# Public Sector Compensation Transparency Act

**Technical Guide on June Compensation Disclosure for Public Sector Bodies** 

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## **Introduction and Application**

#### **Purpose**

This guide is to help public sector bodies fulfill their annual June disclosure obligations under the <u>Public Sector Compensation Transparency Act</u> (PSCTA), including how to prepare and publish the statement of remuneration. The guide establishes the form and manner of disclosure under section 3 of the Act.

#### **Background**

PSCTA requires public sector bodies to publicly disclose all remuneration paid to members and the remuneration paid to employees earning more than the stated threshold for that calendar year. This disclosure is done by publishing a statement of remuneration, which sets out the required information for each employee over the threshold and for each member. The statement of remuneration must be published by June 30 each year for compensation paid in the previous calendar year.

The <u>Public Sector Compensation Transparency General Regulation</u> (General Regulation), requires <u>some</u> public sector bodies to publicly disclose employment and severance contracts for <u>certain</u> members and employees. There are contract disclosure requirements each June and December. For more information on the disclosure requirements for December, please view the Technical Guide on December Severance Disclosure, under the resources for public sector bodies section.

This guide details the requirements for the **June** disclosure.

#### What is a public sector body?

PSCTA applies to public sector bodies and other entities, including Government of Alberta employees. This technical guide sets out requirements for public sector bodies only.

A public sector body is:

- A public agency to which the <u>Alberta Public Agencies Governance Act</u> applies and any subsidiaries, except those entities exempted by the <u>General Regulation</u>
- The following Offices of the Legislature:
  - o the Legislative Assembly Office
  - the Office of the Auditor General
  - o the Office of the Ombudsman
  - the Office of the Chief Electoral Officer
  - the Office of the Ethics Commissioner
  - o the Office of the Information and Privacy Commissioner
  - o the Office of the Child and Youth Advocate
  - o the Office of the Public Interest Commissioner
- Covenant Health and its subsidiaries

• Any part or all of a person, an organization or a body, whether incorporated or not, that is identified in the regulations as a public sector body

#### Who is an employee or member?

An employee is an individual employed at a public sector body, usually a person to whom the public sector body issues a T4. This definition could include seconded employees and anyone who has earned income from a public sector body in the disclosure period being reported, even if they are not employed by a public sector body at the time of disclosure.

The disclosure for a seconded employee will generally be reported by the organization that pays the employee and issues the T4. This is generally the "home" organization and not the organization for which the employee is temporarily working.

In the case of a public sector body that is a corporation, a "member" is a board member, council member or member of its governing body. If the public sector body is not a corporation, a "member" may be any person sitting on an advisory or adjudicative board.

This generally includes people appointed to positions by Order in Council or Ministerial Order. For example:

- The chair and members of the board of directors of the Alberta Energy Regulator are "members" for the purposes of PSCTA.
- Individuals appointed to the Municipal Government Board and the New Home Buyer Protection Board are "members" for the purposes of PSCTA.

## **Content for June disclosure**

Section 3 of PSCTA requires public sector bodies to publish a statement of remuneration that discloses the following information from the previous calendar year (i.e. January 1 to December 31):

- All remuneration paid to employees earning more than the threshold stated for the calendar year
- All remuneration paid to members (regardless of the threshold)
- Employment and/or severance contracts for:
  - Employee and/or member positions identified in Column 1 of Schedule 1 of the <u>Reform</u> of Agencies, <u>Boards and Commissions Compensation Regulation</u>
  - o The Chief Executive Officer of Alberta Health Services
  - o The Chief Executive Officer of the Alberta Electric System Operator

Under section 2.1(2) of the General Regulation, the following are excluded from contract disclosure:

• An employee who does not exceed the threshold

- An individual who is already excluded from the Reform of Agencies, Boards and Commissions Compensation Regulation under section 2(2)
- An individual who is compensated on an hourly or daily rate, or on a similar basis, and is non-salaried
- Any contract that has already been disclosed under PSCTA or its regulations and that remains public

Individuals who have been granted an exemption under section 6 of PSCTA are excluded from disclosure.

The statement of remuneration must be published by June 30 each year for compensation paid in the previous calendar year. More details on the information to be included in the statement of remuneration is set out below.

