

## Alberta Registries

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Report to the Minister of Municipal Affairs

April 15, 1998

### **TABLE OF CONTENTS**

[Executive Summary](#)

[I. Overview of the Report](#)

[II. General Background](#)

[III. Scope of the Audit](#)

[IV. Privacy Compliance - Motor Vehicles Registry](#)

[V. Information Systems - Motor Vehicles Registry](#)

[VI. Management Control Systems - Private Registry Agent Operations](#)

[VII. Response of the Ministry of Municipal Affairs](#)

[Appendix I Glossary of Acronyms](#)

[Appendix II Freedom of Information and Protection of Privacy Act \(Excerpts\)](#)

### **Executive Summary**

At the request of the Deputy Minister of Municipal Affairs, the Office of the Information and Privacy Commissioner and the Office of the Auditor General conducted an audit of Alberta Registries.

Since 1993, the way that Alberta Registries delivers services to the consumer has changed from service deliverer to facilitator. Consequently, there are new business issues and risks to be managed. In addition, the implementation of the Freedom of Information and Protection of Privacy Act, in October 1995, has an impact on the way in which Alberta Registries operates.

Our approach to this engagement recognized that there were three separate and distinct areas of risk facing Alberta Registries: privacy compliance, controls over information systems and monitoring of private registry agents. Therefore, our audit was divided into three separate components which reflect these risks.

An audit is designed to assess the current practices of an entity against pre-established criteria. Based on the risks identified, criteria were developed which we expressed in the form of the following key questions:

- Are there adequate policies, procedures and controls to ensure that Alberta Registries and the private registry agents are complying with the Freedom of Information and Protection of Privacy Act, where applicable, or with fair information practices?
- Are there adequate policies, procedures and controls to ensure the security of personal information in Alberta Registries databases e.g. Motor Vehicles Registry?
- Are there adequate contracts and monitoring systems in place for registry operations to ensure that high-quality, accessible and cost-effective services are provided to Albertans?

Our findings were developed into 21 recommendations that will require Alberta Registries to conduct a comprehensive review of its registry operations. We believe the implementation of our recommendations will result in the following significant improvements in registry operations:

- Alberta Registries will be able to assert that adequate privacy protection practices are applied to the personal information in the Motor Vehicles Registry.
- Albertans can be assured that their personal information is safeguarded from unauthorized access, use and disclosure.
- Alberta Registries will have adequately addressed the risk of potential misuse of personal information in the Motor Vehicles Registry.
- The public will receive notification on the purpose and authority for collection of personal information in the Motor Vehicles Registry.
- Alberta Registries will obtain assurance that the control environment of its computer systems, including the Motor Vehicles Registry, is sufficient to safeguard the information contained in the databases.
- There will be fair and consistent treatment of private registry agents by Alberta Registries.
- Alberta Registries will be more effective by using a risk focused approach to monitoring private registry agents.
- The accountability of registry agents to Alberta Registries will be better understood.

## **I. Overview of the Report**

## Terms of the Engagement

On May 6, 1997, the Deputy Minister of Alberta Municipal Affairs wrote to the Information and Privacy Commissioner requesting that a privacy compliance audit be conducted for the Registries Division.

In his request, the Deputy Minister stated *"this department collects, uses and discloses vast amounts of personal information that is contained in several distinct, and electronic, personal information banks. The disclosure of this information, and in particular the selling of it, has been raised a number of times with the Minister, with myself and with other departmental officials. As a result, ensuring adequate privacy practices are adopted - especially as they relate to the FOIP Act - is important to us."*

The Information and Privacy Commissioner discussed the request with the Auditor General. They determined that an audit of Alberta Registries would be of use to the Minister. As a result, they agreed to pool the resources of their respective Offices and conduct a joint audit of Alberta Registries.

It was decided that the joint audit would focus on the Motor Vehicles Registry. The audit would address not only the question of privacy legislation compliance practices employed by Alberta Registries for collection, use and disclosure of personal information, but it would also examine whether systems were adequate to ensure the security and integrity of motor vehicle information. Furthermore, it was decided to examine whether the controls over private registry agents, in respect of all registry operations (i.e. Motor Vehicles Registry, Vital Statistics, etc.), were adequate.

On June 25, 1997, a planning memorandum was presented to the Minister and Deputy Minister of Alberta Municipal Affairs outlining the scope and approach to be taken by the Office of the Information and Privacy Commissioner and the Office of the Auditor General in their joint audit of Alberta Registries.

This report contains the recommendations and findings resulting from the audit.

## Authority

This examination was performed by the Auditor General under sections 12(a), 19, 28 and 29 of the Auditor General Act. The Information and Privacy Commissioner is authorized to conduct privacy compliance audits pursuant to Section 51(1)(a) of the Freedom of Information and Protection of Privacy Act (the "Act").

## History

In 1993, the Government of Alberta consolidated and transferred the administration of legislation governing its major registries to the Minister of Municipal Affairs. Alberta Registries, an operating division of Alberta Municipal Affairs, was formed in February 1993 to administer the registries for Motor Vehicles ("MOVES"), Vital Statistics, Corporate Registry, Land Titles, Personal Property Registry, and Land Information Alberta.

The consolidation initiative facilitated the transition to private sector delivery of licensing and associated registry services. The objective of this change in service delivery was to improve access to these services through a network of "one-window" community-based private registry agencies.

Alberta Registries is authorized, through the Government Organization Act, to use private registry agents to deliver registry services. While Alberta Registries has delegated its responsibilities for service delivery to private registry agents, it remains responsible for the actions of the private registry agents as they are agents of the Crown and any activities of the agents are deemed to have been carried out by Alberta Registries. Alberta Registries also retains responsibility for: data ownership, quality control and maintenance; information systems; protection of privacy; and management of overall service delivery.

Subsequent to the privatization of registry service delivery, the Freedom of Information and Protection of Privacy Act was implemented. This Act, which came into effect in October 1995, establishes the standards in Alberta for how the public may access information held by governments and the fair information practices to be applied to personal information in the custody and control of a public body. In essence, the purpose of the Act is to ensure that public bodies are accountable to the public and, at the same time, protect personal privacy. However, the application of the Act to Alberta Registries was an issue given section 4(1)(h)(ii) of the Act which excludes a record made from information in the office of the Registrar of Motor Vehicles.

### Business Issues

The change in the way that Alberta Registries delivers services to the consumer - from service deliverer to facilitator - has resulted in new business issues which must be addressed. In addition, the implementation of the Act has an impact on the way in which Alberta Registries conducts its business.

