.

**Mr. Stephan:** Jason Stephan, MLA, Red Deer-South.

**The Chair:** And MLA McIver. MLA McIver, you may be on mute. MLA Rehn. We cannot . . .

**Mr. Rehn:** Yes. Good morning.

**The Chair:** Introduce yourself, please.

**Mr. Rehn:** Hi. My name is Pat Rehn. I'm MLA for Lesser Slave Lake.

**The Chair:** Thank you.  
Try once more, MLA McIver.

Okay. We seem to be having some difficulties with the connection between ourselves and MLA McIver. It looks like he will try joining us shortly again, so we'll move forward.

I would like to note for the record the following substitutions: Mr. Turton for Mr. Walker and Mr. Rehn for Mrs. Allard.

A few housekeeping items to address before we turn to the business at hand. Please note that the microphones are operated by *Hansard* staff. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. The audio- and videostream and transcripts of meetings can be accessed via the Legislative Assembly website. Those participating by videoconference are encouraged to please turn on your camera while speaking and mute your microphone when not speaking. Members participating virtually who wish to be placed on a speakers list are asked to e-mail or send a message to the committee clerk, Aaron Roth, and members in the room are asked to please signal to the chair. I would ask that you please set your cellphones and other devices to silent for the duration of the meeting.

With that, we will move on to the business at hand with approval of agenda. Is there anyone that would move approval of the agenda as distributed? MLA Turton moves that the agenda for the January 10, 2023, meeting of the Standing Committee on Alberta's Economic Future be adopted as distributed. Is there any discussion?

Hearing none, all in favour? Online? Any opposed? Hearing none, the motion is carried.

Item 3 on our agenda is the approval of the minutes from the September 27, 2022, meeting of the committee. Are there any errors or omissions to note?

If not, a member would move the adoption of the minutes. MLA Feehan to move that the minutes of the September 27, 2022, meeting of the Standing Committee on Alberta's Economic Future be adopted as circulated. All those in favour in the room? Online? Any opposed? Hearing none, that motion is carried.

Item 4 on our agenda is a review of the 2019-2021 annual report of the Property Rights Advocate office. Item 4(a), overview of the committee's mandate and review. Hon. members, on December 14, 2022, the Legislative Assembly passed Government Motion 19, which referred the 2019-2021 annual report of the Alberta Property Rights Advocate office to the Standing Committee on Alberta's Economic Future. In accordance with section 5(5) of the Property Rights Advocate Act the committee must report back to the Assembly within 60 days of the report being referred to the committee if the Assembly is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting of the Assembly. The 2019-2021 annual report of the Property Rights Advocate office has been posted to the committee's internal website. Are there any questions before we continue with our review of the annual report?

Hearing no questions, I will ask MLA McIver to introduce himself for the record if that's possible at this time.

**Mr. McIver:** Good morning, Chair. Yep. Ric McIver here, MLA for Calgary-Hays. Happy to be here.

**The Chair:** Thank you. We can hear you now. Thank you very much.

Item 4(b), presentation from the Property Rights Advocate. Members, it is customary to commence reviews of this nature by hearing a presentation from the report's author. As this is the first meeting where the committee is considering this matter, if the committee wishes to hear a presentation on the annual report, it will need first to consider a motion inviting the Property Rights Advocate's office to do so. I would now like to open the floor to any comments, questions, or motions in relation to inviting a presentation on the annual report. Do we have any questions? MLA Turton.

**Mr. Turton:** Yes. Thank you very much, Mr. Chair. I'd just like to put forth a motion that

the Standing Committee on Alberta's Economic Future invite a presentation for the Property Rights Advocate office regarding the 2019-2021 annual report of the Property Rights Advocate office.

**The Chair:** Okay. Having heard the motion, are there any questions or comments?

Hearing none, I would ask for a vote. All those in favour of the motion as presented? Online? Are there any opposed?

I declare that motion carried.

At this time I would like to invite Mr. Peter Dobbie to come to the table and make a presentation on the 2019-2021 annual report of the Property Rights Advocate office. Mr. Dobbie, you have approximately 15 minutes to make your presentation, which will be followed by a period of questions by committee members. The floor is yours.

**Mr. Dobbie:** Thank you, Chair van Dijken and the members of the committee, for the invitation to present today. I am delighted to be here to assist the committee in its important work dealing with Alberta's economic prosperity and future.

Before I proceed, I just wanted to introduce the Associate Property Rights Advocate behind me, Leanne Mundt. Currently Leanne and I form the Property Rights Advocate office. We had in the past a third member of our team, who has been seconded to a position with Alberta Emergency Management. The two of us are handling the work for the Property Rights Advocate office, and I want to thank Leanne for her past and ongoing work as Associate Property Rights Advocate.

Today I'll read in the message that I presented with the Property Rights Advocate report for 2019-2021. I will make a few observations, I will table some information, and then I look forward to discussing issues arising from the report or anything that I can assist the committee with in discussions today.

It was my honour to be appointed Property Rights Advocate in early 2020, the former advocate having retired. I would like to extend my gratitude to Leanne Mundt, Associate Property Rights Advocate, and Margarita Streshinski, intake officer, for welcoming me to the group and assisting me in the transition.

Shortly after I became the Property Rights Advocate, this office merged with the Farmers' Advocate office, of which I am also the advocate. Both offices worked together collaboratively in the past. In fact, I was the Farmers' Advocate at the time when the legislation proposed to create the office of the Property Rights Advocate was being reviewed, and I've worked directly with the previous incumbents in the Property Rights Advocate position. Both offices had worked together collaboratively in the past, prior to the merging, and we continue to do so even more efficiently.

**9:10**

In 2021 the Legislative Assembly of Alberta established the Select Special Committee on Real Property Rights. The committee's mandate included providing feedback on questions such as: are the processes under the Expropriation Act adequate to protect real property owners, should the law of adverse possession be abolished, do real property rights for private owners need to be expanded or perhaps constitutionally entrenched, and when real property owners are deprived of their use of real property, are the legal remedies available to them adequate? I was pleased to be able to speak to that committee on these issues prior to the committee submitting its final report, which it did on May 24, 2022. I also provided subject matter expertise to the committee in a number of meetings and responded to questions. I look forward to continuing

to work with the committee and the government of Alberta pending the outcome of the recommendations the committee made to the Legislature. As such, at this time the office of the Property Rights Advocate makes no specific recommendations with respect to real property rights and legislation.

It is my privilege to submit the annual report which covers the activities of the office from 2019 to 2021. The observations that I would like to make are as follows. It has always been the case as Farmers' Advocate, of which I've been the incumbent now for close to 11 years, that the issue of property rights and landownership and interactions between the two has been important to Albertans, particularly farmers and ranchers. I was fortunate to be able to work with the prior incumbents in the position of Property Rights Advocate and have reviewed all of the work that they've done and all of the reports.

The challenge that the Property Rights Advocate office has faced since its inception has been the legislation that governs its role. The Property Rights Advocate office is required, among other things, to provide information to Albertans on issues of property rights and to gather feedback and provide it to the Legislature on issues raised by Albertans. The mandate does not include, however, direct advocacy on behalf of landowners or Albertans, and that has been a challenge for the Property Rights Advocate office: to hear concerns, to provide those concerns to the government and to government departments but not to be able to advocate directly for landowners. That is in part, I think, a recognition on the part of the Legislature at the time that there should be a limited role for the Property Rights Advocate office as the issue of property rights writ large really is a political one.

In my experience as Farmers' Advocate and now Property Rights Advocate most Albertans that I deal with in those capacities are quite happy to have their MLAs interested, involved in, and dealing with the issue of property rights generally at a political level. It's my view as Property Rights Advocate and Farmers' Advocate that that is an important role for MLAs, and I know that many of you – I've dealt with you directly or through your offices – assist your constituents on these issues.

But I do have to point out that that has been a challenge for the office in the past. There has been some frustration on the part of Albertans in seeking advocacy from the Property Rights Advocate office but the Property Rights Advocate office being limited in providing that direct advocacy. I have the luxury as Farmers' Advocate of not being bound by any legislation, so we're able to select and assist directly on advocacy for landowners, for farmers and ranchers on particular issues and also, writ large, on trying to improve policy for work being done by various branches of the government and organizations set up through the government such as the former Surface Rights Board, the Alberta Energy Regulator, and similar institutions.

I do know that the challenge that many Albertans have – and you will have run into this as MLAs – is an understanding of what property rights are for Albertans and in Canada. Much of what people can have access to is informed from sources that are not necessarily Canadian, so part of the important work of the Property Rights Advocate office is to provide information and answers to Albertans about what property rights are in Alberta, what the rules are, and what the fences are within which they can operate. I've provided to Mr. Roth copies for all members of the committee of the Alberta Land Institute's A Guide to Property Rights in Alberta. Those documents are being passed around, and if a copy needs to be tabled, I am asking that it be tabled as part of the committee's record.

A Guide to Property Rights in Alberta is something that I recommended that members of the Select Special Committee on Real Property Rights be aware of and review, and I'm commending

it to the members of this committee as what I would describe as the seminal work on property rights in Alberta. By “seminal” I mean that it’s the work that will guide future documents because it gathers together a good history, a clear explanation of property rights and is a useful means for MLAs and for Albertans of understanding how we operate property rights in the province of Alberta and in Canada. So I strongly recommend that members, if they have an opportunity, review the document and provide a copy or a link to their office staff. The document is available free through the Alberta Land Institute and is available online, and it’s been a very helpful document, in my work as Property Rights Advocate, to share with landowners in Alberta.

For example, one of the matters that comes up from time to time and that your offices may hear is the question of: am I entitled as a landowner to compensation if a zoning change happens or if I have to sell property but I’m not able to maximize the value of that property? In Canada the history has been that a statutory regime that creates zoning or land-use restrictions does not result in compensation to a landowner for the closing off of a potential future use. That is not the case in all jurisdictions in the world, but that has been the legal history in Canada. As I’m sure MLAs know, part of that is to provide some certainty as to the cost of operating if a government is expropriating land for a highway or other use. In Canada our process is that the current use of the land, the maximum value associated with that, is what a landowner is able to receive compensation for, not all potential future uses. That’s one issue that was raised with the Select Special Committee on Real Property Rights: is that something that is fair? Is that something that should continue? In my view as Property Rights Advocate that has been the history in Canada, it would be difficult to change, and there are likely good policy reasons to not change it.

The other issue that I would like to raise is the issue of Albertans’ understanding of issues with property rights generally. As Farmers’ Advocate and Property Rights Advocate much of what I hear from landowners and Albertans is a concern not necessarily about the loss of property rights themselves but the process by which their property rights issues are addressed. For example, as we all know, the economy changed in the middle of the last decade, and oil prices dropped. As a result, many oil and gas operators were unable to pay amounts owing to landowners for surface rights payments. Landowners accept that for the benefit of Albertans the statutory regime requires them to either enter into a surface lease or face the risk of a right-of-entry order, for which they will receive compensation.

What frustrated landowners in the second half of the last decade was a feeling that the ability to receive fair compensation was being frustrated by the processes involved in some of the organizations, the former Surface Rights Board, now the land and energy – what’s the proper name?

**Ms Mundt:** Land and Property Rights Tribunal.

**Mr. Dobbie:** Land and Property Rights Tribunal. Thank you, Leanne.

So we have worked in my offices to work with the Land and Property Rights Tribunal to assist them in trying to focus on getting the issues raised or the claims raised by landowners resolved in a timely fashion. As we all know, a timely response is important for landowners and farmers to be able to deal with matters on an ongoing basis. There should not be a significant cost or delay associated with them seeking reimbursement for amounts that are otherwise owing.

**9:20**

Those would be the types of policy issues that landowners have generally sought our assistance with at the Property Rights Advocate

office and the Farmers’ Advocate office. It’s process generally as opposed to a fundamental right issue. I know that with this committee the focus is Alberta’s economic prosperity or economic future, so I would ask the committee to consider in its work how government is structured or how it can be structured in a way to ensure that the rights that landowners have, the property rights, are dealt with in an efficient and timely manner. That’s something – again, we hear concerns about process, not as many concerns about the issue of rights themselves.

The final thing that I would say is that it’s a challenge in our office. Both teams are quite small. We do have, though, in many ways the best job in the province of Alberta. What we do is that we deal with issues that we didn’t create but we can rarely make worse. At the Property Rights Advocate office and the Farmers’ Advocate office we kind of follow a three-step approach. We identify the issues: what is the issue that this Albertan or landowner has? We then gather facts to make sure that the issues are clearly identified, and then in the case of the Farmers’ Advocate office we provide advice and direction and direct advocacy to assist Albertans and landowners with resolution of the issues that are supported by the facts. It’s less direct in the case of the Property Rights Advocate. There we provide information to government departments and organizations. But we still have what I view as the best job in the province of Alberta, and our team is delighted to be able to work for Albertans and assist them and MLAs in the work to govern, which ultimately involves deciding where money is spent, what the rules are, and where we should move forward.

