

Freedom of Information & Protection of Privacy

Annual Report 2017–2018

Alberta 

December 2019

Honourable Nathan Cooper
Speaker
Legislative Assembly of Alberta
325 Legislature Building
10800 – 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Sir:

In accordance with section 86 of the *Freedom of Information and Protection of Privacy Act*, I present the 22nd Annual Report of the operation of this Act for the fiscal year 2017-18.

Respectfully submitted,



Honourable Nate Glubish
Minister, Service Alberta

Table of Contents

1. Highlights	1
2. FOIP Statistics – Requests to Government Departments, Agencies, Boards and Commissions.....	2
2.1 Providing Access to Public Body Records	2
2.1.1 Top 10 Access Requests in 2017-18	2
2.1.2 Who Made Access Requests	3
2.1.3 Information Released to Albertans.....	3
2.1.4 Why Information was not Released	4
2.1.5 Response Times	5
2.2 Privacy Compliance	6
2.3 Training and Resources	6
2.4 National Initiatives	7
3. FOIP Statistics – Requests to Local Public Bodies	8
3.1 Providing Access to Public Body Records	8
3.1.1 Top 10 Access Requests in 2017-18	9
3.1.2 Who Made Access Requests	9
3.1.3 Information Released to Albertans.....	10
3.1.4 Response Times	10

1. Highlights

In the 2017-18 fiscal year, provincial government public bodies, including Government of Alberta departments, agencies, boards and commissions, received almost 3,500 access requests, an increase of about 400 requests over 2016-17.

The Government of Alberta provided guidance to Albertans on the *Freedom of Information and Protection of Privacy (FOIP) Act* and the *Personal Information Protection Act (PIPA)* through the FOIP-PIPA Help Desk by responding to more than 2,100 inquiries from individuals, public bodies and private sector organizations.

In addition, the Government of Alberta facilitated networking meetings for access and privacy professionals of provincial government public bodies, municipalities, post-secondary, and school jurisdictions. These meetings alternated between Edmonton and Calgary and helped spark important discussions on current access and privacy trends.

2. FOIP Statistics – Requests to Government Departments, Agencies, Boards and Commissions

3,448 access requests were made to provincial government public bodies in 2017-18; a 10 per cent increase from 2016-17.

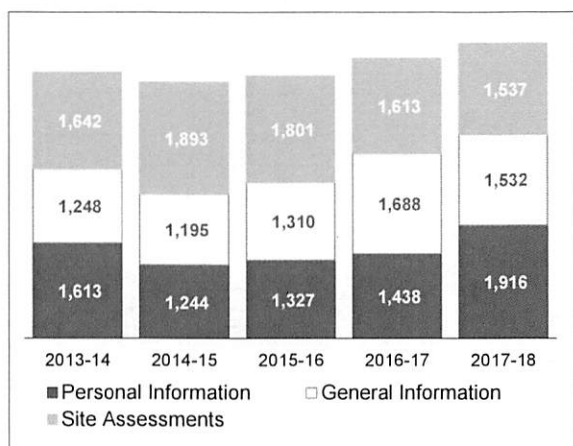
2.1 Providing Access to Public Body Records

Provincial government public bodies received 3,448 access requests; 1,532, or 44.4 per cent, were requests for records of general information; and 1,916, or 55.6 per cent, were requests from individuals for their own personal information.

In comparison to 2016-17, the total number of access requests received in 2017-18 increased 10 per cent.

Of the total 3,448 access requests, 3,172 were made to government departments and 276 were made to other provincial government bodies, such as agencies, boards and commissions.

Number of access requests received during the last five years*



* Excludes requests for correction of personal information.

* Excludes requests for site assessments, which are reported separately as part of proactive disclosure. In 2017-18, 1,537 site assessment requests were received, which is a five per cent decrease from 2016-17 (1,613)

2.1.1 Top 10 Access Requests in 2017-18

Top 10 List for General Information Requests:

Environment and Parks	388
Justice and Solicitor General	150
Labour and Immigration	75
Service Alberta	72
Transportation	66
Health	66
Energy	62
Executive Council and Intergovernmental Relations	61
Alberta Securities Commission	58
Treasury Board and Finance	55

- Departments that received the most general requests were Environment and Parks; Justice and Solicitor General; and Labour and Immigration (388, 150 and 75, respectively).
- Environment and Parks was in the top three for the third consecutive year.
- Justice and Solicitor General had a 63 per cent increase in general requests from 2016-17.

