

Alberta Privacy Legislation: A Guide for Administrators



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



Table of Contents

Introduction	4
Access to Information	6
Purpose of the Act.....	6
Duty to Assist.....	6
Continuing Requests.....	6
Fees	6
Exceptions	7
Requirements and Deadlines.....	7
How the Act Affects the Role of Councillors	8
Protection of Privacy Act.....	10
Purpose of the Act.....	10
Collection and Use of Information.....	10
Accuracy and Correction of Information	10
Safeguards and Response to a Breach	11
Privacy Management Program	11
How the Act Affects the Role of Councillors	11
Conclusion	11

Introduction

This guide provides municipal administration with an 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 introduce several notable [changes](#). This guide explains how the Acts apply to municipal administration and summarizes the key steps administrators must take to ensure compliance.

ACCESS TO INFORMATION ACT

**WHAT
ADMINISTRATORS
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) 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, but not limited to:

- developments or capital projects,
- decisions of Council,
- decisions of administration,
- policies and procedures,
- financial records and accounting,
- enforcement, and so on.

The Act does include a number of exceptions where municipalities are not required to share records, which are covered in following sections.

Duty to Assist

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. This means that the administration must provide the requested records when doing so is feasible using the municipality's technology systems, is practical, and does not unreasonably disrupt municipal operations. If fulfilling a request as written would require specialized services (for example, external data or IT consulting), the administration is not obliged to comply exactly as requested but should make a reasonable effort to provide the information in another suitable form.

Section 9 gives municipalities the authority to disregard requests under certain circumstances, including:

- where responding to the request would unreasonably interfere with the operations of the municipality.
- the request is abusive, threatening, or frivolous; or
- where the request is overly broad and incomprehensible.

Continuing Requests

Section 11 allows for an applicant to request that they be provided with records on a continuing basis for up to two years. In such cases, administration must provide a schedule outlining the dates on which the request will be reviewed and responded to. The schedule must include an explanation of why those specific dates were selected and must also inform the applicant that the schedule may be reviewed by Alberta's Information and Privacy Commissioner upon request. The Information and Privacy Commissioner may review and make an order that ensures the municipality is fulfilling their duties under the Act.

Fees

Section 96 sets out that fees, starting at \$25 per request (or \$50 for a continuous request), must be charged by the municipality before processing requests for non-personal information. The [Access to Information Regulation](#), outlines that an additional fee may be applied if the municipality estimates that the cost of producing the records will exceed \$150 (or \$10 for a personal information request). This estimate must be provided to the applicant

before any records are retrieved. The Applicant should pay all or a portion of the estimate prior to the municipality commencing its retrieval of the records. Applicants may request to have the fee waived if they are unable to afford the payment or if the records relate to a matter of public interest. All fees must align with [Schedule 1](#) of the Regulation.

*Note that the costs of locating and reformatting records cannot be charged for personal information requests.

Exceptions

Division 2 of the Act sets out exceptions where disclosure is not required and may be prohibited. This includes, but is not limited to, where disclosing the information would be harmful to:

- Business interests of a third party (for example, confidential commercial bids or responses to a request for proposals)
- Personal privacy
- Public safety or law enforcement
- Confidential evaluations, workplace investigations, complaints or audits
- Intergovernmental relations
- Local public body confidences (for example, drafts of bylaws, documents created for or during closed sessions of Council)
- Economic and other interests of a public body

Requirements and Deadlines

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

- **Responding to access requests:** Section 13 states that responses must be provided within **30 business days** of receiving a request. Section 16 allows for an extension if:
 1. Agreed to by the applicant,
 2. More time is needed due to the large number of records requested, or
 3. Third party consultation is required to determine if an exception to disclosure applies (this may include consultation with lawyers, affected businesses, or other government departments).
- **Transferring a request:** If a request to the municipality is made for a record that was created or controlled by another public body, section 17 allows for the request to be transferred to the other body within **15 business days**. The applicant must be notified of the transfer as soon as possible.
- **Third-party notifications:** If a request for information may affect the interests of a third party, section 35 outlines they must be given notice as soon as possible and be given 20 business days to provide a response.

The public body must also give the applicant notice that the requests may affect the interests or invade the personal privacy of a third party. The notice must outline that the third party is being given an opportunity to review the request and raise any concerns regarding disclosure and specify a decision will be made within 30 business days after the notice has been provided to the third party.