For Alberta Registries to be fully accountable for the delivery of registry services, it must have dealt satisfactorily with the following key questions:

- Are there adequate policies, procedures and controls to ensure that Alberta Registries and the private registry agents are complying with the Freedom of Information and Protection of Privacy Act, where applicable, or with fair information practices?
- Are there adequate policies, procedures and controls to ensure the security of personal information in its databases e.g. Motor Vehicles Registry?
- Are there adequate contracts and monitoring systems in place for registry operations to ensure that high quality, accessible and cost-effective services are provided to Albertans?

As these are the most significant issues facing Alberta Registries, they were the focus of the audit.

## Overall conclusions on the key questions

### **Privacy Compliance - Motor Vehicles Registry**

*Are there adequate policies, procedures and controls to ensure that Alberta Registries and private registry agents are complying with the Freedom of Information and Protection of Privacy Act, where applicable, or with fair information practices?*

The application of the Act to Alberta Registries, and in particular the Motor Vehicles Registry, has been an issue since the implementation of the Act in 1995.

The collection of information by Alberta Registries is subject to the Act, however, section 4(1)(h)(ii) of the Act excludes a record made from information in the Office of the Registrar of Motor Vehicles. This section implies that the use, disclosure and protection of information in the Motor Vehicles Registry is not subject to the provisions of the Act.

It is our opinion that the Motor Vehicles Registry should be subject to all the protection of privacy provisions contained in Part 2 of the Act. This opinion is based on the following observations:

- Albertans may reasonably expect that the protection of privacy provisions in Part 2 of the Act should apply not only to the collection of their personal information but also to the use, disclosure, and protection of that information.
- Albertans have an expectation that Alberta Registries is safeguarding their privacy and not using the personal information in its custody for revenue generation.
- Alberta Registries has been entrusted with the personal information of Albertans and therefore has a responsibility to ensure that personal information in its custody is safeguarded from unauthorized access, use and disclosure.
- Alberta Registries has the responsibility to ensure that it manages the risk of the potential misuse of personal information contained in the Motor Vehicles Registry.

**In order to protect the personal information of Albertans from inappropriate disclosure and consequent misuse, it is recommended that the Minister responsible for Alberta Registries consider the advisability of making personal information in the Office of the Registrar of Motor Vehicles Services fully subject to Part 2 of the Freedom of Information and Protection of Privacy Act. (see recommendation #1)**

**Alternatively, it is recommended that Alberta Registries consider adopting fair information practices that are equivalent to the Freedom of Information and Protection of Privacy Act with respect to the use, disclosure and protection of personal information in the Motor Vehicles Registry. (see recommendation #1)**

We found that Alberta Registries was collecting only authorized personal information, in accordance with section 32 of the Act, except for the recording of personal information provided by applicants solely to establish their identity.

We also found that Alberta Registries was not providing complete and accurate notice on the purpose of collection, the legal authority and contact information, as required by section 33 of the Act, to all individuals providing personal information for use in the Motor Vehicles Registry.

**In order to comply with the collection provisions of the Freedom of Information and Protection of Privacy Act, it is recommended that Alberta Registries ensure that private registry agents discontinue recording personal information provided by applicants to establish their identity. (see recommendation #2)**

**It is recommended that Alberta Registries ensure that all forms used for collection of personal information contain notification statements that are in accordance with the requirements of the Freedom of Information and Protection of Privacy Act. (see recommendation # 5)**

**It is recommended that Alberta Registries, through literature produced for the public, communicate its purpose and authority for collection of personal information. (see recommendation #6)**

With respect to the use and disclosure of personal information we found that Alberta Registries and private registry agents disclose/sell personal information to a wide range of external clients. Disclosures of personal information to some of these clients can be justified as being for a use consistent with the purpose for which the information was collected. However, there are many disclosures which are not consistent with the original purpose of collection or consistent with the fair information practices provided by the Act.

While we recognize that the use and disclosure of personal information in the Office of the Registrar of Motor Vehicles is not subject to the Freedom of Information and Protection of Privacy Act, we believe that Albertans expect that the protection of privacy provisions should apply to the use and disclosure of registry information.

**It is recommended that Alberta Registries adopt fair information practices and disclose personal information only:**

- **if the disclosure is consistent with the original purpose for which the information was collected; or**
- **if there is legislative authority for disclosure; or**
- **if informed consent has been obtained; or**
- **if disclosure is for a purpose consistent with the provisions of sections 38, 40 and 41 of the Freedom of Information and Protection of Privacy Act, which**

**specifies the circumstances under which a public body may disclose personal information. (see recommendation #7)**

We also found that private registry agents have not received training on the Act.

**It is recommended that Alberta Registries educate and train private registry agents on the Freedom of Information and Protection of Privacy Act and its implications to registry services delivery. (see recommendation #11)**

### **Information Systems - Motor Vehicles Registry**

*Are there adequate policies, procedures and controls to ensure the security of personal information in the Motor Vehicles Registry?*

In order to assess the control environment of the Motor Vehicles Registry we reviewed controls at both the service bureau responsible for maintaining the database and the controls at registry agent offices. We found that while there are controls in place to ensure the security of the database and the information contained in it, improvements to the control environment could be made.

**It is recommended that Alberta Registries ensure that the service bureau responsible for the operation of the Motor Vehicles and Driver Licensing Information Systems addresses the deficiencies in control procedures relating to the Information Systems identified during the joint audit and reports quarterly to Alberta Registries on the progress made towards correcting these deficiencies. (see recommendation #13)**

*It is recommended that Alberta Registries strengthen the security measures at private registry agent offices to ensure the protection of personal information. (see recommendation #14)*

We determined that Alberta Registries has not received assurance from the service bureau, responsible for the Motor Vehicles Registry and other systems of the Department, that the control objectives of the computer systems are being attained i.e. safeguarding of assets, and maintenance of reliable accounting records.

**It is recommended that Alberta Registries obtain annually a letter of representation in a form acceptable to Alberta Registries, confirming that the control procedures relevant to the performance of services for Registries have been established and are operating effectively in all areas affecting the security and integrity of information processed and maintained by the service bureau responsible for the computer systems at Alberta Registries. (see recommendation #16)**

**It is further recommended that:**

- **the letter of representation be supported by a report by an external auditor of the service bureau on control procedures in a form and to a standard**

provided for by The Canadian Institute of Chartered Accountants.