Top 10 List for Personal Information Requests:

Justice and Solicitor General	715
Children's Services	656
Community and Social Services	274
Advanced Education	45
Transportation	41
Health	32
Workers' Compensation Board	24
Provincial Archives	21
Education	11
Environment and Parks	11
Service Alberta	11

- Justice and Solicitor General; Children's Services; and Community and Social Services received the most personal requests (715, 656 and 274 requests, respectively).
- Children's Services and Community and Social Services placed in the top three for the second consecutive year.
- Education, Environment and Parks, and Service Alberta tied for 10th each with 11 personal requests received in 2017-18.

2.1.2 Who Made Access Requests

In 2017-18, more than half (55.6 per cent) of the total requests to provincial government public bodies were from individuals (general public) requesting access to their own personal information. This is an increase from 2016-17 where personal requests accounted for 46 per cent of total requests made to government bodies.

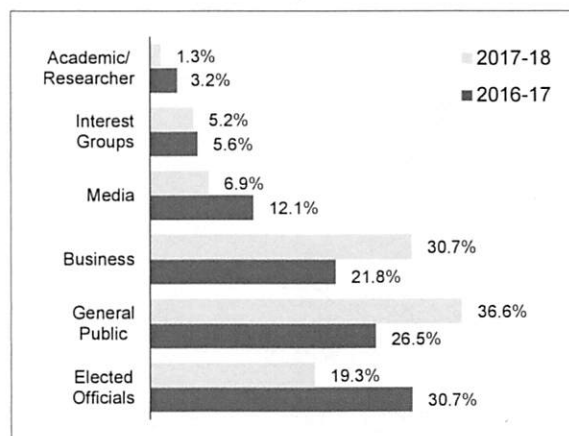
The "General Public" applicant category comprised the highest number of general requests made to provincial government public bodies at 36.6 per cent. This is an increase from

26.5 per cent of general requests made by that category in 2016-17.

The "Businesses" category was the second highest applicant submitting 30.7 per cent of all general requests.

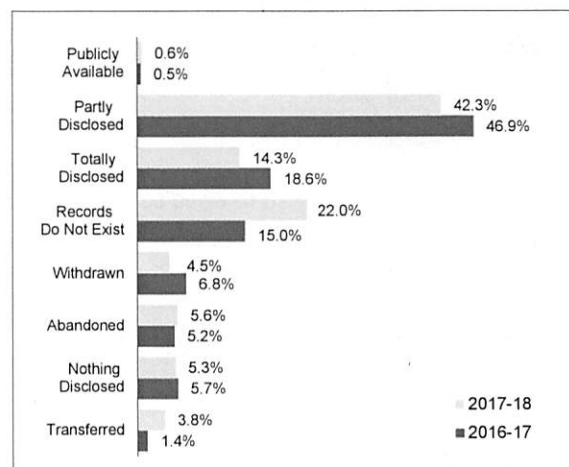
In previous years, the "Elected Officials" category made the most general requests to provincial government public bodies; in 2017-18, it dropped to third, submitting 19.3 per cent of all general requests.

Who Made Access Requests



2.1.3 Information Released to Albertans

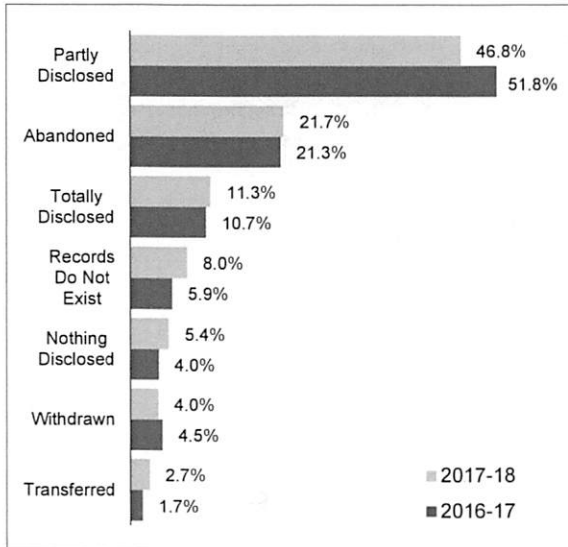
How Requests Were Processed: General Request Disposition



In 2017-18, majority of access requests to provincial government public bodies resulted in the disclosure of all or some records. Specifically, 965 or 92 per cent of general requests (with responsive records) and 1,078 or 91 per cent

of personal requests (with responsive records) resulted in disclosure. These percentages are in line with the previous fiscal year.

