



**Office of the Information and Privacy
Commissioner of Alberta**

BUSINESS PLAN 2004-2007



Office of the Information and Privacy Commissioner of Alberta

2004–2007 Business Plan

This Plan provides a view of our current priorities and future direction. It covers fiscal years 2004-05, 2005-06, and 2006-07. It is to be reviewed and updated annually.

Roles of the Commissioner & Purposes of the Office

Alberta's Information and Privacy Commissioner is an Officer of the Legislature. The position was established by the Freedom of Information and Protection of Privacy Act in 1994. In 1995 a Commissioner was appointed and the Office of the Information and Privacy Commissioner ("OIPC") commenced operations. OIPC has as its prime purpose the support of the Commissioner in the roles as laid out in three statutes of Alberta:

- ***Freedom of Information and Protection of Privacy Act*** ("FOIP", since Oct. 1995)
- ***Health Information Act*** ("HIA", since April 2001)
- ***Personal Information Protection Act*** ("PIPA", since Jan. 2004)

FOIP was amended in 2003 to add duties for OIPC in relation to matters arising from the amended Traffic Safety Act ("TSA", since May 2003). Those tribunal duties commence May 2004.

These statutes were enacted by the Legislature to bring about changes in how public and private sector organizations operate. Each Act requires the Commissioner to exercise powers affecting the conduct and practices of various groups of information holders. In the case of FOIP, it is all "public bodies." In HIA, it is health "custodians." In PIPA, it is private-sector "organizations." In the TSA, through FOIP, it is the Registrar of Motor Vehicles. Details of the Commissioner's roles can be found in these Statutes and their Regulations.

[Note: Reference to some powers and obligations of the Commissioner in this Plan does not in any way indicate value being placed by the Commissioner on any unmentioned aspect of the Commissioner's broad responsibilities.]



OIPC's major operational purposes are to:

- facilitate the resolution of matters dealing with access to information and protection of personal privacy under the three Alberta statutes;
- advocate protection of privacy for Albertans, and
- advance open and accountable government in all Alberta public bodies.

Vision

OIPC strives to create in Alberta a society where personal privacy is respected and public bodies are open and accountable. This vision sees citizens having access to the information about themselves that is held by institutions and organizations, along with access to general information held by public bodies. Our work towards this vision includes:

- educating the public
- upholding statutory rights
- informing citizens of their rights
- enforcing obligations of information holders
- advocating openness in public administration
- balancing competing access and privacy interests in decisions
- evaluating impacts of information and communication technology
- maintaining trust in, and respect for, the Commissioner and the Office
- communicating with policy makers regarding information and privacy issues.

Mandate

As an oversight body with quasi-judicial powers expected to operate as a final level of independent review, OIPC exercises its mandate through functions such as:

- providing impartial review of information holder decisions under three statutes
- investigating complaints and concerns regarding breaches of privacy obligations by information holders
- producing information, organizing events, giving presentations, and issuing media releases for public awareness, general education and professional development
- monitoring the operation of each statute, assessing compliance with legislation and addressing instances of non-compliance
- supporting work done by information holders to assure privacy protection and to enhance routine disclosure and active dissemination of general information
- assessing and advising on the privacy implications of information schemes, new programs and proposed legislation, and assisting law-makers to address access and privacy needs, and
- promoting research and discussion of emerging issues and technologies.

Operating Principles

In all our work we are committed to:

- producing clear communications and sound decisions
- employing discreet investigation methods
- taking impartial, non-partisan approaches to issues
- providing constructive, thoughtful criticism
- demonstrating efficiency and fiscal responsibility
- providing effective, timely services
- interacting professionally
- remaining accessible to media and public communicators
- respecting the role of elected officials
- facilitating positive benefits of Information Age technologies
- working collaboratively in a team environment
- encouraging employees to acquire advanced knowledge and skills
- investing in staff development and ensuring staff achieves its full potential
- conducting ourselves in the spirit of our legislation
- recognizing the relationship between personal privacy, open government, and quality of life in a free and democratic society.

Core Businesses

The Office's core business activities can be depicted two different ways. A natural division can be made by the way in which resources are applied to OIPC's responsibilities for each of the three statutes it oversees. In this "statute-centered" model, the common services and corporate management tasks are apportioned to each statute-based operational team. The statute-centered model can be helpful in identifying costs of OIPC involvement with a particular statute, and can show OIPC's balancing of resources as individual statutes move through various stages of evolution.

However, to understand fully the manner in which resources are deployed by OIPC, it is more instructive to view OIPC as carrying out six discernible core businesses, all of them arising under each statute. In this "function-centered" model, each core business can be described under a single active verb. The Office of the Information and Privacy Commissioner:

1. Formulates
2. Educates
3. Mediates
4. Investigates
5. Adjudicates
6. Evaluates

In practice, the businesses of Formulating and Evaluating are corporate activities that surround the operational activities relating to Educating, Mediating, Investigating and Adjudicating. Adopting this function-centered model, we can assign specific initiatives (i.e., strategic objectives) to a core business and work on those initiatives to contribute to successful management of the respective core business.

As of April 2004, the alignment of specific initiatives (indented) to core businesses is as follows:

Formulating

This core business encompasses activities intended to create conditions conducive to OIPC's overall success in attaining compliance with legislation. This work includes business planning, recommendations for solutions in legislation, building positive relationships with stakeholders, acquiring and developing physical resources and staff, researching issues and developing positions, collaborating with Commissioners from other jurisdictions, constructing useful analytical tools and adopting helpful mechanisms, policies and procedures.