- any control deficiencies identified by Alberta Registries, or by an external auditor, be made the subject of quarterly reports by the service bureau to Alberta Registries which detail the progress made towards correcting the deficiencies.

### **Management Control Systems - Private Registry Agent Operations**

*Are there adequate contracts and monitoring systems in place for registry operations to ensure that high quality, accessible and cost-effective services are provided to Albertans?*

We reviewed the key processes relating to private registry agents: Request for Proposal, Agent Agreements, Monitoring Processes and Performance Measurement. We found that the Registry Agent Agreements contained adequate provisions to ensure the accountability of private registry agents to Alberta Registries and that Alberta Registries has adequate mechanisms to measure the performance of private registry agents.

We found that the request for proposal process could be improved by formally documenting the process and procedures as well as providing prospective private registry agents with further information on the expectation of Alberta Registries.

**It is recommended that the entire Request for Proposal process be formally documented as a means of ensuring that applicants for a registry agency are treated, and can be seen to be treated, in an equitable manner.**  
(see recommendation #17)

**It is recommended that the Request for Proposal document include the following information:**

- a summary of the Alberta Registries policies and procedures (policy directives and user guides) for registry agents;
- full details of all the performance standards directives;

**as a means of ensuring that the operational responsibilities of both parties and the expectations of Registries are understood by applicants prior to submission of an application for a registry agency. (see recommendation #18)**

It was determined that the monitoring processes of Alberta Registries should be strengthened.

**It is recommended that Alberta Registries strengthen its policy and procedures for monitoring the activities and performance of private registry agents and ensure that monitoring resources are allocated based on the risk that private registry agents will**



**not provide registry services in accordance with the registry agent agreement. (see recommendation #20)**

From our interviews with private registry agents, it was determined that the private registry agents and their staff do not fully understand the respective roles of Alberta Registries and the agent in registry service delivery. This lack of understanding may have arisen as a result of the significant changes to the registry service delivery model since privatization.

**It is recommended that Alberta Registries, in order to improve registry agent service delivery and accountability to the Department, formally communicate to all existing and prospective private registry agents the framework of the registry agents model including the following:**

- **the guiding principles of accountability, deregulation, privacy, accessibility, and economy;**
- **the legislative and contractual framework;**
- **Alberta Registries goals and objectives; and**
- **the roles of Alberta Registries and private registry agents in achieving Alberta Registries goals and objectives. (see recommendation #21)**

Overall these recommendations require that Alberta Registries conduct a comprehensive review of its registry operations. We believe that the implementation of these recommendations will result in the following significant improvements in registry operations:

- Alberta Registries will be able to assert that adequate privacy protection practices are applied to the personal information in the Motor Vehicles Registry.
- Albertans can be assured that their personal information is safeguarded from unauthorized access, use and disclosure.
- Alberta Registries will have adequately addressed the risk of potential misuse of personal information in the Motor Vehicles Registry.
- The public will receive notification on the purpose and authority for collection of personal information in the Motor Vehicles Registry.
- Alberta Registries will obtain assurance that the control environment of its computer systems, including the Motor Vehicles Registry, is sufficient to safeguard the information contained in the databases.
- There will be fair and consistent treatment of private registry agents by Alberta Registries.
- Alberta Registries will be more effective by using a risk focused approach to monitoring private registry agents.

- The accountability of registry agents to Alberta Registries will be better understood.

## **II. General Background**

### Legislative and Contractual Framework

The Government Organization Act provides for the Minister of Municipal Affairs to use private registry agents to deliver registry services. It also states that Alberta Registries may carry out, through private registry agents, those registry services provided for in agreements with those agents. However, Alberta Registries is primarily responsible for any contravention of the legislation by private registry agents. As agents of the Crown, the activities of private registry agents are deemed to have been carried out by Alberta Registries.

The agreements between Alberta Registries and private registry agents require that the agents comply with the provisions of all laws now in force or in force after the agreement is signed that apply to the performance of registry services. These agreements encompass all policy directives and user guides that have been or will be issued by Alberta Registries with respect to the provision of registry services. They further state that it is the responsibility of the agent to ensure that all employees comply with the provisions of the agreement.

Alberta Registries retains responsibility for:

- legislation development and enforcement;
- policy and program development and monitoring;
- information system development and implementation;
- data ownership, quality control, and maintenance;
- protection of privacy; and
- management of overall service delivery.

### Alberta Registries Goals and Objectives

The 1997-98 business plan for Municipal Affairs states that the division of Alberta Registries is responsible for providing support for the delivery of high-quality licensing and registration services to Albertans. This division comprises the following program areas: Registration Services, Business Development and Agent Support, and Research and Program Development.

The stated goals of Alberta Registries are:

- to ensure trusted, high-quality, and accessible registration, licensing and information services are available;

- to deliver additional registration, licensing and information services through the registry agent network, to enhance the "one-window" approach to services; and
- to provide services at the lowest possible cost to the government and the public.

### Overview of Alberta Registries Operations

Alberta Registries manages five databases: Motor Vehicles, Land Titles, Personal Property, Corporate Registry and Vital Statistics. It also operates the Land Related Information systems gateway which provides remote electronic access to information from three government databases. As well, Registries operates "Alberta On-Line", an on-line electronic access service to the Corporate, Personal Property Registry, and Land Titles registries, which has over 1,400 subscribers.

Alberta Registries provides licensing and registry services through approximately 230 private registry agents in Alberta. The services provided by private registry agents include:

- motor vehicle licensing and registration, driver abstracts and searches (requests for personal information);
- land title searches, historical searches and certified copies of land titles;
- personal property registry registrations, amendments, discharges and searches;
- searches of the corporate registry database;
- birth, death and marriage certificate application processing, and issuing marriage licences.

In 1998 several changes to the existing registry systems will expand the role of the private registry agents to include:

- on-line corporate registration, amendments and discharges (January 1998);
- on-line registration of births, deaths, marriages and other personal information, including the issuance of relevant certificates (March 1998).

In the 1996-97 fiscal year, private registry agents handled over 4.0 million motor vehicle registrations and operator licencing services including approximately 300,000 search and driver abstract transactions. The motor vehicle revenue in 1996-97 totaled \$174.1 million. Over 90% of this revenue was collected by private registry agents. The private registry agents also collected approximately \$7.0 million in other registry products and services and \$14.0 million in fines on behalf of Alberta Justice.