How Requests Were Processed: Personal Request Disposition*



* "Publicly available" is generally not a response for personal requests because personal records are not typically available to the public.

2.1.4 Why Information was not Released

Of the 4,340 exceptions/exclusions relied on to withhold information in 2017-18, a little less than half (2,168) were mandatory and the rest (2,172) were discretionary.

Access to records is subject to specific mandatory and discretionary exceptions or exclusions that are set out in the FOIP Act. This right of access does not extend to excepted information. If excepted information can be reasonably severed from a record, an applicant has a right to access the remainder of the record.

The following tables summarize the sections of the FOIP Act applied by provincial government public bodies to refuse disclosure to all or part of a record. The number of occurrences indicates

the number of requests where a particular section was referenced. As several sections may be used on a single request, the number of occurrences is not related to the number of requests.

Exceptions

Sections of the Act Used	Number of Information Occurrences
17 Third party - personal information	1,390
24 Advice from officials	829
27 Privileged information	473
21 Intergovernmental relations	272
20 Law enforcement	247
25 Harmful to economic or other interests of a public body	200
16 Third party- business/tax interests	162
22 Cabinet and Treasury Board confidences	118
29 Information otherwise available to the public	49
26 Testing procedures, tests and audits	33
18 Harmful to individual or public safety	32
12 Refuse to confirm or deny existence of a record	21
19 Confidential evaluations	15
28 Harmful to conservation	1

Exclusions

Sections of the Act Used		Number of Information Occurrences
4(1)(a)	Court/judicial records	221
4(1)(l)	Registry records	94
4(1)(q)	Communications between MLAs and/or members of Executive Council	67
6(4)(b)	Ministerial briefing for a session of the Legislative Assembly	27
4(1)(d)	Records of Officers of the Legislature	20
4(1)(u)	Health information as defined in the <i>Health Information Act</i>	18
4(1)(k)	Incomplete prosecution records	15
4(1)(p)	Speaker/MLA records in the Legislative Assembly Office	10
4(1)(g)	Examination/test questions	7
5	Other legislation paramount	7
4(1)(o)	Personal/constituency records of members of Executive Council	4
4(1)(m)	Personal/constituency records of members of an elected official	2
4(1)(b)	(Quasi) judicial notes, communications, draft decisions	2
6(4)(a)	Ministerial briefing for a new portfolio	1
4(1)(c)	Quality assurance records (health)	1
4(1)(i)	Post-secondary research material	1
4(1)(f)	Advice to Ethics Commissioner re: Conflict of Interest	1

2.1.5 Response Times

In 2017-18, the percentage of requests processed in 30 days or less was 62.5 per cent. This percentage represents an increase from 2016-17, which was 55.7 per cent.

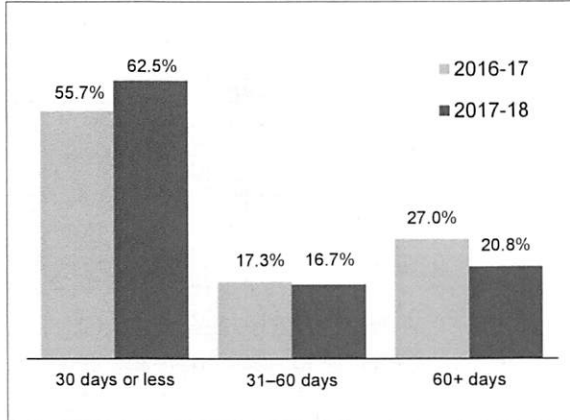
Under the FOIP Act, public bodies must make every reasonable effort to respond to a request no later than 30 days after receiving it unless that time limit is extended for reasons permitted by the FOIP Act.

The FOIP Act allows public bodies to extend that time limit for up to 30 more days in specific circumstances. When even more time is needed (beyond a 30-day extension), the FOIP Act has further provisions where the public body may ask the Information and Privacy Commissioner for permission to take an additional extension.