- **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

For councillors, the *Access to Information Act* emphasizes transparency in governance. Communications or records created by councillors (including text messages and emails on municipal devices) may be subject to disclosure.

Section 9 of the Regulation entitles councils 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

Records that reveal the substance of those closed meeting deliberations, such as notes taken during the meeting, are not generally required to be disclosed. However, council should be cautious to ensure that information discussed or produced during a closed session, if recorded, is kept confidential at all times. Materials prepared by administration for the purpose of a closed session are also 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. To go into closed session, Council must pass a motion indicating that it will be moving into closed session pursuant to the relied-upon section of the *Access to Information Act*. If, for example, Council were going into closed session to receive legal advice, the motion would explicitly reference section 32 of the *Access to Information Act* as the basis for the closed session.

Administration should be prepared to provide guidance to council when preparing to go into a closed session ensuring that all requirements of the *Municipal Government Act* and *Access to Information Act* are met.

PROTECTION OF PRIVACY ACT

**WHAT
ADMINISTRATORS
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Protection of Privacy Act

Purpose of the Act

The *Protection of Privacy Act* controls how municipalities collect, use, disclose, and protect personal information. The Act also allows individuals to request corrections to their personal information held by the municipality. There are strict penalties for individuals who knowingly violate the Act.

Examples of “personal information” include:

- Names, addresses, phone numbers, and email addresses
- Age, gender, and identifying numbers
- Employment or educational history
- Personal views or opinions, or correspondence

Collection and Use of Information

Municipalities may collect and use personal information **only when authorized by law or when necessary for an official program or service**. Section 5 of the Act states that information must be collected directly from the individual unless, for example, another method of collection is authorized, it is necessary for a common or integrated program, such as a program operated by two or more municipalities, or the collection is for the purpose of municipal enforcement.

When required to collect information directly from the individual, notice must be given regarding:

- The reason for the collection,
- The legal authorization for the collection,
- Where questions can be directed regarding the collection, and
- Any intention to input the information into an automated system.

If there is continued collection of personal information for the same purpose as outlined in the original notice, repeated notices are not required.

The personal information may be used or disclosed in accordance with the reason it was initially collected or with the individual’s consent. There are some additional circumstances, per sections 13, 15 and 16 of the Act, in which personal information may be used or disclosed. This includes circumstances where the use/disclosure is required for public safety, the information is necessary for research purposes, or the information is old. However, the sale of personal information is strictly prohibited in all circumstances.

Accuracy and Correction of Information

Section 6 of the Act outlines that when personal information will be used to make a decision affecting an individual, the municipality must make every reasonable effort to ensure that information is accurate and complete. The information used must then be retained for at least one year following the decision that is made.

An individual may request that information about them be corrected by the municipality. Responses to correction requests must be provided within 30 business days of the request unless the request is transferred to a different public body within 15 business days of the request. Administrators must correct the information where appropriate, using reasonable judgment as to the validity of the correction being requested. If the request seeks to correct an

opinion, the municipality should annotate that opinion with the requested correction. Administrators must provide written notice to the individual that the correction or annotation was made.

Safeguards and Response to a Breach

Section 10 requires 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 Office of the Information and Privacy Commissioner, and the Minister of Technology and Innovation. All employees must report suspected breaches immediately to their supervisor or the privacy officer for their municipality so the municipality can contain the incident, assess harm, and meet notification obligations.

Privacy Management Program

Section 25 of the Act requires a public body to have privacy management program, and they must 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. This includes:

- The designation of a privacy officer.
- Internal policies and procedures regarding personal information collection, use, and correction by administrators and automated systems.
- A security classification system for personal information, derived data and non-personal data.
- Mandatory employee training about obligations under the Act.
- Timelines for the periodic review of the privacy management program.

For municipalities handling large volumes or highly sensitive data, section 6 of the [Protection of Privacy \(Ministerial\) Regulation](#) outlines additional requirements including:

- Enhanced documentation of privacy practices,
- Proactive system monitoring, and
- Written safeguards to protect personal and derived data.

The privacy management program must be made available to the public upon request.

How the Act Affects the Role of Councillors

The 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 sensitive information is being provided to councillors, they should be made aware of the sensitive nature of the records and how they should be handled in accordance with the municipality's privacy management program.

Conclusion

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



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