Alberta Registries sells motor vehicles searches and driver abstracts to qualifying individuals or corporations. In the 1996-97 fiscal year, the Ministry reported \$10.2 million in motor vehicle searches and driver abstracts revenue. About \$2.4 million of this revenue was generated by private registry agents. The remainder of the revenue consists of driver abstract sales to insurance companies, a private parking authority and other sales

on adhoc basis.

[\[Return to Table of Contents\]](#)

### **III. Scope of the Audit**

Our approach to this engagement recognizes that there are three separate and distinct areas of risk: privacy compliance, information systems and private registry agents. Therefore, our audit was divided into three separate components which reflect these risks.

#### Privacy Compliance

The privacy compliance component of the joint audit examined the policies, procedures and practices of Alberta Registries regarding the collection, use, disclosure and protection of personal information in the Motor Vehicles Registry in relation to the provisions of the Act.

#### Information Systems

Our examination of the Motor Vehicles and Driver Licensing information systems ("MOVES") of Alberta Registries focused on the computer environment controls and the system application controls. The audit objectives of this examination were as follows:

- to determine if the computer environment controls are adequate (see A below).
- to determine if the electronic data processing controls pertaining to the MOVES system are adequate (see B below).
- to ensure that adequate security measures are in place to protect personal information from risks such as unauthorized access.

##### *A. Computer Environment Controls*

The Alberta Registries information systems environment is highly complex with technology and support processes geographically dispersed and interconnected via wide and local area network configurations. The technology environment has been outsourced to a service bureau, with the major data centre components situated in Calgary, but with support functions located in Edmonton and Ottawa.

The examination of the computer environment focused on controls in both the service bureau and registry agent environment.

##### *B. MOVES Application Controls*

Our examination of the MOVES mainframe application focused on the documentation of the system and controls, and testing of the controls including:

- review of access controls that help support segregation of duties and access to data;
- input controls that help ensure completeness and accuracy of data input;
- processing controls that help ensure that transactions are properly processed; and
- output controls that help ensure that the results of processing are presented as expected.

The majority of MOVES transactions are initiated by private registry agents, therefore, a significant portion of our examination of the key application controls was conducted at registry agent offices.

#### *Management Control Systems - Private Registry Agent Operations*

Early in the audit, it was recognized that the controls over the private registry agents are not Motor Vehicles Registry specific. Thus, our examination covered the controls established by Alberta Registries, relating to all registry agent operations.

Our audit focused on the following:

- the Request for Proposal document and processes
- registry agent agreement including service expectations, administrative provisions and enforcement provisions
- a review of the monitoring processes at Alberta Registries to ensure compliance by the private registry agents with the agreement
- a review of Alberta Registries performance measurement information.

## **IV. Privacy Compliance - Motor Vehicles Registry**

### Freedom of Information and Protection of Privacy Act

The application of the Act to Alberta Registries, and in particular the Motor Vehicles Registry, has been a long standing issue i.e. does section 4(1)(h) exclude the records of Alberta Registries from the application of the Act?

Section 4(1)(h)(ii) reads:

This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:

*(h) a record made from information*

*(ii) in the office of the Registrar of Motor Vehicle Services*

Section 4 excludes specific records. It does not state that certain bodies are or are not subject to the Act. Alberta Registries is a division within the Department of Alberta Municipal Affairs - a public body under the Act. Therefore, Alberta Registries is subject to the Act except for those records which specifically fall within section 4(1)(h)(ii).

To be excluded under section 4(1)(h)(ii), a record must be "made from information in the office of the Registrar of Motor Vehicles Services". The wording "record made from information" implies Alberta Registries may use and disclose information without being subject to the use and disclosure provisions of the Act but must collect information in accordance with the provisions of the Act. In other words, the collection of information in the first instance by Alberta Registries is subject to the Act; however, once the information is in the Motor Vehicles Registry, the Act does not apply.

### Motor Vehicles Registry

The Motor Vehicles Registry contains information required for the licensing of drivers and vehicles within the Province of Alberta. The personal information collected in the Motor Vehicles Registry includes: name, address, telephone number, birth date, physical characteristics (height, weight, gender, hair color, eye color), medical information relevant to driving capabilities, employment history (for certain licences), driving record, traffic and criminal code convictions, Alberta driver licence number, and vehicle information. The Motor Vehicles Registry also contains personal information of individuals who apply for and receive Alberta Identification Cards and Disabled Persons placards.

By legislation, the Minister of Alberta Transportation and Utilities is responsible for the administration of the Motor Vehicle Administration Act ("MVAA") and the appointment of the Registrar of Motor Vehicle Services. However, the Registrar of Motor Vehicle Services functions as an employee of Alberta Registries.

The Deputy Ministers of Alberta Transportation and Utilities ("AT&U") and Municipal Affairs ("MA") entered into a "Memorandum of Understanding For Driver and Vehicle Related Programs" on March 21, 1996. Under the memorandum, Municipal Affairs agrees to issue operator's licences and vehicle registrations and provide related services for AT&U, either directly or through its Registry Agent Network.

Under the memorandum, MA is designated as "owner" of the Motor Vehicles and Driver Licensing Information Systems, including all records. All revenue generated by the Motor Vehicles Registry is designated as revenue of Municipal Affairs. The Minister of AT&U agreed to delegate to the Minister of Municipal Affairs, the powers of the former to appoint the Registrar of Motor Vehicle Services, Deputy Registrars and other employees necessary to operate the Motor Vehicles Registry.

The Minister of AT&U has delegated most of his powers under the MVAA to the Registrar of Motor Vehicle Services, by Ministerial Order M.O. 96-1 dated September 30, 1996, pursuant to section 9 of the Government Organization Act. The Minister of AT&U remains responsible for the MVAA and retains certain functions under that Act including: the authority to delegate under the Act; the power to establish a medical

review board; the power to establish regulations of suspension/disqualification of eligibility for operator's licences; the regulation of driving schools; the prescribing of information to be included in accident reports to police; authority to immobilize motor vehicles; etc. Other responsibilities are shared jointly by the Ministers of AT&U and MA. Some of these involve control of the issuing of operator's licences.

Registry agents currently deliver licensing, registration and search services. In addition, the private registry agent network is the primary means by which personal information is collected for the Motor Vehicles Registry. Information is provided to private registry agents by applicants either verbally or through the submission of completed forms.

Certain private and public sector organization access driver abstracts and registered owner information directly from Alberta Registries through electronic interfaces. Also, law enforcement agencies have access to driver and vehicle records, as do certain departments and agencies of the Provincial and federal governments and municipalities.