The emphasis on formulating shifts over time in line with the evolution of particular pieces of legislation. Initiatives in this core business reflect the varied developmental stages for each statute.

PIPA business process development

OIPC is preparing for its new role under PIPA by developing (i) implementation strategy, (ii) a process for dealing with complaints, and (iii) tools and business processes to effectively monitor and enforce PIPA and anticipate interjurisdictional developments.

HIA compliance strategy

As HIA matures, the need to adjust OIPC's approach to managing the legislation becomes apparent. This transition will move OIPC's focus on education and awareness of the legislation towards monitoring for compliance. This transition includes (i) implementing a compliance strategy, and (ii) developing practice notes to provide guidance to custodians on HIA compliance.

Internal records management system

This project focuses on the assessment, re-engineering and conversion of the current hardcopy and electronic records management system to a new system within OIPC. The goal is to have a functioning records management system that is aligned with the ISO records management standards and the provincial Electronic Data Management System initiative.

Internal case management software application upgrade

The upgrade project is designed to identify and implement changes required to the current case management software application. These changes will address:

- (i) case-management requirements
- (ii) changes to the application based on requirements established by the Upgrade Project Team
- (iii) migrating the application and data to a more stable database platform
- (iv) providing for growth requirements, and
- (v) incorporating requirements identified in the Records Management Project.

Privacy impact assessment process review

The goal of this review is to evaluate and improve components of the process to ensure the effectiveness of privacy impact assessments.

Federal/provincial issues

OIPC will analyze PIPA to determine areas of concurrent jurisdiction between OIPC, other provincial commissioners and the Privacy Commissioner of Canada with a view to reaching understandings or protocols on processes. These protocols will assist in determining respective jurisdictions in a harmonized, consistent manner for the benefit of organizations and individuals affected by the Acts. This initiative involves HIA and potential impact from the co-existence of PIPA and PIPEDA.

Educating

Individuals and organizations look for basic explanations and descriptions of the legislation OIPC oversees. We help Albertans understand the legislation and issues surrounding access and privacy as part of OIPC's legislative mandate to inform the public about the legislation and to receive comments from the public concerning the administration of the legislation. The business of educating focuses on understanding basic principles and fair information practices, especially among secondary and post-secondary student populations.

Communication strategy

FOIP, HIA and PIPA each have specific communication requirements that will be identified in an internal Communications Current State Assessment. Based on the findings of this assessment, a strategy for each piece of legislation will be drawn up and implemented. The communication strategy will include educational materials.

Mediating

Mediation is a component of the “review” process. (Conducting reviews is an OIPC mandate under each Act.) The purpose of mediation is to explore opportunities for resolution with the parties involved. The majority of requests for review are resolved through mediation so that a formal adjudication process (such as an inquiry) is not required. Where a resolution cannot be reached, mediation often assists in reducing the number of issues that proceed to inquiry.

Investigating

OIPC conducts investigations either in response to a privacy complaint or on the Commissioner’s own motion. Investigations range from specific incidents of alleged breaches to comprehensive assessments of organizational policies and practices. OIPC continues to develop state-of-the-art investigation skills among employees. In addition, OIPC strives to stay current with changes in information technology.

Adjudicating

The Commissioner adjudicates matters and makes binding decisions, called Orders. Except in specific circumstances, the Commissioner must conduct an inquiry and make an Order if a party requests a review, and mediation does not resolve the issue. The Commissioner may also make an Order whether or not a review is requested.

Access to Motor Vehicle Registry information

The *Traffic Safety Act* and the FOIP Act have been amended to include a role for the Information and Privacy Commissioner to review decisions of the Motor Vehicle Registrar regarding information access. The required business processes and standards will be put in place to address the information access requirements of the *Traffic Safety Act*.

Evaluating

OIPC is expected to develop and maintain strong expertise in matters of information access and privacy, and to use that expertise in assessing privacy and access matters and providing opinions on the application of the law or fair information practices. This core business encompasses OIPC’s review and commentary on submitted privacy impact assessments. Through research, analytical reporting, evaluation studies, critiques, and participation on key stakeholder advisory committees, OIPC assists the Commissioner in arriving at positions and perspectives regarding success of its core businesses and progress towards compliance with legislation it oversees. OIPC is increasingly involved



as a partner with and advisor to organizations, custodians and public bodies on information issues.

Monitoring and commenting on cross-government information communications technology (ICT) initiatives

There are a number of cross-government ICT initiatives that are planned or proceeding and which will have a direct impact on both access to, and privacy of, Albertans' electronic personal information across all ministries. OIPC will devote resources to monitoring and commenting on these initiatives as appropriate.

Scheduled statute reviews

HIA requires a three-year review, commencing in 2004, and PIPA's first review will commence in 2005. These reviews by the Legislative Assembly are to ensure that the impact and value of these new laws are being realized by the public. OIPC will act as a technical advisor to the Select Special Review Committees.

Conclusion

This plan lists initiatives designed to help OIPC achieve its vision of creating a society where individual access and privacy is respected and public bodies are open and accountable. Through its six core business functions -- to formulate, educate, mediate, investigate, adjudicate, and evaluate -- OIPC will continue to provide Albertans with diligent, responsive service in protecting their access and privacy rights within FOIP, HIA and PIPA.

OIPC
04.04.14