

COMMUNICATIONS

All information that you want to be considered during your inquiry must be in writing.

Whenever possible, the OIPC uses couriers or Xpresspost to deliver documents. This allows us to track, with reasonable certainty, when items were delivered and to whom they were delivered.

It is the parties' responsibility to give notice to the OIPC and the other parties of any change of address or any communication requirements based on special needs.

Note: Failure to notify the parties of a change of address may result in the Commissioner deciding not to proceed with the inquiry.

MORE INFORMATION

To find out more on Access and Privacy legislation, you can



- Visit our website at www.oipc.ab.ca
- View the Acts online at the Queen's Printer website www.qp.alberta.ca/Laws_Online.cfm
- Contact the Ministry responsible for the Act by calling 310-0000 from anywhere in Alberta:
 - FOIP & PIPA: Service Alberta
 - HIA: Health and Wellness
- Talk to the Librarian at your local public library
- Use The Alberta Library's online reference desk at <http://askaquestion.ab.ca/>

For information about your case at inquiry, you can contact the Registrar of Inquiries at:

410, 9925 - 109 Street NW
Edmonton, AB T5K 2J8

Email: generalinfo@oipc.ab.ca

Phone: 780-422-6860

Fax: 780-422-5682

Within Alberta: 1-888-878-4044

Definition of Terms

There are specific words used in the Privacy Commissioner's Office to refer to people, organizations and procedures:

Applicant: The individual who formally requested access to information under FOIP, HIA and PIPA.

Complainant: The individual who believes personal information was collected, used or disclosed in contravention of FOIP, HIA or PIPA.

Custodian: The health service provider, whether an individual or an organization, from which the information was requested or against which the complaint was made (also called 'Respondent').

Organization: The business, corporation, union or partnership from which the information was requested or against which the complaint was made (also called 'Respondent').

Public Body: The government department or other public entity from which the information was requested or against which the complaint made (also called 'Respondent').

Adjudicator: The person that the Commissioner has delegated to be the decision-maker in the inquiry.

Evidence: Material that establishes the facts on which you are relying.

Arguments: The reasons why you believe the evidence shows certain facts to be true, and why the Commissioner should interpret the law a certain way.

Mediation/Investigation: A process authorized by the Commissioner to explore opportunities for resolution with the parties.

COMPLETING INQUIRIES

Alberta's OIPC office is one of the busiest in Canada. The amount of time required to complete each inquiry depends upon various factors, such as the complexity of issues, the number of parties and the number of records at issue, and the volume and complexity of submissions. Despite these matters, we endeavour to complete inquiries in a timely manner.



Preparing for an Inquiry

This guide is designed to give general information on what is required during an inquiry and to help you understand the inquiry process.

WHAT IS AN INQUIRY?

An inquiry is the final stage in a review of an access request or of a complaint. Inquiries are formal adjudicative proceedings in which the Commissioner, or his delegated Adjudicator, receives submissions from all parties involved in the matter and decides all issues of fact and law.

The inquiry is not an evaluation or review of the investigation/ mediation process or of the findings of the Portfolio Officer who mediated/ investigated. Inquiries by the Commissioner or Adjudicator are heard “*de novo*” meaning “from the beginning”. Inquiries can take place in written or oral form at the discretion of the Commissioner or the Adjudicator.



An inquiry concludes with the issuance of an order. The decision in an order is final, and may be reviewed only by way of an application for judicial review made to the Court of Queen’s Bench of Alberta.

Orders issued by the Commissioner or the Adjudicator are publicly released on the website of the Office of the Information and Privacy Commissioner (OIPC).

Notice of Inquiry

The Notice of Inquiry identifies the parties involved in the inquiry and their contact information, the issues that will be addressed and a schedule for submissions.

Included with the Notice of Inquiry are the original Request for Review and the inquiry procedures which provide information on how to compile a submission and who to contact if you have questions. The procedures are available on the OIPC website.

SUBMISSIONS

The purpose of a submission is to inform the Commissioner and the other parties about what you think are the central issues in your case, and to provide your evidence and make your arguments about how those issues should be decided.

Submission Exchanged among the Parties

If the Applicant has the burden of proof and does not make an initial submission the Commissioner may decide not to proceed with the inquiry.

A submission should include, but isn’t limited to,

- Initial access request or complaint made and any initial response;
- Excerpts from relevant legislation or regulations;
- Excerpts from policy manuals that set out relevant practices or policies of the Respondent;
- Relevant case law;
- Decisions made by information and/or privacy commissioners in cases similar to yours either in Alberta or in other jurisdictions.

Do not include documents generated by the OIPC during the mediation/investigation process or from other ongoing inquiries; they will not be considered by the Commissioner or the Adjudicator when making a decision in the inquiry.



Ideally, your submission should have a Table of Contents, your Arguments and the Supporting Documents.

It should be clearly labelled as ‘*Submission Exchanged among the Parties*’ (Adjudication Practice Note #1)

The parties are responsible for exchanging their submissions among themselves. The OIPC requires two paper copies for the use of the Commissioner or the Adjudicator.

Records at Issue

When the inquiry deals with a refusal to disclose information in response to an access request, there will be ‘Records at Issue’ which are the records that were withheld. The Commissioner will require these records to be provided to him or to his delegated Adjudicator but they will not be exchanged among the parties.

OTHER PARTICIPANTS



Cases at inquiry may have an impact beyond the original parties.

The Commissioner or the Adjudicator is required to notify Affected Parties about any ongoing inquiry and allow them to participate.

The Commissioner or the Adjudicator may invite individuals or organizations to participate in an inquiry as Intervenors.

The final decision on who will be asked to participate is the Commissioner’s.

Affected Parties

Affected Parties are individuals or other organizations that could be affected by the decision made in the inquiry.

Once an Affected Party is identified, they are sent the Notice of Inquiry and original Request for Review and then they may make submissions in the same manner as the original parties. The same conditions apply as to labelling and exchanging them.

If no response is received by the deadline in the Notice of Inquiry, the party is deemed to have refused to participate..

Note: The Commissioner or his delegated Adjudicator decides whether to disclose the names of Affected Parties.

Intervenors

Intervenors are individuals or organizations whose opinions or specialized knowledge can provide broader understanding of the issues at inquiry. The Commissioner or the Adjudicator will determine the extent of their participation and what documents they will receive.

Participation as an Intervenor is optional. If no response is received by the deadline in the Invitation to Participate, the Intervenor is deemed to have refused.