### Recommendations

**1. In order to protect the personal information of Albertans from inappropriate disclosure and consequent misuse, it is recommended that the Minister responsible for Alberta Registries consider the advisability of making personal information in the Office of the Registrar of Motor Vehicles Services fully subject to Part 2 of the Freedom of Information and Protection of Privacy Act.**

**Alternatively, it is recommended that Alberta Registries consider adopting fair information practices that are equivalent to the Freedom of Information and Protection of Privacy Act with respect to the use, disclosure and protection of personal information in the Motor Vehicles Registry. (Recommendation #7 provides more detail)**

The Motor Vehicles Registry is one of the largest databases in the Province and a significant asset of Alberta Registries. The registry contains personal information on many Albertans which is attractive to individuals, businesses and organizations from the private and public sectors.

We found that personal information is sold by Alberta Registries and private registry agents to many external users. Disclosure of personal information to some of these users, e.g. public bodies, federal government bodies and law enforcement agencies, can be justified as being for a use consistent with the purpose for which the information was collected. There are many disclosures, however, made by Alberta Registries and private registry agents whose use is not consistent with the original purpose of collection or consistent with the other purposes provided by the Act.

Alberta Registries directly controls only a portion of the disclosures from the Motor Vehicles Registry. Private registry agents are authorized by Alberta Registries to enter into agreements with various external users enabling those users to obtain personal information via search transactions performed by the agents. Alberta Registries does not have control over and may not have complete knowledge of all disclosures made by agents from the Motor Vehicles Registry.

The disclosure of personal information without reference to the authority provided by the Act or any other statute or any guiding principles presents a significant risk to Alberta Registries. There is potential that information obtained from the Motor Vehicles Registry may be misused and/or cause harm. As Alberta Registries is ultimately responsible for the safeguarding of its assets and the protection of the information in the Motor Vehicles Registry, it would be held liable for any misuse of information provided by Alberta Registries or a private registry agent to an external user.

In our opinion, the Motor Vehicles Registry should be subject to all the protection of privacy provisions outlined in Part 2 of the Act. This opinion is based on the following observations:

- Albertans may reasonably expect that the protection of privacy provisions in Part 2 of the Act should apply not only to the collection of their personal information but also to the use, disclosure and protection of that information.
- Albertans have an expectation that Alberta Registries is safeguarding their privacy and not using the personal information in its custody for revenue generation.
- Alberta Registries has been entrusted with the personal information of Albertans and therefore has a responsibility to ensure that personal information in its custody is safeguarded from unauthorized access, use and disclosure.
- Alberta Registries has the responsibility to ensure that it manages the risk of the potential misuse of personal information contained in the Motor Vehicles Registry.

Legislated provisions provide Albertans, whose personal information is in the Motor Vehicles Registry, specific legal rights respecting that information and will ensure that Alberta Registries develops the necessary practices to ensure that its assets are safeguarded and business risks are adequately managed.

While we recognize that there are significant legislative, policy and financial implications of this recommendation, it is our opinion that adopting fair information practices will benefit Albertans and Alberta Registries.

**2. In order to comply with the collection provisions of the Freedom of Information and Protection of Privacy Act, it is recommended that Alberta Registries ensure that private registry agents discontinue recording personal information provided by applicants to establish their identity.**

The majority of personal information collected for the Motor Vehicles Registry is in accordance with section 32 of the Act. However, the recording of personal information provided by applicants for the purpose of establishing identification (e.g. Alberta Health Care Card numbers, Social Insurance numbers ("SIN"), credit card numbers, etc.) by private registry agents on application forms does not comply with section 32 of the Act.



The recording of health care card numbers, SIN numbers, or other identifiers is not expressly authorized by legislation. The MVAA requires that identification be produced, however, it does not necessarily require that the information so produced be recorded.

We have been advised by Alberta Registries staff that agents are no longer required to record the actual identifying information, only the kind of identification that was produced. This observation is not consistent with the Policy Manual or with current practice among private registry agents.

A review of documents submitted by agents for microfilming indicated that:

- health care card numbers and SIN numbers were recorded on 30 percent of the applications for operator's licences;
- other information, such as credit card numbers, birth certificate numbers, citizenship numbers, fish and wildlife card numbers, etc., was recorded on 17 percent of the applications for operator's licence.

Alberta Registries indicated that personal identifiers (i.e. SIN, credit card numbers) are collected to verify that agents are obtaining appropriate identification prior to providing registry services. However, this information is not recorded consistently by private registry agents. This implies that private registry agents are not clear as to whether the information is to be recorded. It also suggests that that the information may not be necessary for operational purposes.

Although the personal identification information is retained on microfilmed documents only, microfilmed documents can be accessed for a variety of purposes and as noted during our audit, the security of these documents at private agent sites is an issue.

**3. It is recommended that Alberta Registries regularly evaluate the personal data it collects to determine if there is a continuing need for the information.**

The personal information collected for the Motor Vehicles Registry has been relatively unchanged since 1984.

Alberta Registries indicated that it lacks the resources to periodically, and on its own initiative, review the information it collects for the Motor Vehicles Registry. Reviews by Alberta Registries of information collected are undertaken only when new programs are being developed; when creating more fields on the database; when developing access agreements; and when preparing for audits (such as the current privacy compliance audit).

Alberta Registries should periodically review the personal information it collects. This would enable Alberta Registries to:

- clarify and reinforce the purpose of collection of personal information;

- manage the privacy implications of its operations and programs in a proactive manner; and
- provide assurances to Albertans that the collection of their personal information is in compliance with fair information handling practices (which are contained in the Act), namely that information is collected for a specific purpose or consistent purposes.

**4. It is recommended that Alberta Registries ensure that only current forms are used for collection of personal information.**

Outdated application forms are in circulation and in use by private registry agents, Alberta Registries, and Alberta Transportation and Utilities.

Although the personal information collected on the forms has not changed significantly, the public bodies referred to on the forms in use differ. As a result, members of the public may be given incorrect information on the public body responsible for the program. It is important that people know who is collecting their personal information.

In addition, the outdated forms do not include notifications respecting the purpose of collection, legislative authority for collection, and to whom questions on collection can be referred (see recommendation number 5).

Alberta Registries has advised that it is difficult to eliminate all outdated forms as medical examination forms are available at many private medical offices and it would be too difficult to locate all outdated forms in circulation. Furthermore, the cost of updating all forms would be significant.

