



Office of the Information and
Privacy Commissioner of Alberta



Access Requests

AFNIGC - Privacy Education Series

October 4, 2017

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Senior Information and Privacy Manager
Office of the Information and Privacy Commissioner of Alberta

Agenda

- Introduction
- General vs Personal Requests
- General Principles
- Process
- OIPC Reviews



General vs Personal

- Informal requests not precluded by law
- Personal right of access exists under three AB acts
- As well as in other acts
- General right of access limited to records under control of entities subject to legislation



General vs Personal Requests Overview

Key attributes of requests for:

	General information	Personal information
Legislation	ATIA (Fed) FOIP (AB)	ATIA, PA, PIPEDA (Fed) FOIP, HIA, PIPA (AB)
Applicant	Anyone (FOIP) Anyone in Canada (ATIA)	Subject individual, or authorized representative
Request	Any information	Information about self
Response time	30 days Subject to extensions	30 days, 45 days (PIPA) Subject to extensions
Fees	Yes, prescribed maximums	No (PA) Yes, prescribed maximums (ATIA, FOIP, HIA) Reasonable fee (PIPEDA, PIPA)

General Principles

- Default principle is disclosure, limited by exceptions and exemptions
- General duty to assist applicants
- Time-sensitive process
- Right to request payment of fees
- Right to request reviews



Exemptions

- Defined in the Acts, specifically the FOIP Act:
 - Courts
 - Legislative Officers
 - Test questions
 - Teaching materials
 - Constituency records
 - Executive council and MLA records



Duty to Assist

- General “duty to assist” requesters:
 - Help make request
 - Respond
 - Clarify
 - Search
 - Assess any applicable fees
 - Provide access or copies



Searching for records

- Call for records
 - Destruction of potentially responsive records stops
 - Medium-neutral
 - Duty to conduct “adequate search”
- Best to document search efforts
- Internal processes a must
- Assess responsive records and fees



Preparing records

- Review information in records
- Consider exceptions to disclosure, if any
- Consider need to consult third-parties
- Redact any information, if applicable
- Prepare records for Applicant



Process: Practical example

- “Please provide copy of Chris’s expenses for October 2014”
 1. Acknowledge request
 2. Search
 3. Review
 4. Provide to Applicant



Practical example (2)

Gather responsive records

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Carriage House Inn

9030 Macleod Trail S., Calgary, Alberta, Canada T2H 0M4 Phone: (403) 253-1101 Fax: (403) 259-2414 Toll Free: 1-800-661-9566 www.carriagehouse.net

Guest Name: Chris Stinner
 410-9925 109 St Nw
 Edmonton, AB T5K 2J8 CN

Room #: 964
 Folio #: R220180633 - 1
 Group #:
 Guests: 1
 Clerk: NOEL

Arrive: 10/14/14 Time: 11:54 PM Depart: 10/15/14 Time: 12:53 PM Status: HIST

Date	Description	Reference	Comment	Charges	Credits
10/14/2014	ROOM CHARGE	964		\$146.28	\$0.00
10/14/2014	ALBERTA MARKETING I	964t	ALBERTA MARKETING LEVY	\$5.85	\$0.00
10/14/2014	ROOMS GST TAX	964t	ROOMS GST TAX	\$7.31	\$0.00
10/15/2014	GRATUTITY	7851	GRATUITY T#: 5-7851	\$2.40	\$0.00
10/15/2014	PAY MASTERCARD	Ck Out 12:53	*****9296 02796Z	\$0.00	-\$161.84
				Folio Balance:	\$0.00

Signature: _____

Practical example (3)

Review records



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Folio Balance:					\$0.00

Signature: _____

Practical example (4)

Redact records



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Page No. 1

Guest Name: Chris Stinner



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Room #: 964

Folio #: R220180633 - 1

Group #:

Guests: 1

Clerk: NOEL

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Date	Description	Reference	Comment	Charges	Credits
10/14/2014	ROOM CHARGE	964		\$146.28	\$0.00
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10/14/2014	ROOMS GST TAX	964t	ROOMS GST TAX	\$7.31	\$0.00
10/15/2014	GRATUTITY	7851	GRATUTITY T#: 5-7851	\$2.40	\$0.00
10/15/2014	PAY MASTERCARD	Ck Out 12:53	*****[REDACTED]02796Z	\$0.00	-\$161.84

s 17 (4)(e.1)

