



# Changes in Privacy: Navigating the Landscape of Alberta's New Privacy Legislation

A presentation to the Alberta Municipalities  
November 28, 2025

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## Presenters



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# National Firm



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## Dolden's Municipal Team

- 24 lawyers across all offices in Canada
- Coverage and defence services for local governments and their insurers
- Municipal legal advice hotline
- Risk management seminars
- Class action defence expertise
- Public entity cyber breach services

## Dolden's Privacy Team



- 11 lawyers nationally, including 1 licensed to practice in Québec
- Act as breach coach on a variety of claims across Canada, including ransomware, business email compromise, social engineering, theft, etc.
- Provide cyber coverage advice to insurers
- Report and negotiate with federal and provincial regulators
- Designated Net Diligence Authorized Breach Coach®

## Agenda

1. Background
2. Overview of New Legislation
3. Changes under *POPA* & *ATIA*
4. Privacy Management Programs and Privacy Impact Assessments
5. Breach Notification
6. Next Steps for Municipalities

## Background

- Prior legislation needed to be updated
- On June 11, 2025, the *Freedom of Information and Protection of Privacy Act* (FOIP) was replaced
- Now split into 2 new laws:
  1. *Access to Information Act* (ATIA) and
  2. *Protection of Privacy Act* (POPA) were implemented
- Both will significantly impact the obligations of the public sector and municipalities

# Overview and Changes to the New Legislation



## *Access to Information Act (“ATIA”)*

- ATIA changes how an individual can access records and information held by public bodies, including municipalities
- Provides individuals with the right to access their personal information subject to specific and limited exceptions
- Allows public bodies to proactively disclose information outside the access to information process

## *Protection of Privacy Act (“POPA”)*

- Who is affected?
  - public bodies in Alberta such as government ministries or departments, government agencies, boards and commissions, school boards, charter schools, universities and colleges, municipalities, municipal police forces and other entities designated in the regulations
- What does it affect?
  - how public bodies may collect, use and disclose personal information

## *Access to Information Act* (ATIA)

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- Was introduced to modernize access to information
- Covers all written and electronic records in the custody or under the control of the municipality, including minutes, agendas, letters, memos, reports, and notes

## Key Changes under *ATIA*

- Time limit: 30 business days to respond to a request for records as opposed to 30 days
- Power for public body to extend the time for responding to a request under certain circumstances – previously had to obtain permission
- OIPC can conduct audits and issue binding orders, where as they could previously only investigate complaints and make recommendations
- Additional exceptions for disclosure (i.e. workplace investigations) and communications between political staff and ministers
- Duty to assist: public bodies must help the public in clarifying requests made

## Exceptions to Disclosure

In certain circumstances, the “head” of a municipality may disregard a request for access to a record, if the request:

1. Would unreasonably interfere with the operations of the public body
2. Is abusive, threatening, frivolous or vexatious
3. The information the request relates to has already been disclosed to the applicant, or made publically available; or
4. Is overly broad or incomprehensible

## Appeals Process

Appeals process to the Office of Information and Privacy Commissioner:

- Individual must first complain to the public body they are seeking records from, rather than appeal directly to the Commissioner

## Impacts of ATIA

- Access request must be detailed
- Municipalities can take longer to respond to these
- Discretionary exemptions to withhold information and records
- Critics argue the new legislation makes the access to information process much more difficult and less transparent



## Transparency Website

The Government of Alberta has set up a “transparency website”:

<https://www.alberta.ca/transparency-alberta>

- The Public is able to access information about government decisions, spending and activities
- Contains information related to government leadership, salaries and payments, as well as financial reports and planning

## *Protection of Privacy Act ("POPA")*

## *Protection of Privacy Act (“POPA”)*

### Purpose

- Applies to public bodies in Alberta
- Designed to provide stronger privacy safeguards

### What remains the same?

- *POPA* strengthens existing privacy protections, with updates in line with modern technology and privacy concerns
- Penalties still exist, but have **increased**
- Information requests remain, but *ATIA* provides an updated framework and now includes “electronic records”

## Key Changes under *POPA*

- Requires public bodies to adopt a “privacy by design” approach
- Provides rules and regulations regarding the collection and use of personal information of Albertans
- Covers biometric, financial, and recorded personal information

## Key Changes under *POPA*

- Allows data matching under strict requirements
- Allows municipalities to use non-personal data specifically for research, analysis or program and service design and delivery purposes
- Bans the sale of personal information for any purpose
- Requires notification of Albertans if their information is used in an automated system to generate content, make decisions, recommendations or predictions

## Key Changes under *POPA*

1. Mandatory Privacy Management Programs
2. Requirement of Privacy Impact Assessments in certain circumstances
3. Mandatory privacy breach notification requirements
4. Allows the Office of the Information and Privacy Commissioner to not pursue an inquiry

## Penalties under *POPA*

- Stricter penalties for the misuse of personal information
- Increase to fees and penalties which may be imposed on those who are in breach of the Act

Offenses	Individual	Organization
<i>Personal information</i>	Up to \$125,000	Up to \$750,000
<i>Data and non- personal information</i>	Up to \$200,000	Up to \$1 million

# Privacy Management Programs & Privacy Impact Assessments



## Privacy Management Programs (PMP)

- Under POPA, municipalities must create a Privacy Management Program consisting of documented policies and procedures that promote a public body's compliance with its duties under *POPA* and the safe handling of personal information.
- PMP must be implemented within one-year of *POPA* coming into force.
- Any person may request a copy of a public body's privacy management program.
- This information must be provided within 30 business days of the request.

## Requirements for PMP

A PMP must include:

- designation or identification of a privacy officer
- internal policies and procedures to address the public body's duties under the Act
- the establishment of a security classification system for personal information, data derived from personal information, and non-personal data in the custody or under the control of the public body
- mandatory training for employees of the public body about the obligations of those employees under the Act, and
- timelines for the periodic review, assessment and update of the privacy management program.

## Privacy Impact Assessments (PIA)

- **Purpose:** PIAs determine if an enactment, system, project, program or activity comply with privacy legislation/requirements
- **Goal:** Manage privacy risk by identifying potential privacy risks and ensuring there are measures in place to mitigate the risk



## Privacy Impact Assessments

- Municipalities must also prepare a PIA with respect to a new or substantial change to an existing practice, program, project, or service when....
  - the loss of, unauthorized access to or unauthorized disclosure of the personal information could result in significant harm
  - one or more of the factors requiring the submission of a privacy impact assessment to the Commissioner established by subsection (5) of the Alta Reg 143/2025 apply.

## Breach Notification

## Breach Notification Requirements

- **When:** the loss of, unauthorized access to or unauthorized disclosure of personal information where there exists a real risk of significant harm
- **How:** in writing
- **To Whom:**
  - *Privacy Commissioner(s)*
  - *Affected Individuals*
  - *The Minister*



## Real Risk of Significant Harm

Factors to be considered:

- Is there a reasonable basis to believe that the personal information has been misused or will be misused?
- Is the loss of, unauthorized access to or unauthorized disclosure of the personal information a result of malicious intent?
- What is the sensitivity of the personal information that was lost or accessed or disclosed without authorization?
- What are the mitigating measures that can be taken or other factors that reduce the risk of significant harm?

# Proactive Strategies for Municipalities



## Recommended Actions



1. Get familiar with Procedure for Access Requests and Timelines
2. Takes steps to create a PMP so that it is implemented **by June 11, 2026**
3. Ensure Privacy Impact Assessment completed on any new programs
4. Upgrade software as necessary to prevent privacy breach

## Questions?

