

OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER OF ALBERTA

IPC FILE #F5460

**PUBLIC NOTICE OF INQUIRY UNDER THE
*FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT***

**TO: ALL ALBERTA PRIVATE LANDOWNERS AND TENANTS WHO HAVE
SUBMITTED WELL WATER SAMPLES TO PROVINCIAL AUTHORITIES FOR
TESTING PURPOSES AND OTHER MEMBERS OF THE PUBLIC**

An Applicant has made an access request to Alberta Health and Wellness (“AHW”) under the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c.F-25 (the “Act”) for all information related to water wells in Alberta from 1986 to 2011 as follows:

1. *water chemistry data from all water wells which are not now in the public domain,*
2. *microbiological analysis from all water wells,*
3. *well test information which relates to flow capacity from wells,*
4. *drilling logs, well completion information and geological information determined while drilling.*

This request relates to all water wells which are not currently in the public domain and all future wells.

The Applicant also requested the information to be made available on a public database as it was prior to 1986. AHW denied the Applicant access to the information in the first and second items listed above. AHW advised the Applicant that it did not have the information set out in the third and fourth items above. The Applicant then submitted a Request for Review to the Office of the Information and Privacy Commissioner.

Pursuant to section 69(1) of the Act, an Adjudicator with the Office of the Information and Privacy Commissioner is conducting a public oral inquiry on the issues identified below. Part A of the inquiry will be held on **October 18, 19 and 20, 2011**, as necessary, commencing at 9:00am daily at the Office of the Information and Privacy Commissioner (#410, 9925 – 109 Street, Edmonton). Part B of the inquiry will be held at a later date, if the Adjudicator finds that it is required. The issues in the inquiry are:

Part A

1. Do the records consist of personal information, as that term is defined in section 1(n) of the Act?
2. If the records consist of personal information, does section 17(1) of the Act (disclosure harmful to personal privacy) apply to the records/information?
3. Does section 16(1) of the Act (disclosure harmful to business interests of a third party) apply to the records/information?
4. Does section 32(1) of the Act require the Public Body to disclose the records/information in the public interest?

The above issue will include consideration of the means of disclosure, should section 32(1) apply.

Part B

1. Should the Applicant be excused from paying all or part of a fee, as provided by section 93(4) of the Act?
2. Does section 10(2) of the Act require the Public Body to create a record for the Applicant?

The Adjudicator will issue an Order under section 72 of the Act. The Adjudicator's delegated authority includes the authority to decide that all or part of the records, including landowners' water well test results, should be disclosed to the Applicant, or made publicly available.

The inquiry currently involves the Applicant, AHW, Alberta Health Services, and Alberta Agriculture and Rural Development (the "Main Parties").

Alberta private landowners and tenants who have submitted water well samples to provincial authorities for testing are invited to participate in the inquiry by making a written submission by the deadline below. The Commissioner's Office has also engaged an independent lawyer (the "*Amicus Curiae*") to represent the interests of these parties. However, the *Amicus Curiae* does not actually represent individual parties.

To make a written submission, parties must send **seven (7) copies** of their submission to the Commissioner's Office, to be received at the address set out below **no later than noon on Wednesday, October 5, 2011**. As these submissions will be exchanged with the main parties involved in the inquiry, parties must ensure that any personal or other information that they do not want shared with other parties is omitted from their submission. If a party does not want all or part of a written submission to be exchanged, the submission must be clearly labeled "For the Adjudicator Only, Not to be Exchanged Among the Parties". However, parties should note that the Adjudicator may still decide to summarize their submission so that the

Main Parties and *Amicus Curiae* understand the general points. For further information, please refer to the copy of the Act, the Inquiry Procedures and Adjudication Practice Notes on the Commissioner's Office website at www.oipc.ab.ca.

Parties and any member of the public interested in attending the inquiry must also telephone or write the Registrar of Inquiries **no later than noon on Wednesday, October 5, 2011.**

Written submissions, indications of attendance at the inquiry and questions regarding this notice should be directed to: Karen Hesson, Registrar of Inquiries, Office of the Information and Privacy Commissioner, #410, 9925-109 Street NW, Edmonton, Alberta, T5K 2J8, (780) 422-6860 or toll-free in Alberta at 1-888-878-4044. Please quote File #F5460 on all submissions.