Folio Balance: \$0.00

Signature: _____

Examples

Friday, September 28, 2012

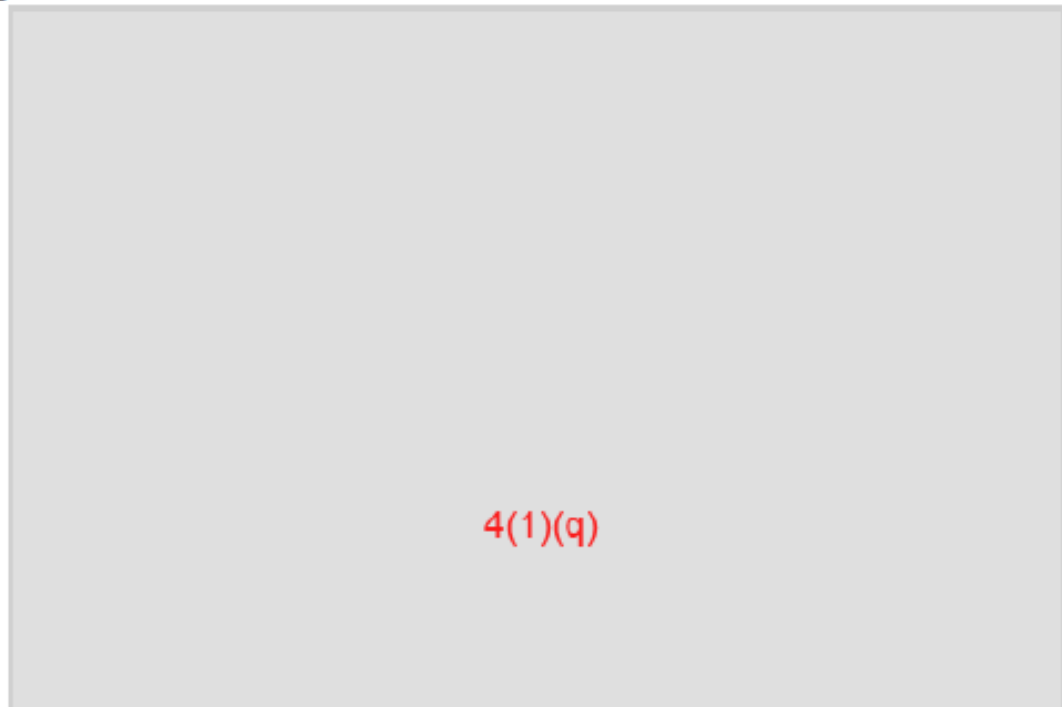
Time 9/28/2012 12:00 AM – 10/1/2012 12:00 AM

Subject Alberta Culture Days

Location Province-Wide

Show Time Free

As



Examples

Policy and Governance's FOIP Guidelines and Practices clearly interprets that Executive Council and Treasury Board make all decisions as to whether information meets the criteria for applying section 22. This would imply that it is Executive Council and Treasury that apply section 22 not the ministries with control of the records. This increases the reasonableness for them to review records in all cases where section 22 might apply and assess the information for application of section 22.

*s. 24(1)(a) and (b)

Examples

SERVICE ALBERTA		
September 12, 2011	Public	All information in the file of Michael Wagener that relates directly or indirectly to s.17(1)
March 21, 2012	Public	Records in regards to affairs of Khalsa Credit Union submitted to the office of the Minister of Service Alberta in month of February or March 2012.
July 26, 2012	Elected Official	All records related to actions taken by Service Alberta on the outstanding recommendations from the Auditor General's Nov 2011 report. In response to the system crash at the Shaw Building in July 2012, the Applicant also requests the annual Shaw data system testing results, referenced by Minister Bhullar on a radio program. Time Period October 2007 to Present (July 17, 2012).
February 15, 2013	Business	Contract documents between the Government of Alberta and Acrodex from February 2010 to the present including complete copies of the awarded contract for IT Desktop Management Services and contract.
March 01, 2013	Organization/Interest Group	Provide all mobile phone bills and invoices for s.17(1)
March 27, 2013	Elected Official	All records related to the closure of the record storage warehouse located at 11628 - 142 Street in Edmonton, as well as any safety or maintenance reports related to the closure.

Examples

Audrey Dutka

From: Gitane De Silva
Sent: Friday, December 06, 2013 4:47 PM
To: Farouk Adatia; Brad Stables
Cc: Lee Richardson; Jeff Henwood
Subject: Mandela's funeral

Good afternoon,

I received an inquiry from my counterpart in 21(1)(a) regarding whether the Premier plans to attend President Mandela's funeral and, if so, will she be going on the PM's plane? 21(1)(a) has been invited to travel with the PM and is wondering if other Premier colleagues are going, as well. 21(1)(a) would like to participate, but has considerable scheduling challenges 21(1)(a) working to resolve. 21(1)(a)

Please let me know if you need any assistance from IIR.

Thanks,
Gitane

Examples

▲ Sun, Sep 30

<input type="checkbox"/>	All Day	Alberta Culture Days Province-Wide
<input type="checkbox"/>	All Day	Jasper Park Lodge - Confirmation number 1718 7015
<input type="checkbox"/>	All Day	17(1)
<input type="checkbox"/>	Before 8:30 AM	Free
<input checked="" type="checkbox"/>	8:30 AM – 9:30 AM	Drive to Hinton for GOA flight Alison Redford
<input type="checkbox"/>	9:30 AM – 9:45 AM	Free
<input checked="" type="checkbox"/>	9:45 AM – 10:45 AM	Fly to Calgary Alison Redford



OIPC Reviews

- Right to request review of:
 - Access to information request
 - Response to correction request
 - Decision of public body to disclose personal information in response to another access request
- Several steps:
 - Mediation
 - Inquiry
 - Judicial Review



Questions?



Office of the Information and
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Thank you!

Chris Stinner

Senior Information and Privacy Manager

Office of the Information and Privacy Commissioner of Alberta

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Edmonton, AB

T5K 2J8

<https://www.oipc.ab.ca>

@ABoipc

780 422 6860



Resources

- “Access to Information Laws in Alberta”, OIPC website
https://www.oipc.ab.ca/media/602986/Brochure_ABAccessLaws_June2015.pdf
- “How to Make an Access Request”, OIPC website
<https://www.oipc.ab.ca/action-items/how-to-make-an-access-request.aspx>
- Service Alberta FOIP Resources
<https://www.servicealberta.ca/foip/resources/brochures-and-guides.cfm>

