

Alberta Privacy Legislation: A Guide for Elected Officials



 **Alberta
Municipalities**
Strength
In Members

This guide was produced by Reynolds Mirth Richards & Farmer LLP in collaboration with Alberta Municipalities.



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Introduction

This guide provides councillors with a high-level overview of the new privacy legislation in Alberta:

- the [Access to Information Act](#), SA 2024, c A-1.4
- the [Protection of Privacy Act](#), SA 2024, c P-28.5

These two Acts replace the *Freedom of Information and Protection of Privacy Act* and there are some notable [differences](#). Municipal Administrators have primary responsibility for ensuring compliance with the Acts. This guide explains how the Acts apply to municipal administration, and how the Acts affect the role of councillors. The goal is to help you understand these Acts and incorporate their principles into municipal governance. A separate, more comprehensive guide is available for municipal administrators.

ACCESS TO INFORMATION ACT

WHAT COUNCILLORS NEED TO KNOW

Access to Information

Purpose of the Act

The *Access to Information Act* allows individuals, by written request, to access records or personal information (such as a personnel file), that are held by the municipality or other public bodies. Any record that is in the possession of a public body could be subject to an access to information request. Access to information requests may include requests for records relating to: developments or capital projects, decisions of Council, decisions of administration, policies and procedures, financial records and accounting, enforcement, etc. However, there are a number of exceptions where municipalities are not required to share records.

How the Act applies to Municipal Administration

Municipal administration is responsible for managing access requests under the Act. [Section 12](#) requires that every reasonable effort is made to assist applicants and respond openly, accurately, and completely. [Fees](#) can be charged by the municipality for the handling of information requests.

There are some exceptions, in [Part 1, Division 2 of the Act](#), where disclosure is not required and may be prohibited. This includes where disclosing the information would be harmful to:

- Business interests of a third party
- Personal privacy
- Public safety or law enforcement
- Confidential evaluations, workplace investigations, complaints or audits
- Intergovernmental relations
- Local public body confidences
 - Includes private elected official meetings, bylaw drafts and advice from officials regarding pending policies or plans
- Interests of a public body

Requirements and deadlines

Municipalities must adhere to specific deadlines and requirements under the Act:

- **Responding to access requests:** Responses must be provided within **30 business days** (defined as weekdays that are not a holiday or part of the Christmas break) of receiving a request, unless an [extension](#) is granted due to a large or complex request.
- **Transferring a request:** If a request to the municipality is made for a record that was created or controlled by another public body, the request can be transferred to the other body within **15 business days**.
- **Third-party notifications:** If a request for information affects the interest of a third party, they must be given notice **as soon as possible** and be given 21 business days to provide a response. A decision must be made within 30 business days of the notice.

- **Disclosure in the public interest:** Even if no request for information is made, section 37 requires municipalities to disclose information in the public interest **without delay**. This includes information regarding risks to public safety or the environment.

How the Act affects the role of councillors

As a councillor, the *Access to Information Act* emphasizes transparency in governance. Councillors may be required to assist in responding to access requests for municipal records, ensuring that responses are open, accurate, and complete. If councillors receive a request directly from a member of the public, they should be mindful of the timing requirements when handling the request and, in all cases, should redirect it as quickly as possible to the Chief Administrative Officer (CAO) or the appropriate member of senior administration, depending on your municipality. If a councillor is requested to provide records to assist with responding to an access to information request, they should do so promptly and should provide all responsive materials to the applicable member of administration.

It is also important to remember that any communications or records created by councillors may be required to be disclosed. This could include text messages, emails, or other correspondence sent using devices provided by the municipality.

Councillors are entitled to have closed council meetings in the absence of the public under specific circumstances regarding, for example:

- The security of the property of the local public body
- Personal information of an individual
- Proposed buying or selling of property
- Labour relations or employee negotiations
- Law enforcement matters
- Consideration of an information request
- The obtaining of legal advice

The CAO, city or municipal clerk, or legislative services staff will advise and support council when you are preparing to go into a closed session, ensuring you have fulfilled all legislative requirements.

Records that reveal the substance of those closed meeting deliberations, such as notes taken during the meeting, are not generally required to be disclosed. No motions or resolutions may be passed during closed session, other than a motion to move out of closed session.

PROTECTION OF PRIVACY ACT

WHAT COUNCILLORS NEED TO KNOW

Protection of Privacy

Purpose of the Act

The *Protection of Privacy Act* controls how municipalities collect and use personal information. “Personal information” includes, for example, information about an individual’s age and personal views. The Act also allows individuals to request corrections to their personal information (i.e. addresses, names, contact information, employee information) held by the municipality.

How the Act applies to municipal administration

Municipal administration must implement measures to protect personal information, including restricting its collection to specific purposes and ensuring its secure storage and use. Administrations are also responsible for correcting information upon request and responding as quickly as reasonably possible when a breach or unauthorized access poses a significant risk of harm.

Requirements and Deadlines

Municipalities must adhere to specific deadlines and requirements under the Act:

- **Use of personal information:** If an individual’s personal information is used by a municipality when making a decision that affects the individual, that information must be accurate and **retained for at least one year**.
- **Request for correction of personal information:** The information must be corrected within **30 business days** of the request unless the request is transferred to a different public body within 15 business days of the request.
- **Breach of information security:** Reasonable security arrangements must be made to protect personal information from unauthorized access, collection, use, disclosure or destruction. When a breach occurs that could cause significant harm, the municipality must, **without unreasonable delay**, notify the affected individuals, the Privacy Commissioner, and the minister.
- **Use of personal information:** The use and disclosure of personal information is tightly regulated, and the sale of personal information is prohibited for any purpose.

The Act requires that a **privacy management program** be implemented by **June 11, 2026**. A privacy management program is a set of policies and procedures that ensure a municipality’s compliance with the Act.

How the Act affects the role of councillors

The *Protection of Privacy Act* requires councillors to handle personal information responsibly. This includes ensuring that any collection, use, or disclosure of personal information aligns with the Act’s provisions. When handling sensitive materials, councillors should ensure they are taking appropriate precautions in accordance with the security arrangements of the municipality. In particular, councillors should refrain

from sharing personal information shared with them by residents (i.e. emails, correspondence, etc.) without confirmation from the municipality's CAO, other senior member of administration, or privacy coordinator that such a disclosure is compliant with privacy legislation.

Councillors should also be aware of their role in responding appropriately to breaches by collaborating with municipal administration to ensure that affected individuals and authorities are notified as required by the Act. If a councillor becomes aware of a breach, they should report the breach as soon as possible to the CAO, who, along with other administrators, will ultimately be responsible for addressing and remedying the breach. It is not Council's responsibility to remedy a breach of the Act, but it is their responsibility to report it to administration as quickly as possible. There are strict penalties for individuals who knowingly violate the Act.

Conclusion

The *Access to Information Act*, and the *Protection of Privacy Act*, establish important requirements for public bodies in Alberta. These Acts promote transparency and privacy protection, ensuring public trust in municipal governance. Councillors should familiarize themselves with these principles and always work collaboratively with administration to comply with the Acts' provisions.



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