#### What is included in the statement of remuneration?

PSCTA and the General Regulation define compensation, severance, and non-monetary benefits. These definitions together are intended to capture all remuneration of any kind provided to an employee over the threshold and all remuneration of any kind provided to a member. All remuneration should fit into one of the categories without duplication, and all remuneration is required to be disclosed.

All of the following information is to be included in the statement of remuneration:

- The employee's or member's name
- The position or appointment the employee or member last held during the previous calendar year
- The amount of compensation the employee or member received during the previous calendar year
- The amount or value of all non-monetary benefits provided to or in respect of the employee or member during the previous calendar year
- The amount of severance, if any, paid to the employee or member or to which the employee became entitled during the previous calendar year
- Subject to the exclusions in section 2.1(2) of the General Regulation, the link to employment and/or severance contracts for all members and for those employees who earned more than the threshold. This requirement only applies to:
  - Employee and/or member positions identified in Column 1 of Schedule 1 of the <u>Reform</u> of Agencies, Boards and Commissions Compensation Regulation
  - o The Chief Executive Officer of Alberta Health Services
  - o The Chief Executive Officer of the Alberta Electric System Operator
- The public sector body making the disclosure
- The year to which the disclosure relates

Please see Figure A, below, for a sample disclosure:



Figure A

#### Determining whether an employee is over the threshold

To determine whether an employee is over the threshold in any year, add the total compensation the employee received in the previous calendar year plus any severance that was paid, or that became payable, to the employee in the same year. Details on how to calculate compensation and severance are set out in the sections below.

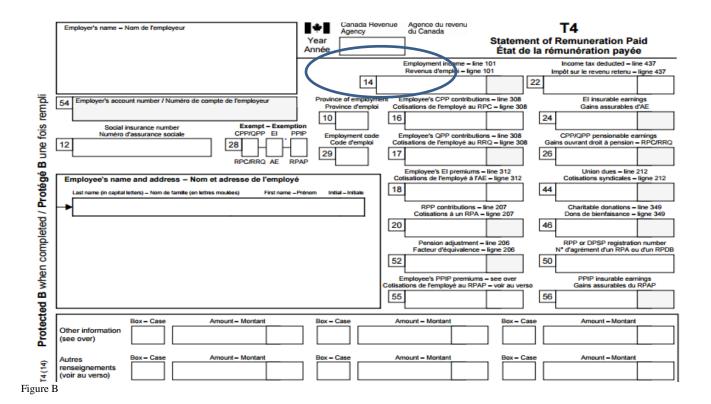
Members—board members, council members or members of a governing body, advisory or adjudicative board—are not subject to any threshold. Therefore, a public sector body must report all compensation, severance, or non-monetary benefits provided to a member. A person who sits on more than one board will have compensation reported separately by each board.

#### **Determining compensation**

Compensation is the total of all amounts paid and benefits provided in a year by a public sector body to an employee or member that are required for tax purposes to be included in that employee's or member's income for that year. Compensation does not include any amount of severance paid in respect of that year.

Compensation can be calculated as follows:

Begin with Box 14 of the employee's T4 slip (Figure B).



- Subtract any amount included in Box 14 for severance. The calculation of severance is set out in the section below.
- Add remuneration paid as honoraria or retainers if not already included in Box 14 or if payment is made to a person who does not receive a T4 slip.

Compensation includes any amount paid to an individual who is tax-exempt under other legislation, such as the *Indian Act*. In that case, the disclosure should include the total compensation calculated as though the person was not tax-exempt.

## **Determining severance**

PSCTA defines severance as:

- Any remuneration paid or payable to an employee or member in lieu of, or supplementary to, notice of termination of employment or appointment, and
- Any salary or remuneration paid or payable to an employee or member after permanent termination of the employee's employment or the member's appointment or status as a member.

Severance is only reported after an employee or member has been terminated. If an employee has a severance provision in an employment contract, but that employee's employment has not been terminated, then the severance provision is not disclosed.

Severance may include different forms of payments:

- If an individual has left their position and is no longer working for the employer but continues to be an employee for payroll purposes (e.g. during a notice period), those amounts are defined as severance.
- A settlement relating to termination of employment, including any damages amounts for employment related items, is also counted as severance.

Severance includes amounts payable in the following or future years where that amount is known. For example, if an employee is terminated in February of the previous calendar year, and the severance terms include a lump sum payment in both February of the previous calendar year and February of the current calendar year, then both amounts are reported in the disclosure for the previous calendar year. The lump sum payment in February of the current calendar year will not be reported again in next year's disclosure.