The 30-60-60+ statistics table visualizes the rate of responsiveness on the part of provincial government public bodies. The number of access requests processed in 30 days or less increased in 2017-18 to 62.5 per cent from 55.7 per cent one year earlier. For the time periods of 31-60 days and 60+ days, the per cent of access requests processed decreased in 2017-18 from 2016-17. For the 31-60 days period, the per cent decreased from 17.3 per cent to 16.7 per cent, and for the period of 60+ days, the per cent dropped from 27 per cent in 2016-17 to 20.8 per cent in 2017-18.

These values indicate that more than half of the requests to provincial government public bodies were completed within 30-days and that fewer time extensions were taken.

30-60-60+ Data



2.2 Privacy Compliance

The FOIP Act provides privacy protection for personal information in the custody or under the control of public bodies through its rules for collection, use, disclosure and retention of personal information. The FOIP Act also contains provisions regarding the protection and accuracy of personal information, and gives individuals the right to request a correction to their personal information in the custody or control of a public body.

Throughout 2017-18, the Government of Alberta continued to take steps to promote access and privacy best practices across government, through training and the development of resources.

2.3 Training and Resources

FOIP Instructor-led Training

In 2017-18, Service Alberta continued to use a service provider to deliver FOIP training courses to Alberta public bodies. Twenty-six courses were delivered throughout 2017-18, compared to 44 in the previous fiscal year.

FOIP Instructor-led Training 2017-18

Type of Course	Onsite	Scheduled	Total
General Awareness (1/2 Day)	5	0	5
Introduction and Privacy (Full Day)	1	6	7
Access to Information (Full Day)	1	6	7
Managing a FOIP Program (Full Day)	1	6	7
Total	8	18	26

Type of Attendee	Number
Provincial Government Public bodies	52
Local Public Bodies	461
Total	513

FOIP-PIPA Help Desk

The largest volume of queries related to the FOIP Act came from the public with 604 inquiries.

The unified FOIP-PIPA Help Desk for the FOIP Act and the PIPA, launched in 2016-17, continued to be in demand during its second year. In 2017-18, the Help Desk received 2,158 queries with 44.4 per cent (958) specifically about the FOIP Act. The number of calls represents an 11 per cent increase from the previous fiscal year.

Number of Help Desk Calls Responded to (2017-18)	
FOIP Act	958
PIPA	413
Redirects*	787
Total	2,158

* For "Redirects" callers are assisted in finding the information they require elsewhere.

Increasing Capacity in Alberta's FOIP Community

The Government of Alberta also continued its focus of increasing professional development within Alberta's FOIP Community. In 2017-18, Service Alberta supported and co-hosted eight "Communities of Practice" meetings in Edmonton and Calgary for access and privacy professionals from provincial government public bodies, municipalities, post-secondary, and school jurisdictions. The meetings facilitated discussion on common and current access and privacy trends.

Ongoing Training and Outreach

In 2017-18, Service Alberta continued its support of the annual Access and Privacy Conference, hosted by the University of Alberta Faculty of Extension. The conference offers insight, best practices and evolving trends in the access and privacy profession through workshops, lectures and networking with industry professionals. At the 2017 conference, Service Alberta provided a workshop on severing techniques by enacting real-life scenarios and exercises for participants to critically consider when exceptions from the FOIP Act are appropriately applied.

2.4 National Initiatives

Participation in cross-jurisdictional committees provides collaborative opportunities with jurisdictional counterparts across Canada.

Service Alberta continues to be part of the national privacy subcommittee reporting to the Public Sector Chief Information Officer Council and the Public Sector Service Delivery Council.

3. FOIP Statistics

– Requests to Local Public Bodies

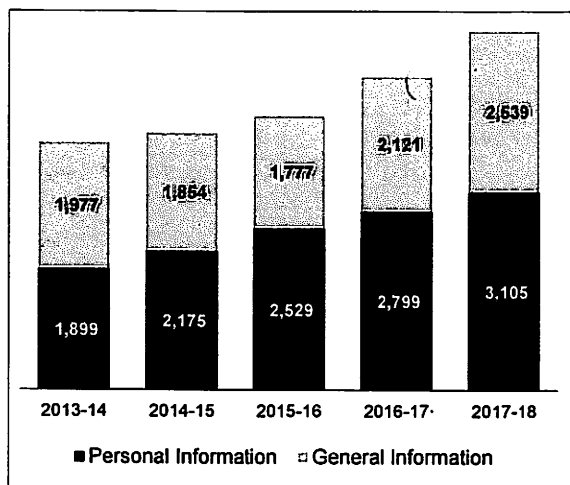
“Local Public Bodies” includes municipalities and other local governing bodies; schools; post-secondary institutions; health management bodies; housing management bodies; police services and commissions; Metis Settlements; public libraries; drainage districts; and irrigation districts.