I am again delighted to be invited here today. I look forward to answering any questions that you may have, and if I can’t answer them today, I’ll undertake to follow up and provide answers as soon as possible afterwards.

Thank you, Mr. Chair. Those are my comments.

**The Chair:** Okay. Thank you very much for your presentation, Mr. Dobbie.

I would now open the floor to any questions or comments from committee members. MLA Turton.

**Mr. Turton:** Yes. Thank you very much, Mr. Chair, and thank you very much, Mr. Dobbie, for the comprehensive report as well as the work that you do. My riding of Spruce Grove-Stony Plain, while it’s mostly urban in nature, has strong agricultural roots, and it’s surrounded by, I think, some of the best farmland in the province. I know that’s debatable, but you know property rights and advocacy for farmers are obviously huge in my riding.

I do have a couple of quick questions here for you. My first question is referred to on page 6 of the report. It describes the March 2021 creation of the Select Special Committee on Real Property Rights. This committee was tasked with providing feedback on questions regarding the potential abolition of the law of adverse possession. My question is: given that this law has recently been abolished, can you provide some information on the work that was completed by this committee?

**Mr. Dobbie:** Thank you for the question. Yes. The committee did provide a final report, which created a number of recommendations. That report has been filed with the Speaker and presented to the House, and I know that the Legislature is considering a number of the recommendations.

One of the first outcomes of the recommendations was legislation passed in the last session that did abolish the law of adverse possession. As I think most of us know, the law of adverse possession was a relic of common law. Alberta was one of the few jurisdictions in the world, frankly, where adverse possession claims were allowed to be advanced, and really the reason for abolishing it came down to this: in general

terms the onus should not be on my uncle as a landowner or your aunt or your grandmother to diligently police the boundaries of her property to ensure that others are not taking possession of that property with a view to possibly advancing a claim in the future.

By abolition of the legislation it is clear that the Legislature has now said that the onus would be on a proponent of someone seeking to advance a claim against a landowner to prove that there was a basis for the claim, and really that comes down to: was there an improvement of the land in error? You know, was there something that could be compensated? The Law of Property Act provides for remedies in the courts for those types of applications. To boil it down to this, the Legislature agreed with the recommendation of the committee that landowners should not have to police their lands and be at risk of adverse possession claims. That was an important signal, I believe, by the committee and the Legislature to landowners that the committee and the Legislature understand the importance of property rights and want to make sure that the onus is in the proper location.

There are a number of other very important recommendations made by the committee, some of which – well, frankly, all of which are political in nature in the big “P” sense. Should Alberta push for a constitutional amendment to entrench property rights, which are currently not entrenched in the Constitution? Should there be requirements on government agencies to set hard timelines for reviewing, responding, and paying claims of landowners in certain situations? The balance of the five recommendations, apart from the adverse possession recommendation, requires work and consideration by the Legislature and MLAs to determine the balance of where the Legislature wants to spend time and energy and what interests can be protected by changing or what the best course is. The balance of recommendations, in my view, is important but does require further thoughtful analysis and review by the Legislature.

I do know that I asked the committee clerk to link the final report of the Select Special Committee on Real Property Rights to the website for this committee, and any MLA and also Albertans have access to it either through that link or through a general search. Important work. It was great fun to work with them.

Again, the message being sent is that MLAs and the Legislature recognize the importance of property rights, and this removal of the law of adverse possession is a way of demonstrating that. It's my hope that the other, more complicated issues will continue to advance through the Legislature over the coming months and years.

**The Chair:** A follow-up?

**Mr. Turton:** Yes, please, Mr. Chair. Mr. Dobbie, you touched base that your office has recently merged with the Farmers' Advocate office, an office which you have collaborated with in the past and continue obviously to do now. I was just wondering if you could elaborate and expand upon how this merger has affected day-to-day activities of the Property Rights Advocate.

**Mr. Dobbie:** Sure. Again I appreciate the question. The short answer is that we sit together in the same building now when we're not working remotely. In the past the office of the Property Rights Advocate was housed within the Department of Justice. There has been a change that has been – the office, its budget, responsibilities, and legislation have been transferred to the authority of the Minister of Agriculture and Irrigation now. It recognized that the work, while different, is similar and that there may be efficiencies in having one person perform both roles. It's now the case that as Property Rights and Farmers' Advocate you're paying one salary for a person to manage both portfolios.

Secondly, historically when landowners would contact the Property Rights Advocate office and it was clearly a farm, a ranch issue or it was something that was within the jurisdiction or general working of the Farmers' Advocate office, they would informally refer those files to us, and that was a collaboration. Now with Leanne in the office, the same office, with members of the Farmers' Advocate team we've been able to create more of a cross-pollination of understanding of the issues. Leanne has been able to help the Farmers' Advocate office team members by research and providing direct information on files that maybe aren't directly Property Rights Advocate files but are important to farmers and ranchers, so we're able to use the talents of both teams to work together. We sit together. We're housed under one minister. There's one advocate, and we work together very well. I'm fortunate as advocate to have a strong, competent, caring, dynamic, passionate team that does a great job for Albertans.

9:30

**The Chair:** Okay. Thank you for those answers.

I am remiss. I should have made note that the document that the advocate spoke about, A Guide to Property Rights in Alberta, has been distributed to members as a hard copy in the room. For those that are attending virtually, the committee clerk has sent to you a copy of it through e-mail, so if you have any questions pertaining to that, there is a copy available. Also, if you would like to receive a hard copy, I would ask that you just contact committee clerk Aaron Roth or myself, and we can get a hard copy to you after the meeting has completed.

Are there any other questions? MLA Feehan, followed by McIver.

**Mr. Feehan:** Thank you, sir. I much appreciate your presentation this morning. Just a couple of simple questions, that may lead to something more substantive, but first of all I just wanted to know whether or not you had any responsibility with regard to agricultural lease land and the property rights associated with them, or is that considered separate from the private property ownership?

**Mr. Dobbie:** Thank you, MLA Feehan. With respect to agricultural lease land, as I understand it, you may be talking about grazing leases or farm improvement leases. Part of having the best job in the province is that we don't administer much in the Farmers' Advocate office. We don't enforce many rules against landowners. The lens we look at things is: is this in the interest of farmers and ranchers, and how can we help make it better? Responsibility, statutorily, for grazing leases and other leases is not something that is within the Farmers' Advocate office. It's through Alberta environment and parks, or whatever the current name of the department is.

That being said, we do an awful lot of work with landowners on issues that are raised by them. This would be an example of microadvocacy, so individual file advocacy. A landowner may call and say: “Gee, I have a problem with renewing my grazing lease. Here's the problem. What do I do?” We're able to provide advice and direction and advocacy to that landowner to say: here are the things you need to do. In fact, in some cases we have assisted landowners who have had a grazing lease cancelled or a farm improvement lease cancelled for failure to comply with certain terms of the lease. In many cases these are leases of long duration and that a landowner may not have been aware of, or you may have someone who has aged out, a father has aged out, but is still on title. We've actually acted to provide advice and advocacy for landowners, how to appeal those matters or how to have those matters mediated, and generally very successfully, so that the time, energy, and money that they spent in the improvements over the years are protected.



We don't have direct responsibility for administration, but it becomes within that matrix of things that government does that affect things that farmers do, and we're right in the middle to help them understand it and to achieve the best outcome.

**Mr. Feehan:** Thank you. I just wondered whether or not you had a finger in that pie. That's all.

**Mr. Dobbie:** Only to make it better.

**Mr. Feehan:** Do you have any particular history of relationship with First Nations with regard to the concerns of legalities around land and where First Nation claims may come into conflict with property rights?

**Mr. Dobbie:** Again, thank you, MLA Feehan, for the question. Short answer is no. One of my rules is – I am a member of the board of directors of Synergy Alberta, which is a board that provides support for synergy groups throughout Alberta. As you likely know, synergy groups are groups of landowners, municipalities, and industry that meet together to deal with common interests with respect to generally oil and gas operations. That's been the history of it.

Our experience there and my experience as Farmers' Advocate and now Property Rights Advocate is that the First Nations of Alberta are governments and wish to deal directly with governments at that level. Part of the history of real property rights for First Nations has been a concern that their issues have not been addressed at the most senior levels. So my experience has been that First Nations governments wish to deal directly with the heads of provincial governments, and we get no calls or concerns there. I do know that the government of Alberta has a department that deals directly with matters with First Nations, and I have not had a single complaint or concern brought to our office with respect to that issue. It's been government to government as opposed to a First Nation government to advocate up to government process.

**Mr. Feehan:** I'm asking just because you're talking about some expanded roles, and of course it's one of the ones that I wonder about, whether or not there should be a role for the advocate's office to be involved in those kind of claims, but you're satisfied that they're dealt with at the appropriate level?

**Mr. Dobbie:** Yes. My experience has been . . .

**Mr. Feehan:** I'm not asking about the outcomes.

**Mr. Dobbie:** Yeah. But my . . .

**Mr. Feehan:** I'm asking about the process.

**Mr. Dobbie:** Yes. My experience is that that is an important part of respecting the process that involves First Nations in Alberta. That's been made clear to me in discussions with some of my friends who are members of First Nations as an explanation of why they would not be interested in joining a synergy group.

That being said, it's certainly something that the Property Rights Advocate office could look to answer specific questions. For example, if another government department or an MLA or committee had questions, we would certainly welcome a specific request for an opinion, advice, and our thoughts on it, but again, I believe that it is best left with the government, with MLAs, the cabinet, and the Premier to deal directly with First Nations.

**Mr. Feehan:** Thank you.

**The Chair:** Thank you.

**Mr. Feehan:** I appreciate that. Just wondering what – sorry.

**The Chair:** Thank you. We'll hand the floor over to MLA McIver, and if you have subsequent questions, we'll be able to give you the floor after we're done with MLA McIver.

MLA McIver, the floor is yours.

**Mr. McIver:** Great. Thanks, Chair. If I ask something that's been asked already, I apologize. The audio is cutting in and out a little bit. Anyways, I'll carry on. Thank you for being here. On the report on page 12 a segment of the 2021 topics of concern are classified as "other." Now, I could be mistaken, but I'm not sure that the "other" was in previous years, so what does other topics of other concern and – yeah. If you could just start with that, I'd appreciate that. What does "other" mean?

**Mr. Dobbie:** Sure. Thank you for the question, MLA McIver. The reason that we created an other category is that there are a significant number of one-off type of issues. So, for example, we will get calls, sometimes repeated calls, from a landowner who has a real concern about a historic action taken by a municipality with respect to either zoning, a bylaw, or a road issue. Those themselves do not necessarily fall within a specific category, and our concern was that if we create a category for everything, the chart becomes less helpful. The reason that "other" forms a significant slice of the pie is that it demonstrates that there a range of issues being raised by Albertans but that in many cases they are not something that – an issue that has a cascading effect or effect on a significant number of other Albertans or landowners.

By creating a catch category, it helps us to understand, you know: what's a trend in terms of an issue? What's a current trend as opposed to a one-off? We do have one-offs. They generally relate to issues that have significant history and concerns and may or may not be directly related to property rights so much as unhappiness with a decision of a government, whether it's a municipal or provincial one. So that's why we have that category now.

**9:40**

**Mr. McIver:** Thank you, Mr. Dobbie. One more if you don't mind. Looking on page 10, mineral rights was a major topic of concern in 2019, but in the most recent version it seems that that is taking up a lot less space. Is there a reason for that, for why it's so much less mentioned than it was in 2019?

**Mr. Dobbie:** Thank you again for the question, MLA McIver. The short answer is that the charts are created in response to inquiries received, so it's a responsive document. My assessment is that in prior years the office received and was involved in a lot of work with organizations for landowners who had mineral rights. The freehold minerals association and members of that organization would have had more direct involvement in one year with the Property Rights Advocate office. So that would be the reason there were concerns. I know that the freehold mineral rights owners association, or the freehold minerals association, has an agenda of issues that they want government to address and feel that could be in the interest of private owners of mineral rights, and from time to time there is more energy expended by the association and its members in dealing with those issues. There tends to be at the time of an election or a change in government more activity on those types of files.

**Mr. McIver:** So I guess you're saying that what's in there is kind of reactive, and you got more questions in 2019 than you got this year, if I understood you correctly.

