



Common or Integrated Programs or Services

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INTRODUCTION

Delivery of programs and services in a manner that is “seamless” from the perspective of the public has become a major service delivery goal for many public bodies. The coordination of programs is seen not only as a way of achieving a client focus, but also as a way of achieving operational efficiencies. Provincial government departments commonly collaborate to deliver programs and services in partnership with each other and with local public bodies. Local public bodies also work together to provide services that meet the needs of their communities.

One of the purposes of the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) is to control the manner in which a public body may collect, use and disclose personal information (**section 2(b)**). One of the ways in which the Act does this is to limit the collection of personal information. No personal information may be collected by a public body unless the collection is expressly authorized by law, the information is collected for law enforcement, or the information is necessary for an operating program or activity of the public body that collects the information.

The FOIP Act also limits the use and disclosure of personal information. Generally, a public body can use and disclose personal information for the purpose for which the information was collected, or for a consistent purpose, with the individual’s consent, for law enforcement, or as authorized by law.

These limitations are intended to protect personal privacy, not to impede public bodies in collaborating to deliver integrated services. The Act has a specific provision that permits a public body to disclose personal information to another public body for the purpose of a common or integrated program or service. This provision reads:

40(1) A public body may disclose personal information only

- (i) to an officer or employee of a public body or to a member of the Executive Council, if the disclosure is necessary for the delivery of a common or integrated program or service and for the performance of the duties of the officer or employee or member to whom the information is disclosed.

This Bulletin will consider what constitutes a common or integrated program or service and the conditions that apply to disclosure for the purposes of a common or integrated program or service. The Bulletin will also offer examples of programs and services to which **section 40(1)(i)** may apply, and suggestions for public bodies establishing common or integrated programs and services.

Publications produced by Access and Privacy, Service Alberta, cited in this Bulletin are available on the FOIP website at foip.alberta.ca. Decisions, practice notes and publications issued by the Office of the Information and Privacy Commissioner of Alberta may be found on the OIPC website at www.oipc.ab.ca.

CONDITIONS THAT APPLY TO DISCLOSURE UNDER SECTION 40(1)(i)

A public body may disclose personal information under **section 40(1)(i)** *only* to an officer or employee of a public body or to a member of the Executive Council.

An “officer” means any person who holds an office in a public body, including an elected or senior official.

An “employee,” in relation to a public body, includes a person who performs services for the public body as a volunteer, appointee, student, or under a contract or agency relationship with the public body (**section 1(e)**).

Where a private contractor is performing a service or administering a program on behalf of a public body (not on its own behalf), the contractor is an “employee” of the public body for the purposes of the FOIP Act. A public body may disclose information to

the contractor, and to an employee of the contractor authorized to collect the information on behalf of the contractor.

A “member of the Executive Council” means a Minister appointed to head a ministry of the Government of Alberta.

Section 40(1)(i) permits disclosure only to an officer or employee of another *public body*, including a contractor providing services on behalf of a public body. This provision does not permit disclosure to a private-sector organization.

A public body may disclose information to an officer or employee of a public body or to a member of the Executive Council if the information is *necessary*

- for the purposes of a common or integrated program or service, *and*
- for the performance of the duties of the officer or employee or member to whom the information is disclosed.

Section 40(1)(i) provides the legal authority to disclose personal information to an official, employee or member of the Executive Council only if the information is required for that person’s duties with respect to the administration of the common or integrated program or service.

If one (or both) of these conditions is not present, a public body may disclose the personal information only with the consent of the individual the information is about or if the disclosure is otherwise authorized in **section 40**. Examples of permitted disclosures under other provisions of **section 40** include disclosure for the purpose of

- complying with an agreement made under an enactment (**section 40(1)(e)**),
- verifying suitability for a program or benefit (**section 40(1)(l)**), or
- a law enforcement investigation (**section 40(1)(q)**).

COMMON OR INTEGRATED PROGRAM OR SERVICE

A “common or integrated program or service” means a single program or service that is provided or delivered by two or more public bodies. The program or service may have several distinct components, each of which is provided or delivered by a separate public body. These components together comprise the common program or integrated service.

Each public body partner must be integral to the program or service. For example, a nursing practicum program requires the participation of both the post-secondary institution, and the health care body; the program would not function without the services of each body. In contrast, an arrangement where several public bodies contract with the same IT service provider is *not* a common or integrated program or service.

Public bodies may have clients in common, but that factor alone does not make a program or service common or integrated.

The following attributes of a program or service tend to indicate that a program or service is a common or integrated program or service for the purposes of **section 40(1)(i)** of the FOIP Act:

- legislative authority for the bodies to work together;
- common goals expressed in the program description or business plan;
- a formal agreement between public bodies, with proper authorization, explaining their roles and how the components fit together;
- terms of reference authorized or approved by heads of the public bodies;
- joint planning between the public bodies;
- collaboration or coordination in delivery in order to achieve common objectives or goals; and
- clear delineation of services being jointly delivered from those that are not.

Not all of the above attributes would be required in order for a program or service to be considered to be common or integrated. Nor is this an exhaustive list of all attributes that might be considered. But the presence of several of these attributes together would assist in that conclusion.

EXAMPLES OF COMMON OR INTEGRATED PROGRAMS OR SERVICES

The section offers examples of common or integrated programs or services that are currently in operation. Other programs and services may be similar or may take a different approach.

Child and Family Service Authorities

Authorities are established under the *Child and Family Service Authorities Act*. That Act, in section 9(1)(h), specifically gives the Authorities the mandate to work with the Government of Alberta, other Authorities and other public and private bodies to coordinate the provision of child and family services.