5,644 access requests were made to local public bodies in 2017-18.

3.1 Providing Access to Public Body Records

For 2017-18, 5,644 access requests were made to local public bodies, a 15 per cent increase from 4,920 in 2016-17. Of those requests, 2,539 or 45 per cent were general requests, and 3,105 or 55 per cent were personal requests. These percentages are in line with the previous fiscal year.

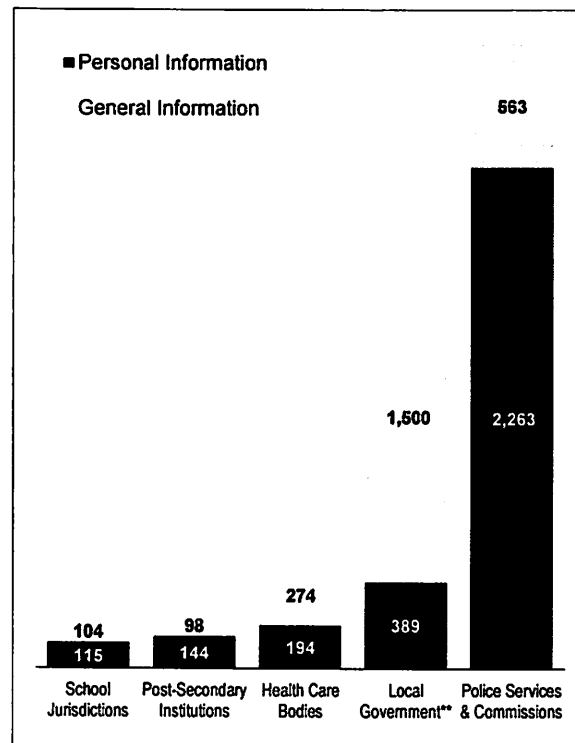
Numbers of Requests to Local Public Bodies*



* Excludes requests for correction of personal information.

Of the total access requests made to local public bodies, 2,826 or 50 per cent were to Alberta’s police services and police commissions. Furthermore, 2,263 or 40.1 per cent were requests for personal information.

Sectors that Receive Access Requests*



* Excludes requests for correction of personal information.

** Includes municipalities, improvement districts, special areas, regional service commissions, drainage and irrigation districts housing management bodies, Métis Settlements/General Council, and public libraries.

For the fifth consecutive year, the top three sectors receiving general requests remained unchanged:

- **Local Government:** Received 1,500 general requests, consisting of 59.1 per cent of all general requests and 26.5 per cent of all requests to local public bodies.
- **Police Services and Commissions:** Received 563 general requests, consisting of 22.2 per cent of all general requests and 10 per cent of all requests to local public bodies.
- **Health Care Bodies:** Received 274 general requests, representing 10.8 per cent of the general requests and 4.9 per cent of all requests received by local public bodies.

3.1.1 Top 10 Access Requests in 2017-18

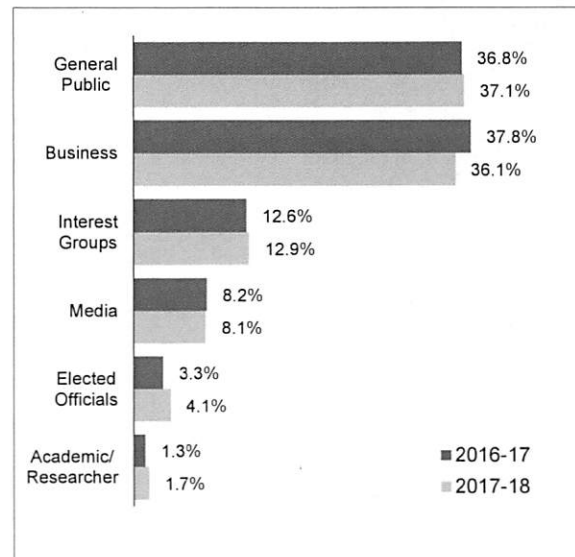
The “Top 10” identifies the local public bodies receiving the highest volume of general requests and personal requests.