**Mr. Dobbie:** That's right, sir. Also, getting the issues of those types of landowners on the government agenda is something that I think generally is viewed as that the opportunity arises after an election or before an election, and that's why we hear more questions at those times.

**Mr. McIver:** Okay. Thank you, Mr. Dobbie.  
Thank you, Chair.

**The Chair:** Yeah. Thank you, MLA McIver.  
Any other questions for the advocate? MLA Carson.

**Mr. Carson:** Thank you. Just quickly. I'm wondering why this annual report has combined two years.

**Mr. Dobbie:** Thank you for the question, MLA Carson. There are two reasons. The first was the timing of the change where I became the Property Rights Advocate, and the merger of the two departments resulted in a merger happening just at the start of the year in 2021.

As well, the fact that we were dealing with COVID and there was a change in the activities of the office in terms of much less direct outreach. Fewer presentations affected my decision to not issue an annual report within one year. There was essentially nothing new to report.

The third reason was that the work of the Select Special Committee on Real Property Rights overlapped that time period, and I elected to combine the two reports because I wanted an opportunity to assess the historical numbers. For example, part of what I was able to determine from reviewing some of the metrics is that in some particular years the contacts, or the metrics, are somewhat skewed; we would have 375 contacts by one individual. So I wanted to understand the work and the scope and what had been going on in the office in the past.

For those three reasons I elected to provide a two-year report. My plan going forward is to provide an annual report.

**Mr. Carson:** Thank you very much for that.

You have mentioned a goal of trying to increase engagement, so I'm just wondering how you expect to do that or what that might look like.

**Mr. Dobbie:** Again, thank you for that important question, MLA Carson. It has been my experience that being on the phone and being out there creates calls. What we will be hoping to do in the coming year and years is to increase the presence of the Property Rights Advocate office at events in different constituencies. I'll use "constituencies" as a word but, really, throughout the province. We had been unable to participate in – there have been cancelled conferences. We hope to be providing presentations at important conferences, hope to present work to the Urban Municipalities Association, present to the Rural Municipalities association, increase the profile so that decision-makers and people who have their own source of contacts are able to be aware of our office, its scope, whether limited or not, and then what can be provided. Without spending significant additional money, we hope to be able to get out there, make more contacts, and by combining that with the work of the Farmers' Advocate office, where the Farmers' Advocate office staff may be presenting at a conference session or at a county, we would also have the Property Rights Advocate office present as well.

**The Chair:** Thank you.  
MLA Rowswell for questions?

**Mr. Rowswell:** Yeah. Thank you. Just another topic that only appears in one year is that of unimpeded access, which appears

under the topics of concern for 2020 on page 11. It's not listed under topics of concern in any other year. What's included under the topic of unimpeded access, and why was there only a concern one year? Is it just a new category? Maybe you can just expand on that for me.

**Mr. Dobbie:** Thank you, MLA Rowswell. Again, the report is based upon input or inquiries we have from landowners, so from time to time we have had issues either at the Farmers' Advocate office or the Property Rights Advocate office dealing with access through grazing leases or farm improvement leases or problems with a dispute between a landowner, a surface rights owner, and an oil and gas operator, and then, you know, the locking of gates and what are the rights and responsibilities.

In my view, these tend to be one-offs or limited issues. It tends to be the case where I would say that the majority of the roadway access problems – you know, someone might have leased a road allowance from a county so they can farm across it, but they are required to provide access in certain circumstances. The person with the right may not understand or be open to their responsibilities, so we have to assist them in understanding that. A lot of times it's family. You'll see, depending on where you are, if you're in the Spruce Grove-Stony Plain area or you're up in Manning, a lot of times these are brothers looking to irk other brothers, or there's some history involved. They are not, I guess, a trending concern. They tend to be one-offs. They tend to be personality driven, and generally it doesn't come to shotguns.

**Mr. Rowswell:** That's good to hear. Yeah. That probably deserves its own class, so thank you for that.

That's the end of my questions. Thank you.

**The Chair:** Okay. Thank you.

Any other members with questions? Seeing none in the room, any members with questions online? If we haven't received your indication, you could speak at this time. Just unmute yourself.

Okay. Hearing none, then I believe that we have come to the completion of this portion of our agenda. Thank you, Mr. Dobbie, for your presentation today and for answering the questions of our committee. You are welcome to stay if you like, but your time on the agenda is completed at this time.

**Mr. Dobbie:** Thank you, Mr. Chair and members of the committee. It was a pleasure to be here. I know it's important work that you do, and if you want advice, here's the advice I would give you. As MLAs you are working to hold the future of the province and to improve it. A very smart businessman told me many years ago that there's a difference between a commitment and a goal. It has really informed the work that I've done. He explained it this way. He said: "I may have a goal of having my kids be successful, you know, whether they finish high school or get a trade or get a degree. I may have a goal to help them through there, but my commitment is to raise good kids. My goal may be that my son or daughter will have finished high school, but if something comes up for whatever reason and they can't, it doesn't change my commitment to raise good kids."

**9:50**

Again, in the work that you do, if you can remember your commitment as MLAs to do what you can in this particular committee for Alberta's economic prosperity, it will stand you in good stead. Certainly, the difference between a goal and a commitment has helped me make decisions and continue to focus on the important work.

I thank you again, and I would welcome an invitation to come back at any time if other issues arise and you need further information. I would be ready and willing to come back, except next week when I hope to be away on a well-deserved holiday.

**The Chair:** Okay. Thank you very much, Mr. Dobbie.

Committee, we are moving to item 4(c) on our agenda. Hon. members, our next item is in relation to the committee's review of the annual report of the Property Rights Advocate office and is to consider next steps in the review. I would like to open the floor for any comments, questions, or motions in relation to how the committee would like to proceed with this review. Any comments, questions, motions?

Seeing none, then we can move on to item 4(d), deliberations. Hon. members, we are now at the point in our review where we will commence deliberations and consider recommendations in relation to our review of the 2019-2021 annual report of the Alberta Property Rights Advocate office. Are there any comments or motions that members wish to bring forward at this time?

Seeing and hearing none, then I believe that we can move on to item 4(e), report to the Legislative Assembly. Hon. members, as we have concluded our deliberations, we will now move on to consideration of a draft report to the Legislative Assembly in relation to the mandate given to the committee by Government Motion 19 and the Property Rights Advocate Act.

Are there any comments or motions pertaining to the drafting of a report to the Assembly? MLA Turton.

**Mr. Turton:** Yes. Thank you very much, Mr. Chair. I'd like to move that

the Standing Committee on Alberta's Economic Future direct the committee clerk to prepare a draft report to the Legislative Assembly in relation to the committee's review of the Property Rights Advocate Office 2019-2021 Annual Report, to be approved by the chair and deputy chair after its distribution to committee members.

**The Chair:** Thank you, MLA Turton. The committee clerk will try and make that available on the screen. Okay. It's up on the screen. Any questions or comments pertaining to the motion moved by MLA Turton?

Seeing none and hearing none, I will call the vote. All those in the room in favour of the motion as presented? Online? Are there any opposed to the motion as presented? Seeing and hearing none, the motion is carried.

With that, we can move on to item 5(a) in our agenda, review of the Personal Information Protection Act. Hon. members, at its September 27, 2022, meeting the committee directed that invitations be issued to the office of the Information and Privacy Commissioner and Service Alberta to provide technical briefings to the committee in relation to its review of the Personal Information Protection Act. With the swearing in of the new cabinet and the subsequent reorganization of the various ministries that took place in November 2022, Service Alberta is no longer the ministry responsible for administration of the act. Rather, the Ministry of Technology and Innovation has taken over that role. As a result, the committee will need to rescind its previous motion inviting the technical briefings and reissue a new invitation to the OIPC and the appropriate ministry.

I would now open the floor to any comments, questions, or motions in relation to this matter. MLA Turton.

**Mr. Turton:** Yes. Thank you very much, Mr. Chair. I move that the Standing Committee on Alberta's Economic Future rescind the motion passed at its September 27, 2022, meeting inviting a technical briefing on the Personal Information Protection Act from officials from Service Alberta and the office of the Information and Privacy Commissioner of Alberta.

**The Chair:** Thank you, MLA Turton.

**Mr. Turton:** And it's up there right away. This is awesome. Fantastic.

**The Chair:** Yes. Thank you.

Any questions or comments with regard to the motion being presented?

Hearing none, I will call the vote. All those in favour of the motion as presented? Online? Are there any opposed to the motion as presented? Hearing none, the motion is carried.

We move then to – any possible motion with regard to hearing reports?

**Mr. Turton:** Yes. Mr. Chair, I'd like to . . .

**The Chair:** MLA Turton. Sorry.

**Mr. Turton:** That's okay. Thank you. I move that the Standing Committee on Alberta's Economic Future invite a technical briefing on the Personal Information Protection Act from officials of the Ministry of Technology and Innovation and the office of the Information and Privacy Commissioner of Alberta.

**The Chair:** Thank you, MLA Turton.

Any discussion?

Hearing none, I call the vote. All those in favour in the room? Online? Any opposed?

The motion is carried.

With that, we move to item 5(b), technical briefings. Hon. members, today we have officials with us from the Ministry of Technology and Innovation and also from the office of the Information and Privacy Commissioner. Each is invited to provide a technical briefing of up to 20 minutes in length, to be followed by questions from committee members after both briefings are completed. I would invite ministry officials to come to the table for their technical briefing. I would ask that you please introduce yourself before you proceed.

**Ms Towle:** Thank you very much. Good morning to the chair, members of the committee, the commissioner and her staff, and others present. My name is Maureen Towle. I am the assistant deputy minister of the data, privacy, and innovation division within Technology and Innovation, and I have with me today Meredith Giel.

I am here to speak to you today about the Personal Information Protection Act, or PIPA, as we lovingly call it. Before I speak about the act specifically, I will provide some information regarding where PIPA services reside in government within my division. Sorry. We should be on the next slide, please. Oh, okay. Well, we'll just stay here. Within my division the privacy, policy, and governance branch performs several functions, including leading the enhancement and development of policy instruments related to content management, which includes data, information, and records management and privacy, including both FOIP and PIPA.

In addition, the branch provides training and compliance activities across the government of Alberta in support of these policy instruments. The branch also manages the government of Alberta FOIP-PIPA helpdesk, which provides general guidance about FOIP and PIPA to Albertans. The accountability to uphold the intent and the rights within FOIP and PIPA is shared with the office of the Information and Privacy Commissioner.

**10:00**

I will now speak very broadly about what privacy is before we speak specifically about PIPA. Privacy is not defined within PIPA or within any other privacy legislation in Canada. However, broadly speaking, privacy is the right to be let alone or freedom from interference or

intrusion. The foundation for the right of and to privacy stems from the Canadian Charter of Rights and Freedoms, which does not specifically mention privacy or the protection of personal information. However, it does afford protection under section 7, “the right to life, liberty and security of the person,” and section 8, “the right to be secure against unreasonable search or seizure.”

Information privacy is the right to have some control over how your personal information is collected and used. In today's digital age Canadian consumers increasingly recognize the benefits of sharing their data with businesses and expect organizations to use consumer data to deliver the products and services they want and need. However, as greater amounts of information are managed by governments and private-sector organizations, public concerns around the collection and use of personal information have correspondingly increased, particularly as a result of information being exploited or mishandled. In order to reflect the change in realities of a digital economy, modernization of privacy laws needs to find the balance between providing effective privacy protection for Albertans and enabling Albertans to enjoy the social and economic benefits of data use.

Next slide, please. And the next side, please. There are currently a number of access and privacy laws that apply in Alberta, of which PIPA is one. The Freedom of Information and Protection of Privacy Act, or FOIP Act, applies to public bodies, which includes organizations like government departments, schools, provincial police, and municipalities. FOIP is authority based, which means the act itself places limits on collection, use, and disclosure of personal information.

The Health Information Act governs and protects health information in the custody or under the control of a custodian; for example, the Ministry of Health, pharmacies and pharmacists, optometrists, registered nurses, dentists, et cetera.

The Personal Information Protection and Electronic Documents Act, or PIPEDA, is the federal version of PIPA. PIPEDA applies to federal works, undertakings, and businesses. Organizations subject to substantially similar provincial privacy law are generally exempt from PIPEDA. However, PIPEDA does apply to provincial organizations when they engage in commercial activities across Canada. Common examples of federally regulated businesses include telecommunication companies, airlines, and banks.