The Act also sets out the relationship between the authorities and the Government of Alberta and gives the Minister of Children and Youth Services power to set rules for records management, data storage and transmission and the sharing of information with service providers.

There is legislative authority for the programs and for joint delivery and there are agreements in place between the authorities and the government which govern the administration of the programs.

For example, the following public bodies could possibly be involved in delivery of these programs:

- Department of Children and Youth Services,
- Department of Employment and Immigration,
- Department of Education,
- Department of Health and Wellness,
- Child and Family Services Authorities,
- Persons with Developmental Disabilities Boards,
- educational bodies,
- health care bodies,

- municipalities,
- Metis settlements, and
- police services.

Post-secondary educational bodies

Examples of common or integrated programs and services used in universities would be:

- conjoint nursing programs that require the disclosure of personal information between the program departments;
- programs that require a student to attend two separate colleges to complete the program, such as Emergency Medical Technician programs; and
- programs that include work placement or practicum requirements, often in another public body, such as a health care body or housing management body (e.g. the Nurse Practitioner Diploma program).

School-housed public libraries

Some public libraries are housed in a local school. These libraries generally provide both school and public library service from the same facility. The client databases are often merged and staff may provide service to both sets of clients. Sometimes staff are employed by different public bodies to provide this service; for example, school board staff provide service during the day, and town staff provide service evenings and weekends.

Administration

Some public bodies share administrative resources to increase efficiency and reduce costs. Municipalities may provide central human resource and financial services to other local government bodies such as library boards, police services and municipal boards and agencies. These may include provision of temporary staff services, pay and benefits services and accounts payable and receivable.

In *IPC Investigation Report 2000-IR-006*, the portfolio officer found that the City of Calgary's Human Resources department offered a common program or service to its public body corporations,

including the Police Service, Public Library and the Parking Authority.

Municipalities may also be partners with educational bodies and government departments in the provision of services under the *Family and Community Support Services Act*, including after-school care, and family-school liaison services.

STEPS TO TAKE WHEN IMPLEMENTING A COMMON OR INTEGRATED PROGRAM OR SERVICE

The FOIP Act does not set out the requirements for the establishment of common or integrated programs or services. The following advice is offered for the consideration of public bodies that wish to operate in a manner consistent with the purposes and principles of the Act.

When designing a new common or integrated program or service that involves personal information, consideration should be given to completing a privacy impact assessment as part of the program proposal. If the program or service involves particularly sensitive personal information, and an integrated computer system is involved, a privacy impact assessment is warranted. It is desirable to provide privacy impact assessments to the Information and Privacy Commissioner for review and comment.

When public bodies are implementing such programs or services, they should ensure that individuals participating in the program are notified of all the partners and of the collection and disclosure of personal information. It is important that the notice inform the clients how their information will be used, and by whom.

When some of the public bodies participating in a common program have law enforcement responsibilities, it is very important that clients are aware of their involvement. Law enforcement includes the operations of the police and RCMP, but also includes other kinds of law enforcement, such as investigations under the *Child, Youth and Family Enhancement Act*. For example, if a student or other client asks a social worker for assistance with a drug addiction problem, the client should be aware from the

notice whether this information may be disclosed to the police department.

When disclosing personal information collected for the delivery of the common program or service, public bodies should normally

- disclose information in non-identifiable form whenever possible;
- disclose personal information only to those who need to know the information;
- disclose only to the extent necessary for program or service delivery, and ensure that personal information is not used for any other purpose;
- note disclosures on the client records; and
- specify which public body will have custody or control over certain records for the purposes of responding to access requests, requests for correction and privacy complaints.

Within the common program, an officer or employee may disclose personal information to other staff when the information is necessary for them to do their jobs. It is important that the public body collecting personal information take steps to ensure that the information is protected and only seen and used by those who need it for program or service delivery. All staff need to be aware that the information cannot be used or disclosed outside the common program, even within the public body, unless another provision of the FOIP Act permits the use or disclosure.

For example, if a client provides income information to Common Program A as part of an application to receive financial aid, that personal information cannot

be disclosed to Program B within the same public body and used to make decisions about eligibility for Program B, unless that disclosure is authorized under the FOIP Act.

Whenever possible, public bodies should notify clients of anticipated uses and disclosures at the time personal information is collected. In these cases, a record of disclosure should be maintained on the client files so that individuals can be informed of how their personal information has been disclosed, and, if they believe a disclosure is improper, can ask the Information and Privacy Commissioner to investigate the disclosure.

In many cases it will be possible to disclose information without identifying individuals. Individuals can be given an identifier known only to the disclosing public body. Only when the name or other personal information is essential to program or service delivery should it be disclosed.

For further discussion on information-sharing agreements under the FOIP Act, see the *Guide for Developing Personal Information Sharing Agreements*, produced by Access and Privacy, Service Alberta. For model clauses that may be used in agreements, see *Managing Contracts under the FOIP Act: A Guide for Government of Alberta Contract Managers and FOIP Coordinators*, also produced by Access and Privacy.

Currency

This Bulletin takes into consideration decisions issued by the Office of the Information and Privacy Commissioner of Alberta up to December 31, 2008.

Purpose

FOIP Bulletins are intended to provide FOIP Coordinators with more detailed information for interpreting the *Freedom of Information and Protection of Privacy Act*. They supply information concerning procedures and practices to assist in the effective and consistent implementation of the FOIP Act across public bodies. FOIP Bulletins are not a substitute for legal advice.

Further Information

Access and Privacy
Service Alberta
3rd Fl., 10155 – 102 Street
Edmonton, Alberta T5J 4L4
Phone: 780-427-5848
Website: foip.alberta.ca