Top 10 List for General Requests:	
City of Edmonton	387
Alberta Health Services	267
City of Calgary	262
Edmonton Police Service	224
Calgary Police Service	197
Rocky View County	174
Lethbridge Regional Police Service	123
City of Red Deer	72
Town of Morinville	69
City of St. Albert	46

Top 10 List for Personal Requests:	
Calgary Police Service	1,407
Edmonton Police Service	575
Lethbridge Regional Police Service	194
Alberta Health Services	191
City of Edmonton	147
City of Calgary	127
Medicine Hat Police	80
Greater St. Albert Roman Catholic Separate School District No. 734	51
University of Alberta	39
MacEwan University	34

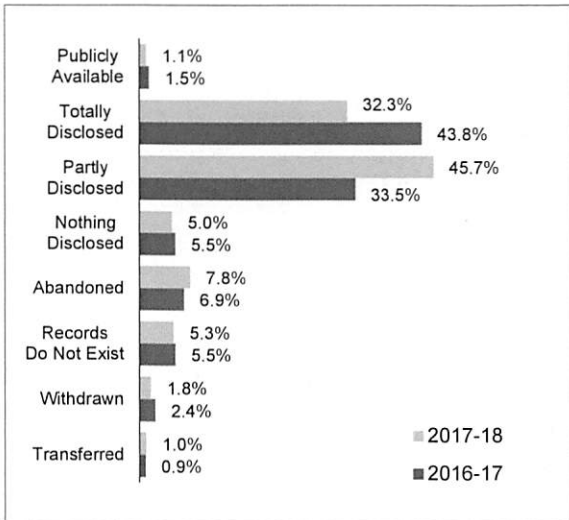
3.1.2 Who Made Access Requests

Who Made Access Requests



3.1.3 Information Released to Albertans

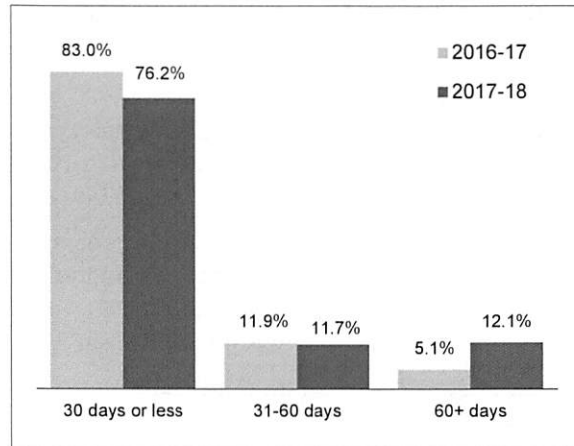
How Access Requests were Processed – General Requests



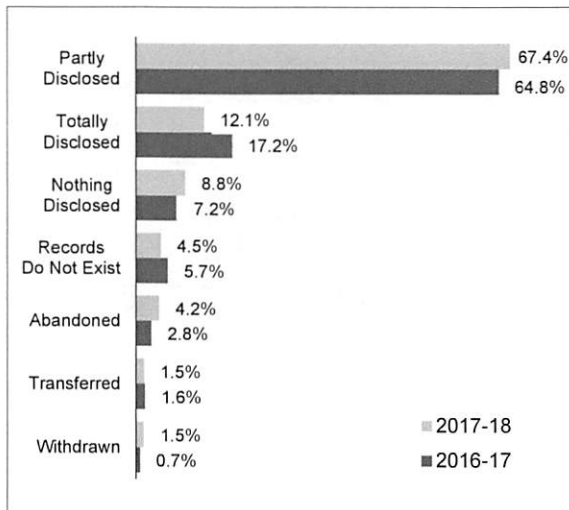
3.1.4 Response Times

About 76 per cent of local public bodies responded to access requests in 30 days or less.

30-60-60+ Data



How Access Requests were Processed – Personal Requests



Contact Information

Information Access and Privacy

Service Alberta

Office hours: Monday to Friday, 8:15 a.m. to 4:30 p.m.

Office phone: 780-422-2657

FOIP-PIPA Help Desk: 780-427-5848

Toll free: In Alberta, dial 310-0000 then enter 780-427-5848

Fax: 780-427-1120

Email: sa.accessandprivacy@gov.ab.ca

Website: www.servicealberta.ca/foip

FOIP Statistics: www.servicealberta.ca/foip/resources/statistics.cfm

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