However, it is noted that the FOIP Policy Manual produced by Public Works, Supply and Services for public bodies (dated October 1, 1995) states the following:

- *"it is important to bring forms into compliance with the privacy protection provisions"* of the Act (section 6.15.1 Forms, page 162).
- forms used to collect personal information *"should meet the new privacy requirements and that ... redundant forms [should be] eliminated"* (section 6.15.1 Forms, page 163).

At a minimum, Alberta Registries should ensure that forms used by private registry agents, Alberta Registries and Alberta Transportation and Utilities are current.

**5. It is recommended that Alberta Registries ensure that forms used for collection of personal information contain notification statements that are in accordance with the requirements of the Freedom of Information and Protection of Privacy Act.**

Section 33(2) of the Act requires that all forms used for the collection of personal information contain notification statements. During our audit we reviewed 20 forms used for the collection of information in the Motor Vehicles Registry and found that:

- nine forms do not include a notification statement;
- one form contains an incorrect statement; and
- one form refers to a legislative authority that is too vague to be meaningful.

In addition, seven of the 20 forms reviewed were AT&U forms. The notification statements on three of these forms refer queries on collection to Alberta Registries. Representatives from AT&U indicated that these notification statements should be revised to refer queries to AT&U.

With the exception of one AT&U form, the current notification statements do not specify the title of "an officer or employee of the public body" who can respond to questions on collection as required by section 33(2)(c) of the Act.

The Policy Manual produced by Public Works, Supply and Services (dated October 1, 1995) states:

*"public bodies must undertake a review of all forms used to collect personal information directly from individuals in order to revise them to meet the privacy requirements of the Freedom of Information and Protection of Privacy Act. This review must be completed within three years after the Act comes into effect"* (Section 6.15.1 Forms, page 163).

**6. It is recommended that Alberta Registries, through literature produced for the public, communicate its purpose and authority for collection of personal information.**

Other than the notification statements on application forms, no information is provided to the public on the purpose of collection, legislative authorities for collection, and who can respond to queries on collection.

Alberta Registries should communicate to the public through a variety of means (e.g. posters, brochures, etc.) the purpose for which the information is collected, the authority for the collection and to whom questions on collection could be referred.

Section 33(2) of the Act does not limit information on the purpose of collection to notification statements on application forms.

7. While we recognize that the use and disclosure of personal information in the Office of the Registrar of Motor Vehicles is not subject to the Freedom of Information and Protection of Privacy Act, we believe that Albertans expect that the protection of privacy provisions should apply to the use and disclosure of registry information.

**It is recommended that Alberta Registries adopt fair information practices and disclose personal information only:**

- **if the disclosure is consistent with the original purpose for which the information was collected; or**
- **if there is legislative authority for disclosure; or**

- **if informed consent has been obtained; or**
- **if disclosure is for a purpose consistent with the provisions of sections 38, 40 and 41 of the Freedom of Information and Protection of Privacy Act, which specifies the circumstances under which a public body may disclose personal information.**

Alberta Registries discloses personal information to a wide range of external clients including public bodies, municipalities, federal government bodies, hospitals, post-secondary institutes, parking companies, and private sector businesses. This information may be disclosed through direct on-line access to Alberta Registries databases or may be provided as a paper or microfiched document.

In addition, private registry agents are permitted by Alberta Registries to sell personal information to their account holders in the form of search products. Account holders could include law firms, private investigators, collection agencies, small businesses, private parking companies, etc.

As stated earlier, the use and disclosure of this information is not subject to the Act. However, under the generally accepted principles known as "fair information practices" (which are incorporated in Part 2 of the Act), Alberta Registries should consider the following:

- disclosures by Alberta Registries to hospitals, post-secondary institutions, and private sector businesses are not consistent with the original purpose of collection;
- the sale of personal information by private registry agents to their account holders is not consistent with the original purpose of collection; and
- there is no evidence of legislative authority or informed consent from the individual to whom the information relates on the above referenced disclosures/sales of personal information. Further there is no evidence that these disclosures/sales are consistent with the provisions outlined in sections 38, 40 and 41 of the Act.

To ensure that the personal information in the Motor Vehicles Registry is not subject to potential misuse and that the privacy of Albertans is maintained, Alberta Registries should ensure that the information is used and disclosed in accordance with fair information practices.

**8. It is recommended that Alberta Registries monitor the disclosure of driver abstracts to ensure consent is obtained in compliance with the Motor Vehicles legislation.**

Section 66 of the Motor Vehicle Administration Act states that the individual to whom the driver abstract relates must provide written authorization prior to the disclosure of his/her driver abstract.

Both Alberta Registries and private registry agents disclose driver abstracts to clients such as insurance companies. However, Alberta Registries and private registry agents do not always ensure that appropriate written authorization has been obtained from the individual whose personal information is being provided to the client, prior to the disclosure of the driver abstracts. In addition, Alberta Registries does not monitor the disclosure practices of private registry agents to ensure that they are obtaining the consent of the individual prior to providing a driver abstract to a client.

There appears to be a reliance on "faith" by Alberta Registries and private registry agents that their clients are adhering to the terms of the access/account agreements.

In addition, Alberta Registries has allowed the insurance industry to use the signature of the policy holder as consent to obtain driver abstracts of others insured under that policy. This is not in compliance with section 66 of the MVAA which Alberta Registries has joint responsibility with AT&U to administer.

**9. It is recommended that Alberta Registries ensure that the personal information disclosed to clients is used in accordance with the terms of the access agreements between Alberta Registries and those clients.**

Alberta Registries is currently establishing access agreements with the clients to whom it discloses personal information from the Motor Vehicles Registry. The agreements include clauses on the purpose for disclosure by Alberta Registries and the use(s) by the external client of the information obtained.

The agreements also reserve the right for Alberta Registries to audit its clients. However, there is no indication that Alberta Registries audits or reviews its clients on their use of the information obtained. In other words, Alberta Registries lacks assurance that its clients are using the information obtained from the Motor Vehicles Registry for the purposes that the information was disclosed.

Alberta Registries is responsible for the protection of the information in the Motor Vehicles Registry and must ensure that information which is disclosed to its clients is used for the purpose intended.

**10. In order to ensure that access to the Motor Vehicles Registry is restricted uniformly, it is recommended that Alberta Registries establish standards and conditions for granting access privileges and regularly update its records.**

Direct on-line access to the Motor Vehicles Registry is granted to a wide range of individuals and organizations throughout the Province including Alberta Registries itself, other divisions of Alberta Municipal Affairs, Provincial public bodies, municipalities, hospitals, post-secondary institutions, Legal Aid Society of Alberta, enforcement agencies, and private registry agents. Many of these bodies have long-standing on-line access through multiple identification numbers ("IDs").