#### Severance is calculated by:

- Including any severance deducted from the calculation of compensation as described above.
- Adding any retiring allowance reported in boxes 66 to 69 included of the employee's T4 slip. These amounts are not generally included in Box 14.
- Adding any amount payable in the next calendar year in lieu of notice of termination.
- Deducting any amount payable as part of a lump sum settlement on termination not related to severance.

## **Determining other (non-monetary) benefits**

PSCTA requires non-monetary benefits to be disclosed. These are other benefits provided to an employee that are not reported in one of the other categories and include the employer's portion of pension contributions for the employee or member.

Many benefits will be reported for tax purposes as compensation. Benefits reported in Box 40 of the T4 are included in Box 14 and are reported as compensation. The "other" category includes only those benefits paid or provided by the employer that are not included in compensation.

#### Other benefits can be calculated by:

- Including the public sector body's portion of pension contributions.
- Including benefits paid or provided by the public sector body to an employee or member that are not included in compensation, such as:
  - o the employer's portion of pension contributions
  - o the employer's portion of Canada Pension Plan and Employment Insurance contributions.
- Adding any other monetary remuneration the employee or member receives as a non-taxable allowance.

Do not report expenses the employer reimburses in the statement of remuneration.

#### **Disclosing the Statement of Remuneration**

#### How and when to publish the statement of remuneration

The statement of remuneration and any employment and/or severance contracts, where applicable, must be made public no later than June 30 of each year as part of the requirements set out in the <u>Appendix</u>.

The technical requirements in the Appendix ensure a consistent data format and presentation for public access and posting on the Alberta.ca website in the Public Sector Body Disclosure section. These requirements serve as the form and manner in which public sector bodies are required to disclose their information and notify the Minister.

To disclose the statement of remuneration and any applicable employment and/or severance contracts:

- Identify remuneration paid out between January 1 and December 30 of the previous calendar year.
  - o All remuneration paid to members must be disclosed, regardless of the threshold amount.
  - All remuneration paid to employees earning more than the <u>threshold</u> amount must be disclosed.
- Identify certain employment and/or severance contracts that have exceeded the threshold amount. If there are contracts to disclose, work with the appropriate areas in your organization to ensure the proper redactions have been done before posting online. This requirement only applies to:
  - Employees and/or member positions identified in Column 1 of Schedule 1 of the <u>Reform</u> of Agencies, <u>Boards and Commissions Compensation Regulation</u>
  - o The Chief Executive Officer of Alberta Health Services
  - o The Chief Executive Officer of the Alberta Electric System Operator
- Build off the Comma Separated Value (CSV) file used to post the previous disclosure, and add in the year and corresponding compensation amount(s) and employment and/or severance contract(s) as appropriate. Refer to the <a href="https://example.com/Appendix">Appendix</a> for details on the technical requirements.
- Follow the link provided in the <u>Appendix</u> to a validator tool the Government of Alberta has provided to ensure the data meets the posting requirements. Once the validator has confirmed the data, proceed with posting on your agency's website or other website as appropriate.
- Notify <a href="PASInfo@gov.ab.ca">PASInfo@gov.ab.ca</a> if the link to the CSV file has changed from previous disclosure. PAS will then confirm the change.
- Submit the URL (web link) to where the CSV file is posted to the validation website. Doing this will include disclosures in a consolidated interactive grid that will also link to each public sector body's disclosure website.

Note: Public sector bodies are only required to post a CSV file. Posting to an interactive grid on their website is optional. Refer to the June Compensation Disclosure for Public Sector Bodies Step-by-Step Guide for more details.

#### Redacting employment and/or severance contracts

When disclosing contracts, the public sector body must ensure it has removed the following personal information:

- The employee's or member's home address (including the actual street address, house number and city)
- Any signatures
- Any other personal information that, in the opinion of the Minister, constitutes an unreasonable invasion of the personal privacy of the employee or member

If the public sector body is not clear on what information should be redacted, it is encouraged to seek legal advice. The public sector body is accountable to review and ensure all employee and member information has been redacted appropriately before it publishes any employment or severance contracts.

#### Public sector bodies without an online presence

Some public sector bodies are small, unincorporated bodies with no employees. They may only have a presence as part of a Government of Alberta departmental website or they may have no online presence at all.