Our focus for today is the Personal Information Protection Act, as I said, or PIPA. PIPA has been deemed substantially similar to PIPEDA. This means that organizations subject to PIPA are generally exempt from PIPEDA with respect to the collection, use, or disclosure of personal information that occurs within the province. PIPA is a consent-based legislation, meaning it primarily relies on consent for the collection, use, and disclosure of individuals' personal information by individuals and organizations operating in the private sector. There are only limited and specific circumstances set out in PIPA when consent may not be required. Consent can include express consent, implied consent, and consent by not opting out.

Express consent is when consent is provided in writing or verbally. For example, when a customer signs up for a loyalty card at a grocery store and the customer signs a consent form explaining the use and disclosures of their personal information, they are giving express consent.

Implied consent is when an individual does not actually give consent but volunteers information for an obvious purpose and a reasonable person would think that it was appropriate in the situation to volunteer that information. For example, when an individual takes their shirt to the dry cleaner, the employee asks for their name and phone number, and the individual provides these voluntarily, consent is implied that the dry cleaner can use the name and phone number to identify the individual when they come back

to collect their shirt or to contact them if they forget to pick up their dry cleaning.

Finally, opt-out consent is when an individual is given the choice to opt out of collection, use, or disclosure of their personal information. By not opting out, they have provided consent for the organization to collect, use, or disclose personal information for the specified purpose. For example, an individual enters a draw to win a prize and provides their name and home e-mail address. The draw form clearly provides a space to check off if they do not want to receive more information about similar products from the company.

PIPA aims to balance the obligation to protect personal information with the private sector's necessity of collecting and using and accessing and disclosing personal information to provide goods and services. With this shift towards an increasingly digital world and new challenges to privacy it is important to explore potential modernization of privacy protections to ensure that this balance is maintained.

The purpose of PIPA is to govern the collection, use, and disclosure of personal information by organizations in a manner that recognizes both the right of an individual to have their personal information protected and the need of organizations to collect, use, or disclose personal information for purposes that are reasonable. PIPA provides individuals with the right to request access to their own personal information while providing a framework for conducting the collection, use, and disclosure of personal information for reasonable purposes appropriate for the circumstances.

Some key points of the legislation are: organizations that are subject to PIPA must develop and follow policies that are responsible to meet the organization's obligations under the act. Organizations must designate one or more individuals to be responsible for ensuring the organization complies with PIPA. This designation is commonly known as a privacy officer. Notification, with the exception of implied consent, is required before or at the time of collecting personal information. There are special rules in PIPA for the collection, use, and disclosure of personal employee information and on business transactions specifically in relation to disclosure respecting acquisition of businesses. Notification is also required when an organization uses a service provider outside of Canada to collect personal information for or on behalf of an organization. Finally, notification of loss or unauthorized access or disclosure – we refer to that as breach reporting – is a requirement in PIPA, and an organization must notify the commissioner and potentially impacted individuals if there exists a real risk of significant harm.

PIPA includes a standard as to what is reasonable, which is also referred to as a reasonable person test, for an organization to justify why it is collecting, using, or disclosing personal information. An example of the reasonable person test would be if an individual is asked to fill out a tenant application form and on the form the landlord asks for the applicant's social insurance number and bank account number so the landlord can cross-check information on the applicant's credit check. While the landlord needs to screen prospective tenants, requiring this type of personal information is not reasonable for this purpose. A less privacy invasive way of determining the applicant's reliability would be to obtain references from former landlords.

A brief history on the evolution of PIPA. The act was passed on December 3, 2003, and has been subject to a number of amendments since it was first proclaimed in 2004. PIPA was amended in 2005 to align with the Health Information Act, the Election Finances and Contributions Disclosure Act, and the Post-secondary Learning Act as well as addressing key concerns relating to legislative review and OIPC jurisdiction.

On May 16, 2006, the Legislative Assembly of Alberta appointed an all-party select special committee to review PIPA. The committee submitted its final report on November 14, 2007. In response to this report the government of Alberta introduced Bill 54, which passed on October 27, 2009. The 2009 amendments added special provisions for transparency when using service providers outside of Canada and mandatory breach notification provisions.

#### 10:10

In response to a Supreme Court decision the Personal Information Protection Amendment Act was introduced in the Legislature on November 18, 2014, and received royal assent on December 17, 2014. This amended PIPA to allow trade unions to collect, use, and disclose personal information without consent to inform or persuade the public about a matter of significant public interest or importance about a labour relations dispute.

Finally, the act was last reviewed in 2015 by the Standing Committee on Alberta's Economic Future. However, no amendments were implemented as part of that review.

Next slide, please. This slide provides an idea of those organizations to which PIPA is subject and those to which it does not apply. The left-hand side of the slide provides a list of organizations that are subject to PIPA. This includes corporations, trade unions, and partnerships. It is important to note that nonprofit organizations can also be subject to PIPA but only to the extent that those organizations are involved in a commercial activity. A commercial activity means a transaction, act, or conduct that has a commercial character to it such as selling, bartering, or leasing of donor membership or other fundraising lists. It also includes operating a private school or college or an early childhood services program. The right hand of the slide provides a list of organizations that are not subject to PIPA. This includes individuals acting in a personal way relating to their home and family. Organizations that are subject to the FOIP Act and political parties are also not subject to PIPA.

Next slide, please. The digital age is fundamentally transforming society. Data of all kinds is being collected at unprecedented rates and used to inform everything from consumer habits to government services. Rapid technological shifts are fostering academic advancement, offering innovative solutions to age-old problems, driving economic growth, and enhancing personal connectivity. Risks to personal information like identity theft and privacy breaches increase annually as the world becomes more digital. The government of Alberta acknowledges that digital technologies create challenges to privacy and is committed to addressing these challenges.

The government of Alberta has been exploring options to modernize Alberta's privacy protections to properly address the privacy concerns of Albertans and provide guidance on sound privacy practices. PIPA establishes the framework for private-sector organizations to enable innovation that is responsible and beneficial to consumers and society and ensures they can have their rights to privacy fully protected while enjoying the benefits of sharing their data with businesses.

Next slide, please. Alberta is one of three provinces with provincial private-sector privacy legislation. As we review PIPA, it is important to also look at other Canadian and international privacy legislation. I will first provide a comparison between PIPA and other private-sector privacy laws within Canada. Then I will discuss a general trend of world-wide privacy law development and highlight a few major examples of privacy laws adopted by selected countries.

Next slide, please. As I previously mentioned, in Canada the Personal Information Protection and Electronic Documents Act,

PIPEDA, applies to federal works, undertakings, and businesses. PIPEDA does also apply to provincial organizations when they engage in commercial activity within Canada. Alberta organizations can be subject to more than one law depending on what activities they're doing.

In June 2022 the government of Canada introduced Bill C-27 to modernize Canada's private-sector privacy framework through a proposed Consumer Privacy Protection Act, known as CPPA. The CPPA is a partial replacement of the current federal private-sector privacy legislation PIPEDA. Bill C-27 is a reworking of Bill C-11, the Digital Charter Implementation Act, which was introduced in November 2020 but did not proceed due to the announcement of the federal election. The intent of Bill C-27 is to strengthen Canada's private-sector privacy law, create rules for the responsible development and use of artificial intelligence, and continue advancing the implementation of Canada's digital charter. Alberta's PIPA is deemed substantially similar to PIPEDA; therefore, PIPA applies to Alberta organizations. If passed, the CPPA will likely impact the substantially similar status of PIPA. Technology and Innovation is engaged in ongoing discussions with the federal government in this regard.

Next slide, please. Like Alberta, British Columbia and Quebec both have their own provincial private-sector privacy laws which are considered substantially similar to PIPEDA. The remaining 10 provinces and territories currently do not have private-sector privacy legislation, and therefore private-sector organizations in those provinces and territories are subject to the federal PIPEDA. All three provincial private-sector laws – Alberta, B.C., and Quebec – apply to both consumer and employee personal information practices of organizations within each respective province with the exception of those that are otherwise governed by PIPEDA.

The provisions in B.C.'s PIPA are broadly similar to Alberta's. However, unlike Alberta, B.C.'s PIPA applies to all private-sector organizations in the province that are not subject to PIPEDA. Both B.C. and Quebec have recently completed a review of their respective pieces of privacy legislation.

Next slide, please. At a global level over 130 countries have constitutional statements regarding the protection of privacy. Many countries have privacy legislation that governs citizens' information and privacy rights and how organizations and agencies must handle personal information in relation to the collection, use, and disclosure of personal information. We've got an example from Australia and New Zealand, and then another example is the general data protection regulation, or GDPR, which is a European Union law with mandatory rules for how organizations and companies must use personal data in a secure and transparent way. With innovative privacy measures such as the right to be forgotten, the GDPR has been a global leader in modernizing privacy legislation.

Okay. Looking at time, I'm going to skip right to slide 12, please. In closing, I would like to highlight three items. First, Alberta's PIPA has been deemed substantially similar to PIPEDA. This is important to keep in mind when thinking about potential amendments. This is also important as the changes to PIPEDA proposed by Bill C-27 may impact PIPA's substantially similar status.

Secondly, PIPA is often referred to as consent-based legislation, which means that it primarily relies on consent for the collection, use, and disclosure of individuals' personal information. There are limited and specific exemptions to that requirement for consent.

Finally, the government of Alberta recognizes and embraces the move towards digital government while also acknowledging the challenges that digital technologies present for privacy. Protecting Albertans' privacy is a priority, and we have been exploring ways

to adapt and modernize Alberta's privacy protections for the digital age.

Thank you for providing Technology and Innovation with the opportunity to present. Are there any questions at this time?

**The Chair:** Thank you, Ms Towle and Ms Giel, for that presentation. You may remain at the table, but what we will do is that I would like to now invite the Information and Privacy Commissioner to join us at the table.

Please introduce yourself as well as any others that will be joining you at the table. You may proceed if you're ready.

**Ms McLeod:** Thank you very much. Can everybody hear me all right? Okay. Good morning, Chair and members of the committee. Thank you for the invitation to be here today. I'd just like to briefly thank the officials from Technology and Innovation for their presentation on PIPA. There is a little bit of overlap here, but I may skip over some of those parts as we move ahead.

Okay. Next slide, please. I'm excited by the work of this committee to review the Personal Information Protection Act . . .

**The Chair:** Excuse me. If you would introduce yourself as well as your affiliate at the table.

**Ms McLeod:** Sure. My apologies. I am Diane McLeod, the Information and Privacy Commissioner, and with me is my assistant commissioner, Kim Kreutzer Work.

**The Chair:** Thank you very much. You may proceed.

**Ms McLeod:** All right. Thank you.

I'll proceed, starting with slide 2, please. PIPA is an important law that provides a made-in-Alberta approach to privacy management for businesses that collect, use, or disclose personal information in the province. Its purpose is to balance the rights of clients, customers, employees, and volunteers to have their personal information protected and the need of organizations to collect, use, or disclose personal information for purposes that are reasonable.

**10:20**

Privacy laws exist in this country to enable individuals to exercise control over their personal information. The Supreme Court of Canada has stated that "the ability of individuals to control their personal information is intimately connected to their individual autonomy, dignity and privacy. These are fundamental values that lie at the heart of a democracy." The court has characterized privacy legislation, which aims to protect individuals' control over personal information, to be quasi-constitutional because of the fundamental role privacy plays in the preservation of a free and democratic society.

Under PIPA individuals exercise control over their personal information through consent. What this means is that in general an organization cannot collect, use, or disclose an individual's personal information without their consent and can only do so for purposes that are reasonable. The additional rights afforded to Albertans under PIPA include the right to access their own personal information held by organizations, the right to request a correction to their own personal information or to make a complaint about an organization that is not complying with the privacy provisions.

PIPA came into force on January 1, 2004. It was drafted to make it practical for small and medium-sized Alberta businesses to implement. PIPA aims to protect the privacy of clients, customers, employees, and volunteers by establishing the rules for the collection, use, or disclosure of personal information by businesses and organizations in Alberta and requiring those businesses and organizations to have reasonable safeguards to protect that

information such as simply locking filing cabinets or ensuring reasonable security measures are in place to keep hackers out of computer systems.

Next slide, please. To ensure PIPA's purposes are achieved, I have a number of powers and responsibility as commissioner, including reviewing whether businesses are complying with the act. An individual can make a complaint to my office if they believe an organization has improperly collected, used, or disclosed personal information or if the individual believes a business did not put in place reasonable safeguards to protect that personal information. An individual can ask me to review the response received from an organization if an individual is not pleased with the response they received after requesting access to their own personal information. I may also, on my own-motion, conduct investigations to review an organization's compliance with PIPA, and I have order-making power under PIPA.