Alberta Registries does not have established standards and conditions for granting access to the Motor Vehicles Registry. Access privileges to the Registry by external clients are not updated regularly by Alberta Registries.

In order to manage the risk of inappropriate access and use of personal information in the Motor Vehicles Registry, Alberta Registries must ensure that it has standards for granting access to the registry and that it maintains up-to-date records of all individuals with access to the database.

We understand that Alberta Registries has recently started to review access granted to the Motor Vehicles Registry and is requesting justification when additional access submissions are received.

**11. It is recommended that Alberta Registries educate and train private registry agents on the Freedom of Information and Protection of Privacy Act and its implications to registry services delivery.**

Alberta Registries does not provide training to private registry agents on the Act or its implications for registry services. Employees at private agent offices indicated that they have received little or no information on the Act.

Alberta Registries policies and procedures, which are used as a reference source by private registry agents, make no reference to specific legislative authorities for collection of personal information. Thus private agency personnel have limited or no understanding of the purpose of collection.

Private registry agents are agents of the Crown and are Alberta Registries front line representatives to the public. Therefore, the agents and their staff should have knowledge of the Act to ensure that the collection, use, disclosure and security of personal information is in accordance with the Act.

**12. It is recommended that Alberta Registries ensure that the Alberta Directory accurately describes the personal information banks in its custody and control in accordance with the Act.**

The Act (section 82) requires that the Minister of Labour, who is responsible for the Act, publish a directory to assist in identifying and locating records. The Act specifies that the directory must include a description of the type of personal information maintained in the data bank, the categories of individuals whose personal information is included, and the categories of persons who use the personal information and to whom it is disclosed.

Our review of the 1995 Alberta Directory, for information specific to the Motor Vehicles Registry, found that the information listed as part of this information bank was incomplete. The section of the Directory which relates to the Motor Vehicles Registry does not indicate that telephone numbers and motor vehicle identification numbers are maintained in the Registry.

In addition, the 1995 Alberta Directory does not indicate that individuals who applied for and received Alberta identification cards are included in the personal information banks in the custody and control of Alberta Registries.

It is also noted that the 1995 Alberta Directory does not include the disclosures by Alberta Registries to its clients for purposes such as parking control, eligibility for programs and benefits, collection of debt owing to the Province, etc.

Alberta Registries should consider the foregoing when the Directory is being updated.

## **V. Information Systems - Motor Vehicles Registry**

**13. It is recommended that Alberta Registries ensure that the service bureau responsible for the operation of the Motor Vehicles and Driver Licensing Information Systems addresses the deficiencies in control procedures relating to the Information Systems identified during the joint audit and reports quarterly to Alberta Registries on the progress made towards correcting these deficiencies.**

During the course of our audit we identified several control deficiencies which should be brought to the attention of the service bureau and rectified.

Generally, the mainframe processing environment, where most of the MOVES software and data resides, is well controlled, except as described below. The controls of the distributed environment using the One Part Driver's License server should be improved. The control weaknesses identified in the system are, in part, due to less mature tools available previously to attain the level of security achieved in the stable mainframe environment. Nonetheless, a number of tools are now available and should be considered to enhance this security.

The areas where controls should be strengthened relate to information security (with respect to security policy), logical security of MVS and UNIX environments, segregation of duties, segregation of test and production environments, updating of the disaster recovery plan, development of a list of Critical System Resources, audit trail logging and reviewing, performance of security compliance reviews, development of procedures with respect to communicating staff transfers, hiring and de-hiring, and training of security staff.

**14. It is recommended that Alberta Registries strengthen the security measures at private registry agent offices to ensure the protection of personal information.**

We visited six registry offices during our audit and noted the following:

- In one registry office records were kept off-site at the owner's home-office;
- In most offices, all staff have keys to the building and have alarm code access. In addition, doors to key areas (forms room, vault) are left open during business hours;
- Registry agents have not received any guidance about policies with respect to software, hardware and security. In addition, registry offices are uncertain as to whether they are allowed Internet access.

- At one registry agent, a list of all passwords is kept in the office safe which is accessible to all office staff. Staff members regularly sign on using a co-worker's ID and password.
- At some smaller private registry agents, all employees adopt the same password.
- Staff members on leave continue to hold active passwords and IDs on the system.

From our discussions with private registry agents and staff, it was also apparent that there was a lack of awareness as to appropriate security procedures.

The weaknesses identified above increase the controllable risk:

- Unsecured, off-site storage of confidential records/documents may result in an inability to recover registry records and may not be adequate to ensure compliance with Alberta Registries security standards with respect to retention, storage and destruction;
- Staff members could possibly access important forms and files after hours without proper authority;
- Areas containing critical information/forms/cash, etc., are visible to the public during business hours;
- Lack of awareness of proper registry standards may result in unauthorized software or hardware being installed on registry premises, therefore potentially exposing the office or the Alberta Registries network to unauthorized access; and
- Difficulty in tracing any unauthorized transactions to the actual individual responsible.

We are aware that Alberta Registries has policies and procedures regarding office and password security measures to be followed by private registry agents, however, these policies are not consistently followed or enforced.

Alberta Registries should strengthen its existing policies and procedures for password security, office security, and appropriate record storage, retention and destruction procedures. In addition, private registry agents and their staff should be provided the education and training necessary to convey the importance of information security policies and procedures.

A well-defined and communicated information security policy will ensure that all private registry agents and staff are aware of the appropriate security requirements and reduce the risk of unauthorized access to and disclosure of personal information.

**15. It is recommended that Alberta Registries require that each registry agent obtain a signed code of conduct agreement from each employee stating a commitment to abide by the relevant policies and procedures as a means to ensuring**



**that the privacy of Albertans and the security of their personal information is maintained.**

It was noted that registry agent personnel were unfamiliar with existing Alberta Registries policies and procedures regarding the protection of personal information. More importantly, however, the staff did not understand the reason for the existence of these policies.

Alberta Registries policies and procedures manual includes a policy regarding the confidentiality of Alberta Registries information. A policy, however, is only effective if all private registry agents and staff fully comprehend the significance of the policy. If private registry agents were required to obtain a signed code of conduct from all employees, it would ensure that the employees have full understanding of the reason for the confidentiality of the information maintained by Alberta Registries and are fully aware of the consequences of not complying with the terms of the agreement.