If they do not have their own website, the government department responsible for these public sector bodies will help them with the public posting requirements. For assistance, smaller public bodies should contact their responsible government department.

## Public sector bodies whose members or employees are paid by the Government of Alberta

Some public sector bodies have members or employees that are paid through the Government of Alberta's payroll system. In these cases, the government will provide the necessary information to the public sector body, which will verify the information, remove any exempt employees, and make the required disclosure.

## Disclosing the statement of remuneration to the Minister

PSCTA requires public sector bodies (except Legislative Offices) to provide the statement of remuneration to the Minister. This disclosure involves completing the self-service validation and submission described in <u>Appendix Section E: Validation Website Instructions</u>. If a public sector body has no employees earning over the threshold **and** no members receiving compensation, severance, or non-monetary benefits, disclose as set out in the Nil Report section below.

If the official name of the public sector body, the posting page URL, or technical contact information has changed, email <a href="PASInfo@gov.ab.ca">PASInfo@gov.ab.ca</a> with the updated information. Notice of these changes is required before the disclosure process described in Appendix Section E can be completed.

#### Nil reports

If a public sector body has no employees earning over the threshold **and** no members receiving compensation, severance, or non-monetary benefits, the public sector body must advise the public and the Minister of Justice and Solicitor General that there is no disclosure by:

- Completing the Nil Report form or
- Writing a letter from the highest-ranking officer with the following information:
  - A statement that, to the best of the person's knowledge and belief, there are no employees of the organization who earned more than the stated threshold in compensation and/or severance during the last calendar year, and there were no members who received any amount of compensation, severance and non-monetary benefits
  - o The signature of the highest-ranking official and their position or title
- Posting the link to the Nil Report to the public sector body or responsible department's website.
   If a Nil Report or remuneration report from a previous year already exists, they must be available from the same web page.
- Emailing the form or letter to <a href="PASInfo@gov.ab.ca">PASInfo@gov.ab.ca</a> with **subject line: PSCTA Nil Report**. Information on the name of the public sector body as well as the website or link to where the Nil Report is posted (including previous years) should also be included in the email.

If a public sector body has at least one member who earns compensation, severance, or non-monetary benefits, the public sector body must complete the disclosure for the year for all members, indicating those who earn zero.

#### **Duration of disclosure**

Once disclosure under PSCTA is completed and the information is publicly available, public sector bodies are required to keep their disclosures available through the disclosure page for five (5) years from the date they were initially required to be disclosed.

#### Immediate Disclosure for Dissolved Public Sector Bodies

The <u>Public Sector Compensation Transparency Dissolved Public Sector Bodies Regulation</u> requires that before being dissolved, amalgamated, or otherwise ceasing to exist, a public sector body must disclose:

- A statement of remuneration for the current calendar year
- A statement of remuneration for the previous calendar year, if not yet disclosed

If the dissolved or amalgamated agency had positions listed under Column 1 of Schedule 1 of the <u>Reform of Agencies</u>, <u>Boards and Commissions Compensation Regulation</u> or was otherwise required to disclose employment and severance contracts, these would also need to be disclosed at that time.

If a public sector body cannot make the required disclosure, it must provide to the responsible Alberta government department the information needed to make that disclosure, under section 2 of the Public Sector Compensation Transparency Dissolved Public Sector Bodies Regulation. Information provided to the responsible government department should be in a format that can help the department disclose the information quickly.

Once the responsible department receives the required information, it must make the disclosure as soon as possible and no later than June 30 of the calendar year following the year in which the public sector body was dissolved, amalgamated, or otherwise ceased to exist. If the public sector body does not provide the required information, the responsible department must make a disclosure based on the available information.

Disclosure should be made in a way that is consistent with the format outlined in the Technical Guide and/or other resources available for the relevant year or, if unavailable, resources from the previous year.

#### **Correction of Disclosure**

If a public sector body discovers an error in the published disclosure, the public sector body must:

- Correct the information on the public sector body's disclosure page as soon as possible relative to the nature of the error, but at the latest by the next disclosure deadline
- Repeat the validation process described in <u>Appendix Section E: Validation Website Instructions</u>
- Post a statement or note on the public sector body's disclosure page, or linked directly from the page, noting that corrections were made and what they were
- Write a letter to the Minister of Justice and Solicitor General, and include:
  - A statement that the disclosure has been corrected
  - What the correction was and the reason for the correction
- Send the letter to <a href="mailto:PASInfo@gov.ab.ca">PASInfo@gov.ab.ca</a>

#### **Contact Person at Public Sector Bodies**

Each public sector body must appoint a contact person for inquiries about compensation disclosure, including exemption requests. The contact person will work with the relevant government department and the public sector body to help coordinate exemption requests and responses to inquiries.