Orders can include requiring an organization to fulfill its obligations under the act such as responding to an access request or to stop some action that is in contravention of the act. For example, my office recently ordered a condominium corporation to stop posting without consent notices of arrears for residents in view of others as there are less intrusive ways to notify individuals that a debt is owing. Orders are enforceable in court and subject only to judicial review. Since 2004 we have received more than 3,000 requests for review or privacy complaints under PIPA. A vast majority of those are resolved through informal mediation and investigation processes without the need for an inquiry, which is a formal hearing. Of the more than 3,000 reviews, approximately 185 have resulted in orders through the office's inquiry process.

Other responsibilities include reviewing privacy breach reports submitted by organizations as required by PIPA when there is a real risk of significant harm to an individual affected by a breach. I can also order an organization to notify affected individuals if they have not done so already. In the summer of 2022 my office issued a report that analyzed nearly 2,000 breaches reported to the office since 2010. Alberta was a leader in implementing mandatory breach reporting in 2010, which is now a common privacy protection globally.

We all have been or know someone who has been victimized by a breach, like when credit cards are hacked or e-mail lists are disclosed, and I think we can all agree that knowing a breach has occurred is an important right for Albertans so they can take steps to protect themselves from harm.

Another important aspect of PIPA is that it requires a review by an all-party committee of the Legislative Assembly every six years, which leads us here today.

I will now move from the technical aspects of the act to some of the higher level considerations and topics for potential amendments to PIPA that will be raised during this review.

Next slide, please. For this part of my presentation, I will start with a quote from the Supreme Court of Canada about PIPA.

PIPA's objective is increasingly significant in the modern context, where new technologies give organizations an almost unlimited capacity to collect personal information, analyze it, use it and communicate it to others for their own purposes.

The Supreme Court has rightly stated PIPA's objective in the digital economy. However, because PIPA has not kept pace with digitization and the myriad of privacy implications of new technologies, its objective can no longer be achieved. Over the past two decades the rise in the use of technology in the private sector has enabled organizations to amass a significant amount of personal information. In addition, the private sector is primarily the developer of technology used in the public and health sectors to collect, use, disclose, and protect personal information. Today there

are novel, cheap, and effective strategies malicious actors can deploy to try to exploit or steal digital assets, including personal information from any organization that holds it.

There is a marketplace on the dark web for the purchase and sale of personal information. Personal information is very lucrative to businesses and thieves. Stringent controls are required to protect against these digital realities and threats. With that in mind, the committee's work is timely and important in helping chart a new path forward for a modernized PIPA that supports Alberta's economic future while maintaining privacy protection for Albertans.

I'm going to skip to slide 6 because Maureen has covered off a lot of what's going on sort of in the global landscape. Thank you.

Among the changes in new and amended privacy laws, individuals have been given rights respecting automated decision-making. In other words, if a decision is made about or for an individual by a piece of software or bot using machine learning or artificial intelligence without human involvement, then recourse becomes available to the individual through the amendments that have been implemented into new laws, sometimes in Canada and globally. As Maureen mentioned, the GDPR is one of them.

These rights recognize the harms that can occur to an individual through automated decision-making technology such as decisions to deny a loan or insurance. In GDPR, for example, there is a right for individuals to receive information about the automated decision being made and a right for individuals to object to the decision, challenge a decision, or seek human intervention. These rights apply in limited circumstances such as when a business is carrying out automated decision-making without human involvement that has legal or similarly significant effects on an individual.

Another approach to automated decision-making is the California Consumer Privacy Act, which requires businesses, in response to access requests, to include meaningful information about the logic involved in those decision-making processes as well as a description of the likely outcome of the process with respect to the consumer. There is also a right to opt out of automated decision-making. However, the rules for applying these rights in California are being drafted, with release expected sometime in 2023. Many commentators are asking for regulations to align with GDPR and other laws concerning artificial intelligence. Modernized legislation is also requiring businesses to have privacy management programs that are scalable to the nature of their business.

Privacy management programs were a concept developed by Canadian commissioners in Alberta, B.C., and federally, but other jurisdictions have been the first to introduce privacy management programs in legislation. The other theme with new and modernized laws is more effective enforcement measures for commissioners and other privacy regulators. Without getting into the legal specifics in today's remarks, these and many other changes have all been significant.

To get up to speed, organizations invested heavily in preparing for and maintaining compliance with GDPR and the other laws. As a result, many businesses need to consider the higher privacy protection thresholds in other jurisdictions, which leaves Alberta's PIPA behind. To ensure PIPA's continued relevance as a made-in-Alberta approach, it will need changes that reflect what has occurred elsewhere with respect to privacy regulations and enforcement.

**10:30**

Next slide, please. Another impetus for amendments to PIPA is that a trust deficit has accumulated between customers and businesses with respect to privacy. A number of stories have eroded people's faith in the protection of their privacy in the digital economy, which has reinforced the need for stronger legal

protections. Maintaining public trust goes to the heart of facilitating a digital economy. A recent example is the work we did in investigating PORTpass. You may recall that PORTpass said that it could provide a mechanism for proof of vaccination for entry into Calgary Flames games. During the investigation, however, PORTpass failed to demonstrate that it implemented any technical and administrative safeguards to protect personal information as required by PIPA.

We also recently teamed up with our private-sector privacy colleagues in Canada on two investigations. One was our investigation with Quebec, B.C., and the federal commissioners' offices into the Tim Hortons app, which found that Tim Hortons was collecting vast amounts of sensitive location data even when the app was not being used. The second investigation with B.C. and federal colleagues was Cadillac Fairview, the operator of shopping centres, and its use of facial recognition software at information kiosks without customers' consent. Both investigations resulted in widespread media coverage and found the companies did not comply with Canadian private-sector privacy laws.

In our work reviewing breach reports, we also started seeing significant increases in phishing incidents and ransomware breaches from a handful to hundreds of reports each year.

These and many other stories raise society's awareness and understanding of privacy issues. There was a sudden increase in topics like algorithmic transparency, cybersecurity, data brokers, targeted advertising, and profiling being covered by mainstream media. Algorithmic transparency, for example, is, at its core, about letting individuals know about the logic involved when a machine makes a decision using artificial intelligence. We also saw some stories where improper handling of personal information or deceptive practices involving personal information destroyed the reputation of some companies and generally decreased confidence and trust in businesses that handle massive amounts of personal information. Businesses stockpiling personal information for potential market use or bad actors that exploit security vulnerabilities to steal personal information are just some of the risks to personal information that exist today. The stories told and risks exposed reinforce the need for strong, modern legal protections.

Next slide, please. This is why I was pleased to read the message of Minister Glubish, former minister of service Alberta, now Minister of Technology and Innovation, that he issued on January 28, 2022, on Data Privacy Day. The minister wrote that Alberta's review of privacy laws "must centre on 2 core principles: strengthening privacy protections and building trust." I was also pleased to see the minister's support of the concepts of privacy by design and ethics by design to guide the development of new technologies and any proposed amendments to legislation.

Taken together, we now have the benefit of more evidence to support amending PIPA to align with today's digital economy and Alberta's desire for diversification such as through fintech and other data-driven innovations. Regulators, governments, and businesses all play a role to make up for the trust deficit that currently exists between customers and organizations. To do this effectively, we need a modernized law that enhances Albertans' privacy rights, reflects a digital information economy in which Alberta businesses are competing globally, and introduces effective enforcement measures that incentivize compliance as opposed to the current model, that has no significant consequences for noncompliance.

With respect to the information economy something else that must be considered during the PIPA review is the increased digitization in Alberta's public and health sectors. As we move towards better broadband Internet for rural and northern Alberta, work to meet societal demands for enhanced digital public services, and focus on virtual health care services delivery, we must

recognize that public- and health-sector innovation goals are reliant on private-sector products and tools.

For example, there are many potential opportunities to leverage public- or health-sector data to drive private-sector innovation through cross-sector information sharing. These are laudable ideas that are worth exploring, but keep in mind that these types of projects must prioritize protecting Albertans' personal and health information or risk failing altogether.

We also see the convergence of the private and health sectors through privacy impact assessment reviews that involve the development of apps by the private sector that are marketed to customers to support the delivery of health care in Alberta and investigations of virtual health care solutions under the Health Information Act.

These examples highlight the need to consider how Alberta's three privacy laws work together to ensure there are adequate protections in place to facilitate responsible and effective data-driven innovations.

Last slide, please. The key message I have today is that without a thorough review of PIPA and comprehensive proposed amendments, PIPA is at risk of falling further behind and not adequately protecting the personal information of Albertans, especially as businesses continue to leverage digital solutions and service offerings to customers and for marketing to the public and health sectors. We need to remain attuned to the various factors contributing to the need for change, including legislation reform globally and within Canada, the trust deficit that exists between customers and businesses, and the convergence of public- and health-sector goals with private-sector innovations.

With that, I conclude by saying that private-sector privacy compliance and regulations remain a paradox. The only constant is change, driven mostly by digitization. As a society we now recognize how vulnerable and valuable our personal information has become and that there are risks to our person and to our rights and freedoms when our privacy is not adequately protected. It is for this and many other reasons that we need to seriously reflect on how PIPA must operate now and in the years ahead, a made-in-Alberta law that reflects the modern digital economy, protects Albertans' personal information, and builds trust in businesses.

Thank you.

**The Chair:** Good. Thank you, Commissioner, for your presentation.

I will now open the floor to questions from committee members in relation to the technical briefings that have been provided. We have both the ministry and the commissioner's office at the table, and if your question is for one or the other, please identify that, or if it can be for both, that would be fine as well. I do have MLA Rowswell on the list, and he would be followed by MLA Bilous.

**Mr. Rowswell:** Okay. Thank you very much for your presentations today on this very important issue. On slide 2 of the presentation you mentioned your office's role in investigating complaints made about organizational compliance with PIPA, and you did mention that you get about 3,000 complaints a year. I was just curious. You know, has that been an increasing thing given what you talked about, that we're getting more digitized all the time? Like, if we go back 10 years, if you can go back that far, what was the number then, and are people more likely to complain today than they were in the past?

**Ms McLeod:** Thank you for the question. The 3,000 was in reference to the number of complaints and reviews that we've seen since PIPA came into force in 2004. What I can say is that there has been about a steady average of complaints, of course, that increased from the early days, when the public's awareness of PIPA was more

limited. Over the years it has increased somewhat, averaging out more or less over that period of time.

I'm just going to check with my assistant commissioner if she has anything to add on that.

**Ms Kreutzer Work:** Just that the nature of the complaints perhaps has changed over the decade or two decades nearly now, where we have seen the impact of technology on the types of complaints. Now we're seeing more, as the commissioner mentioned, phishing, cybersecurity, ransomware, malware type complaints. In the early days of PIPA it might have been more simply the loss of an unencrypted laptop that had personal information on it or retailers – you may remember that receipts that were given to you when you paid for a purchase with a credit card used to have the full credit card number on it, and now that's been truncated. So the types of complaints have changed. We still get some of those human error complaints, but there's also more in what I would call the cybersecurity area.

**The Chair:** Any follow-up?

10:40

**Mr. Rowswell:** Thank you. Are there any particular types of organizations that most of the complaints are about? Like, you talked about retail. You mentioned Tim Hortons as an example. Are there types or specific organizations that you tend to get more complaints about than others?

**Ms McLeod:** In my experience working in the office, both prior to and now, they come from all kinds of organizations, including from nonprofits engaged in commercial activities.

Kim, do you have anything more to add to that?

**Ms Kreutzer Work:** No.

**Ms McLeod:** Yeah. It's very broad. It's across the scale, large, small.

**Mr. Rowswell:** Okay. Great. Thank you.

**The Chair:** Thank you.

We will move on. I will encourage members to preface your question. For those attending virtually, we do have both the ministry and the commissioner's office at the table. If your question is for one or the other, it would be helpful to preface that at the beginning of your questions.

MLA Bilous, you may proceed.

**Mr. Bilous:** Thank you very much, Mr. Chair. I have a number of questions but recognize that other committee members may as well, so I won't ask them all at once. I just want to start off by thanking both the ministry and the Privacy Commissioner for your work on this important file. I think, you know, especially today, with the acceleration of the digital transformation with the use of AI – 10 years ago it was mostly software companies that used artificial intelligence; now every single company globally is using AI in some form or another. I think it's really, really important that as we open up PIPA and look at other jurisdictions, I feel we need to substantially punch up Alberta's protections, that will protect everyone, not just individuals. Also, we want to make sure that it's very clear for companies what the rules are to operate here in the province. I mean, I can speak to comments that I've heard: how Alberta compares, how Canada compares globally to the U.S., to others, that we do need to strengthen our rules.