The name and title of the contact person must be posted publicly on the public sector body or responsible department's website and also provided to the government official assigned to that public sector body. Information on assigned officials is also available through the public sector body's responsible Alberta government department.

### **Exemptions for Individuals Based on Safety**

PSCTA authorizes the Minister of Justice and Solicitor General to exempt a public sector body from the requirement to disclose specific employee or member if, in the Minister's opinion, the disclosure could unduly threaten the safety of the employee or member.

Either an individual, or a public sector body on behalf of an individual, may apply for a safety exemption.

Further information on the exemption policy and process, including the deadline to request an exemption, may be requested via email at PASInfo@gov.ab.ca with subject line: PSCTA Exemptions.

For individuals who have been granted an exemption, the public sector body must ensure that the individual's information is not disclosed according to the terms of that exemption.

### **Appendix** — Information Technology Requirements

#### A. Disclosure web page description

A public sector body will post its disclosure on its own website or, for those without an online presence, as described in the section "Public Sector Bodies without an online presence" above.

The <u>Public sector body compensation disclosure web page</u> lists each public sector body and the consolidated public sector body compensation database. Records in the consolidated database link back to the source location of the compensation data on the public sector body web page.

Information about PSCTA or compensation data, including definitions and other explanatory text, may be included on each public sector body's website as appropriate.

#### B. Web page requirements

This section documents the full minimum requirements for each public sector body's disclosure web page.

Organizations can—but do not have to—work together to develop disclosure pages, including consolidating data into group webpages.

Public sector bodies may keep their existing visual identities and website layouts. However, they must present the same information in the same way as follows:

- Web pages linked from the Government of Alberta's web page must directly display the public sector body's disclosure webpage, rather than making the user follow other links.
- The web page must link to the consolidated <u>Public Sector Body Compensation Database</u>.
- Compensation data does not have to be displayed in a grid or table on each public sector body's
  disclosure web page, but the data must be posted in CSV format with a link available to
  download the data.
- PDF attachments must be publicly accessible but do not need to be available from the same location. URLs to the attachment's location are to be included in the CSV file so PDFs do not need to be directly linked from the disclosure web page.

## C. Downloadable file requirements

Disclosure web pages either provide a link directly to a downloadable CSV file containing the remuneration data or to a dedicated page, such as an Open Data site, that has a clearly visible link to download the CSV file containing the remuneration data. When linking to a web page, it must be a page specific to the disclosure data.

Remuneration data across years or disclosure periods must be in a <u>single CSV</u> file, not one per year or other time period. Public sector bodies that wish to exclude the Name column when users follow the download link for Open Data licensing may continue to do so with a separate CSV file.

The requirements for the downloadable CSV file are as follows:

- Commas are to be used as the value separator, with double quotes encasing values containing commas.
- Column headings are to be included as the first line of the CSV file:
  - Column names and order are: PublicSectorBody, Name, Position, Year, Compensation,
     Other, Severance, ContractAttachment, TerminationAttachment
- Column heads **must** appear in the CSV file exactly as indicated below:
  - o **PublicSectorBody** name of public sector body
  - Name of employee or member formatted as Last Name, First Name, with no space between comma and first name (e.g. Doe, John)
  - o **Position** can be abbreviated for longer position titles
  - **Year** full four digits
  - Compensation in plain decimal format including two digits for cents, excludes dollar sign and comma between thousands (e.g. 10250.00 not \$10,250); zeroes (e.g. 0.00) are to be used when the amount has been determined to be zero, but are not to be used in cases where the number is not yet known or disclosed (a blank value is to be used in such cases)
  - o **Other** non-monetary benefits; same format as compensation
  - o **Severance** same format as compensation, but value is 0.00 when no severance paid;
  - ContractAttachment publicly accessible http(s) URL to employment contract in the PDF/A (ISO 32000-1 or ISO 19005 compliant) format. In some cases, where more options are provided, PDF/A-2b is recommended, but other levels of PDF/A are suitable. Most PDF software, including Microsoft Office support explicit PDF/A formatting or a "standards mode" to achieve this. URL should be complete (i.e. including the protocol indicator [http:// or https://] and the full [not relative] URL)
  - o **TerminationAttachment** same format as ContractAttachment