I'll jump to my questions, and I'll start off with the ministry. The first question is a really simple one. I appreciate the fact that PIPA does not define privacy and that at the beginning of your presentation you talked about the Canadian Charter, which doesn't



really define privacy either and is quite abstract in the protections that exist in our Charter. Currently where is privacy defined?

**Ms Towle:** That is a great question. I would say that there are instances where it is defined in other pieces of legislation across other jurisdictions, but within Canada there is no definition. But we can take that away and get you a more fulsome answer if you like.

**Mr. Bilous:** Yeah. So my follow-up is: do you feel – and I'd love to hear from the Privacy Commissioner as well – that this is a deficit, that this is something that could be addressed federally, I would assume fairly easily? Is there a need, and would it be helpful?

**Ms Towle:** Yeah. One of the things that we've found is that people are looking for more clarification. So should this be defined? Personally, I would say yes; it should be. Is it easy to do so? Not so much.

Commissioner?

**Ms McLeod:** Yeah. It's a good question. I think that privacy is generally understood to be, in terms of when it's referenced to privacy laws in Canada, about the protection of one's own personal information. That is the generally understood meaning of the term, so that's how it's referred to. "Privacy" is the term that we all refer to, but it really is about control of one's own personal information as it's referred to. There may be a definition in some of the older pieces of legislation like the Privacy Act, for example, but I don't know. I'm not as familiar with that piece of legislation as I am the others.

**The Chair:** There are no others on the list right now. If you have further questions, you may continue.

**Mr. Bilous:** I'm happy to continue. The next piece that kind of follows with that is, again, that there are reasonable rules for collection, sharing, et cetera. So what is the litmus test for what's reasonable and what's unreasonable? I think, you know, where I'm trying to get to is that, again, with the expansion of different apps and different digital platforms, where is that line? How can we define it so that it's more clear for everyone, private-sector citizens but also for industry? And then eventually I'll get to questions to the Privacy Commissioner as far as the role of the office and whether or not that needs to be strengthened or augmented in some way or another for the commissioner to do her and her office's job.

But back to the ministry, you know, on that reasonable rules for collection I would imagine that this is also Canada-wide, that it's fairly abstract, or are there other jurisdictions like Quebec that have it much more clearly defined?

**Ms Towle:** Yeah. First of all, it is defined in section 2 of PIPA, that definition of what's reasonable. And just on Quebec, yes, they've done a lot of work recently with their most recent review where they've really beefed up their privacy protections and clarified stuff. This is also an area, I think, where we have an opportunity to improve guidance, so that is also something that the department is looking at. Personal story: before stepping into this role, I would often just give personal information at stores because I didn't know. Now when I'm in a store and they ask me, "Can we have your e-mail address?" I just say, "No, you can't." I think there is great opportunity for further guidance on that.

**Mr. Bilous:** Thanks.

**The Chair:** You may continue if you wish.

**Mr. Bilous:** Sure.

**The Chair:** That's okay, MLA Feehan?

**Mr. Bilous:** Are you okay? I mean, I'm happy . . .

**Mr. Feehan:** I do have questions, but I wanted you to finish yours first.

**Mr. Bilous:** Okay. To the ministry still – I'll eventually get to the Privacy Commissioner – you talked about a bit of a jurisdictional scan, you talked about the GDPR, but there weren't a lot of details in there. So I'm curious to know, again: how was it modernized? You referenced Australia in 1988; well, I mean that's so obsolete compared to today, and I'm sure that Australia has significantly – or at least I would hope that they have modernized their legislation. Is there an opportunity either at some point now or in a written submission to the committee where we can get a lot more details on, for example, GDPR and what they've done with specifics?

**Ms Towle:** Yes. We would be very happy to share our jurisdictional scanning, including that of GDPR. That is a very robust piece of legislation. There are also a lot of lessons learned since it was introduced on both sides, but we are more than happy to share that as a submission.

**Mr. Bilous:** Wonderful. My last question for now – and then I'll turn it over to my colleague and members of government as well – do you have examples of changes made to Quebec's legislation that make theirs much stronger than Alberta's? Like, can we – and, again, maybe this is part of a broader question and likely a motion coming from the committee later, but I'm very interested in specifics on what Quebec has done on enhancing their protection, but I'm also curious to know: have they also augmented their consequences or the tools and abilities that the Privacy Commissioner and her office have to be able to enforce the rules for compliance?

**Ms Towle:** I will speak to just one item that Quebec has done, and it's regarding anonymization when it comes to data, because we do have conversations about deidentified data, anonymized data, all those things. They have done work to define that and also what should be best practices around it. But, again, we will include that when we submit our jurisdictional scan.

Commissioner, to the other question?

**Ms McLeod:** I would share that if the committee wants some information from us on those various aspects, we'd be happy to provide that information, because we certainly have done our research on those pieces of legislation and some of the others that I mentioned.

I think that some of the amendments are recognizing not only the digitization of the economy and the evolution to it being significantly data driven but that in order to ensure that that economy can come to fruition, there have to be adequate controls placed on organizations so that they act responsibly in doing that work so that there aren't harms that come to individuals when they're undertaking those activities.

**10:50**

I think that's really driven it. That's kind of the underpinning as to the evolution of these laws, to strengthening the rules, strengthening the controls, because of the changes of technology use in that and some of the opaqueness that has been found to exist in algorithmic decision-making tools, that there needs to be adequate information for individuals to properly exercise control over their personal information. To that end, it has led to a strengthening of enforcement oversight. They've put in the controls to try and get the organizations to ensure that they're acting responsibly and accountably when they're carrying out their data

processing activities, and then they've given the commissioners adequate enforcement to ensure that those are complied with.

You may be aware that in Europe and in Quebec there are now administrative monetary penalties because I think that it has been recognized that the self-regulation model has not been successful. You know, as I indicated in my speech, there is actually a deincincentivization to compliance because there are no consequences. If you're actually evaluating your risk on an enterprise risk matrix, it becomes a low priority.

The laws are changing now to ensure that organizations are acting responsibly, that there is good deterrence there to prevent breaches or inappropriate activities. So it really has been sort of an evolution of one and then another at the same time.

**Mr. Bilous:** Just the last comment, Chair, and then I will pass it on.

Should we, as part of a jurisdictional scan, look at this? I'm very curious to hear what other jurisdictions have done as far as not just imposing administrative penalties but also: what's the threshold of what's reasonable? You know, an example is that if you're about to charge a company – I was going to use an example, but I don't want to slander any companies – a penalty of a thousand dollars or something to that effect, I mean, if it's an SME, maybe that's significant. If it's a multinational, I don't think you're going to get compliance if a company has a bottom line in the billions and you're charging something that's, you know, peanuts for them. Anyway, I just hope that that will be part of the conversation as well moving forward.

**The Chair:** Okay. Thank you, MLA Bilous.

I will highlight that we will have an opportunity to discuss research requests under item 5(c). But I will ask ADM Towle that the document that you spoke about with regard to GDPR: that that be submitted to the committee clerk for distribution amongst the members. That would be something that we should probably distribute since it was spoken about.

I do have MLA Feehan on the list, and then we'll go to MLA Stephan.

**Mr. Feehan:** Thank you. I'm certainly grateful that you're here to address some of these issues, and thank you for your reports, but I guess my anxiety increases as I listen to the responses, not because they're not great responses but because of the situation that we're in internationally and so on. I'm very concerned about making sure that we in this committee learn about the enhancements that are being done in the European Union, for example GDPR, and Quebec and making sure that we have a full understanding here about what other jurisdictions have found to be useful so that we can make decisions moving forward.

I'm particularly interested in the enforcements and remedies issues that you've talked about, particularly with regard to the international aspect of much of this. Given that context, I actually have a bit of a fundamental question, then more specific ones. I wonder whether having a PIPA in Alberta as separate from PIPEDA federally – has that provided us any greater strength in responding to these issues given that it's an international issue? Should we be relying on federal governments? I guess I need you to argue a little bit for the value of having a locally based protection act.

**Ms Towle:** Do you want to start, Commissioner?

**Ms McLeod:** I'm happy to start with that, and I'm looking forward to hearing what Maureen has to say about it as well. Actually, Kim has a lot of experience when PIPA came back into force in Alberta, so I might defer a few thoughts over to her, I guess.

I think what's important to realize is that, yes, there are a number of things happening around the world and in Canada, and they're all influencing each other to a certain degree. I think the real value of Alberta having its own PIPA is twofold. The first is that it really allows the ability to address what's happening locally here in Alberta, you know, looking at what government priorities are or health care custodians' ambitions and the private sector here in Alberta, and building a law to support the innovation and use of technology to innovate but making sure that there's an adequate amount of protections for Albertans as part of that equation.

Yes, you will draw on what's going around internationally, particularly because of whatever the privacy law becomes at the federal levels, potential enforcement in the province. You know, that law is actually – they've rebranded it to the consumer protection . . .

**Ms Towle:** The CPPA.

**Ms McLeod:** Sorry. It's really grounded in consumer protection because it's under the trade and commerce power of the federal government, so slightly different from what we would be looking at, I think, here in Alberta. Plus it only applies to the private sector that are engaged in commercial activities, as where, you know, especially now that we're looking at the kind of data-sharing environment that's occurring in Alberta, you want to make sure that there is solid privacy protection throughout the ecosystem as you start to open up the ability to share information for purposes of technology and innovation.

**Mr. Feehan:** Can I just interrupt for one second?

**Ms McLeod:** Absolutely.

**Mr. Feehan:** Does that mean there are circumstances under which the federal law has not done enough and that we've been able, because of the existence of PIPA or our privacy laws generally here in Alberta, to take actions that would not have been possible without the existence of PIPA?

**Ms McLeod:** Yeah. There are a number of things there – and I'll try and be more brief – but it also protects employee data. PIPEDA does not apply to employee data, so that's protected under PIPA, plus the commissioner has stronger enforcement powers. We have order-making powers that the federal commissioner does not have.

The last thing I will say is that it's operated out of Ottawa, and they just simply can't know what's going on on the ground here. This I experienced when I was in Yukon. You know, they had no idea what was happening in my jurisdiction, and I was calling them up to say: there are things going on here that need to be addressed. I would say that PIPA is essential for Alberta in order to move ahead with its economic interests and also for the adequate protection of Albertans.

I'll pass it over to Maureen.

**Mr. Feehan:** Please do answer, but let me just fill in some of the concerns I've had. I mean, you mentioned, for example, a couple of very well-known, public issues with Tim Hortons and with Cadillac Fairview, and I guess I just wondered whether – I also heard, through your presentations, that there's, you know, a lot of concern about remedies that were available or fines being inadequate and so on. In those situations, for example, that you brought up, Tim Hortons and Cadillac Fairview, were we able to do anything more as a result of having PIPA, or do we need to, in our review of PIPA, start to create stronger remedies and stronger mechanisms of enforcement?

**Ms McCleod:** There were a number of questions there. I'll try and address them. In terms of the investigations, yes, we conduct joint investigations in certain circumstances where there's, you know, a breach or something that occurs that affects multiple jurisdictions. The way we do that is that we investigate and we issue recommendations at the end of it, because that is sort of our respective ability to do as a collection of commissioners doing investigations.

However, the purpose of our involvement in that is to protect the personal information of Albertans. That's what we're there for, and if, for example, one of the organizations that we made recommendations to as part of that enforcement does not comply with our recommendations, then we can actually issue an order. We have stronger authority than, for example, the federal Privacy Commissioner has, so there is that value there.

I'm sorry. You asked another part of the question; I don't think I've addressed it.

11:00

**Mr. Feehan:** Well, I was just wondering whether or not we actually had abilities to pursue either remedies or enforcement because of PIPA. I feel like you've answered that. I just was wondering about the specific examples of Tim Hortons and Cadillac Fairview. Was there something more we were able to do as a result of being in the situation we're in here with a separate act?

**Ms McLeod:** Protect the rights of Albertans specifically.

Maureen, I don't know if you have anything to add to that.

**Ms Towle:** I will just echo that I think it's important that Alberta have its own privacy legislation. That's why we're being so careful and watching so that we have that, you know, similarly substantive, so that we can retain that. Right now Alberta does have greater enforcement powers. With the federal piece the Canadian Privacy Commissioner only makes recommendations. It's more of an ombudsman model. So we do have more powers right now in Alberta, and that's very important because we do want to protect the privacy of Albertans.

**The Chair:** Okay. Thank you for that.

We do have a couple of other members that are hoping to get on, so I will open the floor to MLA Stephan, followed by MLA Rehn.

**Mr. Stephan:** Hi there. I appreciate the Privacy Commissioner answering questions about her stewardship. You had mentioned that Quebec has some of the strongest privacy protections in Canada. I'd be interested in hearing from you whether or not you would equate being the strongest as being the best. I know that, of course, the legislation for a small-business owner can be quite complex. Small-business owners are challenged in many things, and they make many sacrifices. I'm just wondering if there are things in the act that you've observed – the cost benefit: while we want to protect Albertans' privacy from abuse and inappropriate uses, are there things in the act where the cost of compliance is higher than the incremental benefit?

**Ms McLeod:** I think that one of the members mentioned how things have changed and how what used to be just a transactional relation between a private-sector organization and an individual did really not involve the collection of personal information. It didn't. However, we've moved down the spectrum quite a bit. You know, businesses are looking to leverage technology to improve their businesses, their marketing. I think I heard on the radio not too long ago that one retailer was using some sort of facial recognition technology, and I think we already learned that with Cadillac Fairview.

It's a hard question to answer because, you know, there is a cost to compliance, and that doesn't mean that it's an astronomical cost; it's very scalable to the organization. I think that's one of the foundations on which PIPA was built.

Every organization today has to protect the personal information of its customers simply to be successful in business, never mind PIPA. I think we've moved pretty far down the spectrum of the early days of privacy legislation, where it was not well understood, and now we've seen the harms that can come to individuals as a result of a failure to implement proper systems. With that in mind, every business is going to have to put in a level of security. If it's going to be collecting personal information for its own purposes, then it has a duty to protect that information.

I think what has happened is that there is not any cost to noncompliance other than – in Alberta there is some protection because of the order-making power of the commissioner. If an organization is collecting information that it's simply not allowed to collect, the commissioner can require it to destroy that information, so there is a business consequence to it. I think I'll leave it there.

Kim, did you want to add anything to sort of the evolution?

**Ms Kreutzer Work:** Other than just to reiterate that PIPA was introduced to address small and medium-sized businesses because PIPEDA, the federal legislation, was written more for the larger banks and federal works and undertakings and such. The goal was to make it a reasonable piece of legislation for small and medium-sized businesses, hence why the purpose of the act is the balancing between the need to protect personal information and the reasonable needs of an organization to have, collect, use, and disclose personal information for appropriate business purposes.

**The Chair:** Any follow-up, MLA Stephan?

**Mr. Stephan:** Yeah, I do. You know, I appreciate the fact that you have lived, working experience with this important legislation. If you could – over your experience with PIPA, working with both the public and those enterprises and organizations that collect personal, private information, if there were, say, two key changes that you would suggest to improve this legislation to make it more protective, help businesses and organizations be more competitive, either of those ends of the continuum, what would you suggest?

**Ms McLeod:** Is that addressed to me, that question?

**Mr. Stephan:** Yes, please.

**The Chair:** To the commissioner.

**Ms McLeod:** Okay. Well, that's a complicated answer because, you know, the environment has changed substantially since PIPA was brought into force back in 2004. In order for businesses to actually innovate through the use of technology, which is where we're going and largely where we're at, there have to be a number of changes put into PIPA to ensure that that balance is struck so the adequate controls are in place to control it and there's adequate enforcement. I think that I mentioned earlier that there was no incentive to compliance, really, so I think one of the reasons why we're seeing the laws changing and moving to administrative monetary penalties is not because anybody wants to be doling out penalties; it's because there needs to be a real deterrence to noncompliance.

Just to your point earlier, you know, I think that there is a significant need for more awareness in the province by our organizations because many – I don't think that you would ask a

single organization that they don't want to comply; they just need to know how to, and they need some support in that. That's one of the focuses that I have while I'm here, to try and raise that awareness and help businesses to become compliant, because it is in their best interests to ensure that they have the trust of their customers as part of doing business.

**The Chair:** Thank you, MLA Stephan.

MLA Rehn, you have questions?

**Mr. Rehn:** Yes. Good morning. I'd like to thank the committee for coming today and presenting the information to us. I wanted to talk about – slide 9 of the presentation mentions that PIPA is falling behind and creating privacy risks as organizations further digitize their operations. Can you comment on some of the specific areas where digitization is creating privacy risks?

**The Chair:** The commissioner, I believe.

**Ms McLeod:** Okay. Well, any time you start looking at the use of – algorithmic decision-making can result in bias simply by the design and deployment of that kind of technology, and it is happening. It's happening in many platforms. I think, you know, everybody is familiar with Facebook and Google and all of those things and being delivered ads, et cetera, et cetera. All of that is actually happening. But what we're seeing now is that it's trickling down into different kinds of service delivery in the small and medium sector, as well in the public and health sector. There are obvious benefits to the public for some of those things to occur, but there need to be proper controls put in place to ensure individuals are protected. Quebec has quite a number of examples of how they've actually done that, drawing on the GDPR, for example.

*11:10*

**The Chair:** You're on mute, MLA Rehn. Any further follow-up?

**Mr. Rehn:** Yes, I do have one more. When you say "falling behind," is there any specific legislation or amendments in other jurisdictions that you are referring to?

**Ms McLeod:** Maybe I'll let Maureen answer that question since she sort of spoke to her research and that, if that's all right with you.

**Mr. Rehn:** Yes. That's fine.

**Ms Towle:** Okay. Thank you. Yes. We've been looking at a number of jurisdictions. Like I mentioned before, Quebec: they've done some work around defining terms around different types of data. That's very useful for citizens. They've also come in with a consent age, 14 being that age. But I'm very happy to provide those details in a written submission because I think that will give you more details that you're looking for. If that works for the committee, we'll do that.

**Mr. Rehn:** Thank you.

**Ms Towle:** You're welcome.

**The Chair:** Thank you.

Any further questions? Okay. MLA Feehan.

**Mr. Feehan:** Thank you. I really appreciate all of your answers. I wanted to just address this question of PIPA being substantially similar in status to PIPEDA and the fact that that might be threatened, and I just want to understand the implications of that. If indeed the federal government determines that PIPA is no longer substantially similar, does that in any way invalidate our legislation

or put us into a difficult situation? That is the opening question, and then I'll follow up.

**Ms Towle:** Yes. If we are no longer substantially similar, then we will have to follow federal legislation. There are instances where we already have to follow federal legislation, but that would be increased. Like I said earlier, I believe it's important for Alberta to have its own privacy legislation.

**Mr. Feehan:** And does that always require a return to the Legislature? If the federal government institutes a new aspect to PIPEDA, does that mean we always need to also include that in our act, or are there administrative ways of demonstrating compliance?

**Ms Towle:** We would have to take that away. We would also have to see what comes of Bill C-27 to answer that more fully.

**Mr. Feehan:** Okay. A lot of this – of course, then it's going to be: you know, we're going to wait to see what the changes are that are recommended through all these others, through Quebec or GDPR, and hopefully we'll adopt a lot of them.

I'm wondering, then: do we need to also spend some time looking at not just the aspects of what is covered under PIPA but, rather, the mechanisms of enforcement and follow-up? I'm concerned, first of all, that we may not have appropriate administrative and monetary penalties. Then, even more so, do we have the ability to assess whether or not there has been substantive compliance? If we say, "You must erase all this data," can we actually guarantee that a company has indeed erased the data? I guess I just want to know: as we gather more information and start to make changes in the act, do we actually need to create some more enhancement in these areas of enforcement and remediation?

**Ms Towle:** That's definitely one of the things that – through the work of the GDPR there were a lot of elements that were introduced where countries found it very difficult to comply with. Just because something is difficult doesn't mean that you shouldn't aspire to it, but I think that especially in Alberta we're looking for that balance. Again, we will highlight that in the materials that we submit, okay?

**Mr. Feehan:** I look forward to your reports, then. Thank you. I appreciate the direction you're going.

**The Chair:** Okay. Thank you.

MLA Bilous, further questions?

**Mr. Bilous:** Yeah. Thank you, Chair. I appreciate, you know, hearing that we're looking at striking a balance and that, again, we need to protect Albertans. But we also – I mean, my colleague from Red Deer-South just talked about the responsibility that's laid on small businesses: is it too onerous? I do think there needs to be a balance, and I do think that companies that are engaging in digitization, are using these algorithms have to have clear rules to play by. Just because you're a small business, it doesn't mean that you can do whatever you want with that data or sell it to whomever or pass it along to whomever or collect it through whomever.

One question I have is – we have consent-based legislation, or within our legislation it's consent based. Maybe this falls on a later agenda item, but I'd like to get a bit more of a deep dive as to how that consent works and if, again, we're seeing today more and more companies blur that line. Does that need to be strengthened to ensure that citizens are aware when data is being collected and what for and how it's being used and where it's eventually ending up?

**Ms Towle:** I'll speak to this briefly. One of the things that we've heard from Albertans as a point of frustration – and I think we're all familiar

with, you know, getting an app and that you get the consent, the privacy statement, and it is pages and pages of legal terminology. That's something where we're definitely trying to figure out how we resolve that and also looking to other jurisdictions. That is definitely something that we've heard and that we will be reviewing.

I don't know, Commissioner, if you want to comment on that as well.

**Ms McLeod:** Yeah. I think that it is pretty well understood that, you know, consent is intended to be a means by which an individual controls their information, but often we don't understand what it is that's being asked of us, or there are pages and pages of legalese that we have to get through to understand. I think that's been a discussion that we've been having since the dawn of consent in privacy legislation, and it's become even more complicated with how services are delivered and multiple players involved.

I don't know. Is there anything more on consent? No? Okay.

**Mr. Bilous:** If I may, Chair, I have one more question and just a comment.

**The Chair:** Please proceed.

**Mr. Bilous:** The question – and maybe today is not the time or place as the committee continues to explore this further. But I am curious to hear from you, Commissioner, as far as – you know, the job that you have is quite broad, and we were talking about, since the inception, the 3,000 reviews. At some point I'm curious to know or to hear if you feel that your office has adequate tools, if you are adequately resourced to be able to do your job to protect Albertans. I appreciate that this is not a review of the budget of this office, but I think the conversation around the important work that you do – are we falling behind just because of inadequate resources?

**Ms McLeod:** Well, I've been a public servant my entire life, so I always start thinking there: do more with less. That said, you know, I did come into this role with a specific vision in mind, and an aspect of that was, really, raising awareness of the private sector as we move ahead in the innovation of technology. Because I anticipate that the law will change and that there needs to be a significant amount of awareness to be fair to the organizations in the province, to ensure that they actually understand they're required to meet certain obligations and to help them to do so, I have developed functions in my office that are dedicated to those purposes, and I have them partially staffed. Kim and I and a new person that we're going to hire are going to try and tackle that, but there are a lot of businesses in this province, so it will take some really strategic thinking as to how we're going to reach them all. Of course, we have been in conversation with the government about some of these initiatives and their initiatives so that we're sort of thinking about some of these issues together.

**Mr. Bilous:** Yeah. Great.

Just my closing comments, Mr. Chair. I think that's great, to partner with government. I mean, now it might be a little more challenging. When JEI existed as one ministry, the government and that ministry were best positioned as a touchpoint for business to be able to access them. I mean, now it's spread between a few different ministries, but there are still the same folks that are there to be able to partner with you to get that message out and connect with small businesses.

The other comment I wanted to make is just on the opportunity that I think we have before us when we look at – and, Commissioner, you touched on just health information and privacy. I think – and I heard this all of the time when we were in government – that as far as the

opportunity that Alberta has, because we are the only jurisdiction on the planet that has a single health care delivery mechanism, that data is sought after by every single company that's in that space. Is there a way to ensure that we're protecting the privacy of Albertans but also taking advantage or making use of the fact that we have this incredible data that could help drive patient outcomes and improve our health care system and drive down costs? I mean, the solutions all exist within our borders. It's a matter of finding a way to ensure that that data is used, as a very naive way of framing it, for good and used here in Alberta. You know, my hope is that in the course of this review, if there's a way to help the government be able to navigate that, then I think there's a real opportunity and a real win for Albertans outside of protecting data and their privacy.

That's all.

11:20

**The Chair:** Thank you very much, MLA Bilous.

Are there any other questions from members?

Hearing and seeing none, if there are no further questions, I want to thank both the ministry officials and the office and the commissioner for their presentations today. Thank you for coming. You are welcome to stay, but your official part of the meeting is concluded.

**Ms McLeod:** Thank you very much.

**Ms Towle:** Thank you.

**The Chair:** Okay. Members, with that, we will proceed on to agenda item 5(c). I think we have laid some pretty good groundwork as to having good questions with regard to research requests. The committee will consider whether it wishes to direct LAO research services to prepare any reports related to our review of the Personal Information Protection Act.