#### D. Validation website overview

The validation website supports two modes of validation:

- Hosted CSV files can be validated and officially submitted by providing the URL of the CSV.
   The site will only accept submissions from known URLs; the existing disclosure sites will be used as the initial set of known URLs.
- Users may also validate prepared CSV files prior to hosting them on their own site. This mode cannot be used to submit the file officially, but provides the ability to check the validity of a CSV file prior to hosting it. Files that pass this validation will have to be submitted again.

Once the validation website has been provided with a CSV file or URL, it will scan the contents to ensure the formatting is correct. The validator **will not** confirm the accuracy or completeness of the disclosure. The validation includes such things as any missing or incorrectly named columns, invalid data types (e.g. text in a numeric column), etc.

Any issues encountered during validation that would prevent the contents from being included in the Consolidated Public Sector Body Disclosure will be noted as **errors**. In some cases, it will also flag unusual content (e.g. very long names) and other minor or potential issues as **warnings**. Warnings will not prevent submission but should be examined carefully to ensure the contents are in fact as intended.

To report problems with or obtain assistance using the validation website, please contact PASInfo@gov.ab.ca.

#### E. Validation website instructions

A self-service tool is available on the <u>Public Sector Disclosure Validation website</u> to assist in the validation of the downloadable CSV file. The validation website is also a way to notify the applicable Alberta government department when the process has been successfully completed, so the updated data can be incorporated in the <u>Consolidated Public Sector Body Disclosure</u>.

The validation process includes the following steps:

- 1. Determine if you have data that must be added to your disclosure at this time.
- 2. Prepare your disclosure as usual, using a spreadsheet, database, or other tools. You will need to include previous disclosure data within a single file. The simplest way is to add new rows to the previously used file to avoid this complication. There should only be one line or record per individual, per year.
- 3. Upload any PDF attachments to the desired web page location and include the links to each as appropriate in your disclosure file in the ContractAttachment and/or TerminationAttachment columns.
- 4. "Save As" a CSV file containing all data for the current and prior in-scope years, using the same name, resulting in a single CSV file representing the entirety of the disclosure. If the file name has changed, you will need to update links on your web page. Please also notify <a href="PASInfo@gov.ab.ca">PASInfo@gov.ab.ca</a> of any updated links.
- 5. Visit the validation website and choose the option that begins with "Step 1 Pre-validation Check." Drag and drop or browse to your CSV file and press "submit." A window will pop up indicating if the submission was valid or invalid. Click on "Close & View Validation Report" to view any warnings and/or errors on the next screen. For additional information, click on "View Detailed Results."
- 6. Return to the spreadsheet to address any errors and review the warnings, making any other changes as needed, then "Save As" or extract again to generate a new CSV file. You may repeat

- Step 5 as many times as necessary until you have no errors and/or determine the warnings are acceptable.
- 7. After completing steps 5 and 6, ensure the CSV is uploaded to your disclosure website, replacing the previous file.
- 8. Visit the validation website again and choose "Step 2 Submit URL to CSV File" that logs validation successes, then provide it with the URL of the CSV file on your website and press "submit." If there are further errors or warnings, return to Step 5.
- 9. Once submitted, the site will confirm success, and no further action is required.

If you have previously published a separate CSV without the name column on your disclosure page, you should now update this file by taking the validated CSV, removing the name column and uploading this in addition to the complete file.

#### F. Definitions

**CSV** – Abbreviation for Comma Separated Value. Used to refer to a specific file format in which tabular data is presented by separating cells in each column with a comma and each row on a new line. While minor variations in the standards exist, this commonly used format is among the most accessible means of sharing basic structured data.

The CSV file format (as opposed to XLS), is required to ensure a uniform formatting structure for all the data contained within the file. This is key to both the design structure of the disclosure processes and in simplifying the readability of the data when downloaded. In addition, though CSV files are created within Excel, there are many applications capable of reading CSV files (e.g. a text editor), whereas XLS files can only be read by applications that have been especially written to read their format.

**URL** – Abbreviation for Uniform Resource Locator. Reference to, or address of, a web page. For example, http://www.alberta.ca is a URL for the Government of Alberta homepage.