Committee members may be aware that presently the House of Commons has a bill before it entitled Bill C-27, as we heard, An Act to Enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act. This bill proposes to make changes to the federal legislation that deals with protection of personal information. As there are substantial proposals being made in Bill C-27, the committee may wish to consider directing research services to prepare an emerging-issues document that describes the proposed changes to the federal legislation and other emerging issues.

I will now open the floor to a discussion on this matter. MLA Turton.

**Mr. Turton:** Yes. Thank you very much, Mr. Chair. I'd like to put forth a motion based upon that preamble and move that

the Standing Committee on Alberta's Economic Future direct research services to prepare a document identifying emerging issues related to the Personal Information Protection Act, including proposed changes to federal statutes in Bill C-27, An Act to Enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act.

Once again, it's right up there, which is just amazing.

**The Chair:** Thank you, MLA Turton. I will let members consider that.

Is there any discussion with regard to the motion? Any comments? MLA Feehan.

**Mr. Feehan:** I like the motion; I just want to be clear that I am interested in kind of a broader look at things rather than narrower. I don't know whether we need to examine the motion in order to ensure that. It certainly refers to changes in the federal legislation,

but I would also like to know about the implications of changes in other things like the GDPR and Quebec's legislation. Perhaps it's a separate motion.

I'm also particularly interested not just in the nature of the authorities of the act but also the resourcing of the department, I guess it would be, so that we can ensure that we have appropriate resources for compliance monitoring and employment of remedies and those kinds of things. Perhaps it's something I should add as a separate motion rather than include a bit more in this one, or perhaps it's just an explanation that can be attached in our files. I seek direction from the chair.

**The Chair:** Yeah. The crossjurisdictional scan that you're referring to: I think we can do that in a separate motion. The resourcing for one of our legislative offices, I would suggest, possibly should be considered as an item that we deal with through our Standing Committee on Legislative Offices to ensure that the officer is questioned, queried on whether or not the resources are adequate. I'm not sure exactly how we would reference that in a research envelope.

The recommendation I'm receiving from our staff here is that anything dealing with resources within the leg. offices should be probably put forward to the Committee on Legislative Offices.

Do you have further comment?

**Mr. Feehan:** No. I feel like I'm on the record that I'm concerned not simply about the authorities but also the implementation. You're right that that may be best handled under some other committee. I just want to make sure that when they do the review, they're looking at issues crossjurisdictionally and so on about the nature of ensuring compliance and enforcement and the types of penalties that are available. All of that could be assumed under "emerging issues." It's a pretty vague statement. I just want to make sure I'm on the record as saying that I'm seeking information on how to pursue those things.

**The Chair:** Okay. I see your angle with regard to emerging issues. Primarily, you know, we can ask – and you've essentially put on the record the concern – research services. I'm going to suggest that the information we would receive is likely going to be very high level and not in detail, but at least it's on the record that the concern is there to ensure that the resources are adequate.

MLA Bilous.

**Mr. Bilous:** Just a quick question on this. I think I know the answer, but I just want to clarify that because of that "emerging issues," research services are not limited to just those acts that are listed up there. That's primarily where they will dive into, but if there is information that lives in some other document or act, research services can access that as well and put it into the document they're preparing for us.

**The Chair:** I'm going to, as chair – the way that the motion is worded, I would suggest that emerging issues are issues that could be perceived to be coming with regard to any of that.

I'll cede the floor to Trafton and then to MLA Turton.

**Mr. Koenig:** Thank you, Mr. Chair. I was just going to note that Mr. Turton might be able to provide some comments on what that means in terms of emerging issues, but, you know, with my legal hat on and looking at that, how I would read that is just to provide a little bit of leeway. This is a proposed piece of legislation, so of course this is not a final act. These changes have not been made yet. They may undergo amendment through the legislative process, so there might be a certain amount of predicting what could happen or

proposals that may be getting made without knowing with finality what will happen.

So "emerging issues" might just permit a bit more leeway in terms of not being stuck with the black and white words in the bill itself but also identifying things, topics of discussion that MPs or Senators might be talking about to ensure that, because we don't know exactly where this will end, committee members will have an idea of some of the flavour in terms of what is being discussed when they're looking at this legislation.

11:30

**The Chair:** MLA Bilous, does that clarify adequately?

**Mr. Bilous:** Yeah. I mean, I guess the only clarification is that Bill C-27 – that is the title of just Bill C-27, but again the office is not limited to only looking in that, and that's where "emerging issues" is a little more broad.

**The Chair:** Okay. Nancy will speak to that.

**Ms Robert:** Thank you, Mr. Chair. Yes. I think the reason the motion was written the way that it was is that it says: "including proposed changes." So it can and, I suspect, will include emerging issues with respect to the GDPR and Quebec. I think the chair has let members know that another possible motion could come forward separate from this with respect to a crossjurisdictional on existing legislation.

**Mr. Bilous:** Perfect. Thank you.

**Ms Robert:** Okay.

**The Chair:** MLA Turton, are you fine now where we land?

**Mr. Turton:** Yeah. This is a final comment. I just wanted to keep it as open as possible based upon the fluid situation on the federal scene. I mean, it would be my expectation that, especially after the next motion is done as well, all the issues that Member Feehan talked about would be addressed, encapsulated with a document that's going to be coming forth.

**The Chair:** MLA Carson? Not at this time? Okay.

Any other comments or questions pertaining to the motion on the table?

Seeing and hearing none, I will call the question. In the room, all those in favour, please say aye. Online, in favour? Okay. Any opposed? Hearing none,

I believe the motion is carried.

Members, it is also common for committees reviewing a statute to request a crossjurisdictional comparison of similar legislation. I will now open the floor to a discussion and any motions on this subject. MLA Turton.

**Mr. Turton:** Yes. Thank you. I'd like to put forth a motion, and I'll see if I can get halfway through before it magically appears up on the screen. I move that

the Standing Committee on Alberta's Economic Future direct research services to prepare a crossjurisdictional review of legislation in relation to the committee's review of the Personal Information Protection Act for a subsequent meeting of the committee.

**The Chair:** Okay. The motion is on the screen. Any questions or comments? MLA Bilous.

**Mr. Bilous:** Yeah. I like this motion. I just want to ensure that it's clear that the crossjurisdictional scan is not limited to Canada. We

have obviously identified the European Union. I'm also very curious about our neighbours in the south as far as some of their laws when it comes to privacy and personal information.

**The Chair:** Would research services wish to speak to it or Parliamentary Counsel?

**Ms Robert:** Thanks, Mr. Chair. Yes. It certainly wouldn't be limited to Canada. I would say, just the way that legislation is drafted, the GDPR is definitely – I think it's considered the gold standard, if I'm understanding the research team correctly. I think the U.K. Parliament is also redoing theirs.

Now, American legislation, of course, is written in a much different way than Commonwealth country legislation. I mean, it's up to the committee. If the committee wishes to include American legislation, that's fine; we will endeavour to do that. It's just I know you've seen the cross-jurisdictional-type work we do and the way that it's kind of structured and formatted. Sometimes it's hard to fit the terms and rules in American legislation in, but certainly if it is what the committee wishes, the research team will endeavour to include it.

**The Chair:** MLA Bilous, any comment on your wishes?

**Mr. Bilous:** Well, I'm looking across the room to see if Mr. Turton may want to comment on this.

**Mr. Turton:** Yes.

**The Chair:** Okay.

**Mr. Turton:** Yeah. Thank you. I appreciate the comments by Member Bilous. Perhaps I would be willing to accept a friendly amendment just to make sure that the items that he talked about in terms of the . . . [interjection] No? Leave it at its own compass? As long as you all know that – because I support, obviously, the spirit of what Member Bilous was talking about.

**Mr. Bilous:** Thank you. If I can just comment, Mr. Chair. I appreciate the comments as far as U.S. legislation. I just wanted to ensure that we're not missing other best practices that exist down south of us, not just in the European Union. That was the premise behind that. But, again, I also don't want to overwhelm research services with giving you basically a global scan that may not result in anything new coming back. I mean, I'm happy to defer to research services to make that determination.

**The Chair:** Okay. Thank you.

I do believe that it's not out of order to – having heard from the commissioner with regard to European Union regulation, we've heard with regard to Quebec legislation, and we've heard also with regard to California legislation in the presentation, so I do not believe that it's outside of the scope. It may just be a difficulty on the structure, how it's able to be reported back, if I'm hearing Parliamentary Counsel correctly. It is on the record that you would like to see as broad an envelope included in the research, and I think they will take that into consideration and come back with the best document they are able to present. Is that satisfactory? Okay. Thank you.

Any other questions or comments with regard to the motion?

Seeing none and hearing none, I would call the question. All those in favour in the room, please say aye. Online, in favour? Do we have any opposed? Hearing none,  
the motion is carried.

In consideration of the fact that we are doing research that encompasses work that's being done by the commissioner, by the

ministry, in research services, I have asked the clerk to prepare a motion to try and get some voluntary co-operation amongst those entities in the research work that's necessary here. If the clerk could put that up on the screen. It would be a motion that would be for consideration by members if they see fit to make that motion. This has been standard practice in other reviews as well, so it's not something that's all of a sudden coming out of the blue, but it does – the committee is requesting that these officials work in conjunction with the Legislative Assembly staff and so provides an opportunity for good collaboration and co-operation in the research that's necessary.

Do I have anyone that would – MLA Bilous is willing to move.  
Moved by MLA Bilous that

the Standing Committee on Alberta's Economic Future invite officials from the office of the Information and Privacy Commissioner and the Ministry of Technology and Innovation to attend committee meetings and participate when requested to provide technical expertise and request that these officials work in conjunction with the Legislative Assembly staff as required to support the committee during its review of the Personal Information Protection Act.

This does not bind these individuals to action, but it is requesting them to consider working in conjunction.

Any questions or comments? MLA Feehan.

**Mr. Feehan:** Sorry. Is there any danger that these individuals would not do any of this without a motion? I think that's the job, so . . .

**The Chair:** I don't think it's dangerous . . .

**Mr. Feehan:** I don't object to it; it just seems a little redundant.

**The Chair:** I don't think it's a danger, but it just helps to clarify the roles and responsibilities, I believe. Having been common practice at other times, it was something that I felt could be considered by the committee members.

11:40

Any other comments or questions?

Hearing none, I'll call the question. All those in favour in the room of the motion as presented by Member Bilous? Online? Any opposed?

I consider that motion carried.

Okay. MLA Carson.

**Mr. Carson:** Yeah. My apologies if we're getting there, but I do want to propose a motion, if it's not coming, just regarding stakeholder opportunities.

**The Chair:** Okay.

**Mr. Carson:** I am happy to do that now, then.

**The Chair:** I would be open to that. Yeah. That would be fine.

**Mr. Carson:** Absolutely. I move that the Standing Committee on Alberta's Economic Future direct research services to create a draft list of stakeholders in relation to its review of the PIPA for review at an upcoming meeting of the committee. Again, I think it's important that we allow stakeholders to bring forward their thoughts and their research on this as well, so hopefully we'll see the committee accept that.

Thank you.

**The Chair:** Thank you for that motion. The committee clerk is typing it out and hoping to present it to you here shortly.

Is this similar to what you have proposed? Do you find that to be satisfactory?

**Mr. Carson:** Yes. Sorry.

**The Chair:** Okay. Sorry.

**Mr. Carson:** Yes. I wasn't loud enough.

**The Chair:** Members online, I believe you should also be able to see that it's been moved by Mr. Carson that the Standing Committee on Alberta's Economic Future direct research services to draft a list of proposed stakeholders in relation to its review of the Personal Information Protection Act for presentation and consideration of the committee at an upcoming meeting.

Any comments or questions with regard to the proposed motion?

Hearing and seeing none, I call the question. In the room, all those in favour of the motion as presented? Online, in favour? Are there any opposed to the motion as presented by MLA Carson? Hearing none, that motion is carried.

Thank you.

Are there any other requests for research services at this time?

Hearing and seeing none, I believe we can move on to item 6, other business. Is there any other business that members wish to discuss at this time?

Seeing and hearing none, we will move on to item 7, date of the next meeting. The next meeting will be at the call of the chair. With that, any comments with regard to the next meeting?

Hearing and seeing none, item 8, adjournment. If there's nothing else for the committee's consideration, I'll call for a motion to adjourn.

**Mr. McIver:** Moved.

**The Chair:** MLA McIver moves that the January 10, 2023, meeting of the Standing Committee on Alberta's Economic Future be adjourned. All those in favour in the room? Online? Any opposed? The motion is carried.

Thank you. The committee stands adjourned.

[The committee adjourned at 11:45 a.m.]