By ensuring that all personnel have complete understanding of the policies and the implications of violating them, Alberta Registries could substantially decrease the risk of unauthorized access and disclosure of personal information. The use of a code of conduct agreement would also help to increase employee accountability and would provide private registry agents with recourse in the event an employee violated these policies.

In addition, implementation of this practice could enhance the effectiveness of any policies and procedures which Alberta Registries implements with regard to personal information: access, use and disclosure, retention and destruction.

**16. It is recommended that Alberta Registries obtain annually a letter of representation in a form acceptable to Alberta Registries, confirming that the control procedures relevant to the performance of services for Registries have been established and are operating effectively in all areas affecting the security and integrity of information processed and maintained by the service bureau responsible for the computer systems at Alberta Registries.**

**It is further recommended that:**

- **the letter of representation be supported by a report by an external auditor of the service bureau on control procedures in a form and to a standard provided for by The Canadian Institute of Chartered Accountants.**
- **any control deficiencies identified by Alberta Registries, or by an external auditor, be made the subject of quarterly reports by the service bureau to Alberta Registries which detail the progress made towards correcting the deficiencies.**

In 1994, Alberta Registries outsourced the majority of its computer services to a service bureau. This decision has resulted in significant changes to the manner in which Alberta Registries computer systems are managed. Alberta Registries, however, still retains responsibility for ensuring that the control objectives of the outsourced computer systems

are achieved i.e. safeguarding of assets, prevention of fraud and error, and maintenance of reliable accounting records.

Alberta Registries relies on the service bureau to ensure that effective control procedures are in place to meet the control objectives of the system. The service bureau is responsible for the design of control procedures and ensuring that they are operating effectively.

Alberta Registries should ensure that control procedures at the service bureau are adequately designed and are operating effectively. The contract between Alberta Registries and the service bureau includes a clause in section 14 which allows Alberta Registries to obtain an audit of the service bureau.

Obtaining a representation letter from the management of the service bureau and an external auditor's report on the control procedures at the service bureau will provide assurance to Alberta Registries that the control objectives of the computer system are being achieved.

## **VI. Management Control Systems - Private Registry Agent Operations**

### Introduction

#### *A. Request for Proposal Process - New Agents*

Alberta Registries conducts a search for a new agent when:

- the closure of an existing agency creates the need for a new agency in a specific area; or
- there is public demand for additional service and the volume of transactions in that area confirms the need for increased services; or
- a prospective applicant expresses an interest in opening an agency and there is a demonstrated need for the additional services.

When Alberta Registries determines that there is a need for a new agency in an area, Registries advertises the business opportunity and provides all applicants with a package which includes: request for proposal ("RFP"), information package, application and a letter outlining the deadline for submission. Each RFP and information package is customised to reflect the specific details of the opportunity.

#### *B. Registry Agent Agreements*

When a prospective registry agent is selected, the successful applicant is required to sign a registry agent agreement. The requirements of the agreement include compliance with "*all policy directives (including the product catalogue and service level standards) and user guides that have been, or will be, issued by the Minister in respect to the provision of the (licensing and associated registry) services.*" On account of this encompassing

clause, our examination of the registry agent agreement included a review of the relevant provisions included in the policy directives and user guides.

It is acknowledged that the form and content of the registry agent agreement, policy directives and service level (performance) standards have been revised since the original agreements were signed. These changes were a significant improvement to the registry agent agreement.

Our review indicated that the agreement contains adequate provisions relating to service expectations, administrative requirements and enforcement provisions.

### *C. Monitoring Processes*

The monitoring of private registry agents by Alberta Registries comprises several functions with distinct roles. The following is a summary of these functions:

- Customer Service - Customer Service Co-ordinators ("CSCs") provide support to agents in performing daily operations, prepare monthly performance standards reports, and perform on-site agent reviews (once every 12 - 18 months).
- Administrative Support - provides support to agents and reviews various exception reports, and reports to CSCs any incidents which form part of the completion of the monthly performance standards reports.
- Direct Customer Service - responds to complaints about an agent from the public and forwards operational concerns to a CSC for attention.
- Financial monitoring (Municipal Affairs) - ensures that all revenue is processed promptly
- Internal audit (Municipal Affairs) - performs approximately 40 audits per year (audits each agent once every five years) and completes special investigations of agents as requested by Alberta Registries.

The Customer Service Co-ordinators are involved with private registry agents daily, weekly, or at least, monthly, depending on the requirements of each agent, and therefore have the most knowledge of agent operations.

Registry agent performance is measured based on the monthly performance standards report and compliance with Alberta Registries policies and procedures. The performance standards reports focus on the accuracy, validity, and completeness of transactions. Customer service issues, i.e. timeliness of service delivery, knowledge level of staff or accessibility may be addressed with private registry agents if a CSC receives several complaints from the public via Direct Customer Service regarding the service at a particular agency.

Registry agents receive feedback on their overall performance through the monthly performance reports, on-site review reports, or when customer complaints are resolved with the agent. All concerns, findings, and recommendations identified by CSCs, or

through other monitoring functions, are followed up by CSCs to ensure that they have been addressed by the agent.

#### *D. Alberta Registries Performance Measurement*

Alberta Registries measures the performance of registry services delivery by a variety of methods. Internal reports to Alberta Registries management focus on performance indicators (number of transactions per year, average cost per transaction, number of products available from agents, customer satisfaction levels), business indicators (market share by distribution channels report, transactions by type), financial indicators (Alberta Registries revenues and expenditures, including the cost of human resources) and an analysis of transactions provided by the registry agent's network (number of transactions, transactions at different centres). External performance measures of Alberta Registries include degree of customer satisfaction with registry services and cost per transaction.

#### Recommendations

**17. It is recommended that the entire Request for Proposal process be formally documented as a means of ensuring that applicants for a registry agency are treated, and can be seen to be treated, in an equitable manner.**

The request for proposal process ("RFP") at Alberta Registries was developed in anticipation of privatization but has not been formally documented. Alberta Registries may need to revise the RFP process following the recent presentation to the Standing Policy Committee of the registry agent competitive re-bidding process.

We specifically recommend that Alberta Registries document the following procedures:

- The decision process required to proceed with the Request for Proposal Process;
- The notification and supply of the Request for Proposal to interested individuals;
- The issuance and use of the Request for Proposal document;
- The procedures controlling the receipt, custody and opening of the proposals;
- The evaluation procedures for deciding the most suitable applicant;
- The procedures for conducting reference checks of prospective agents; and
- The procedures describing the use of the evaluation documents.

Formal documented procedures provide a reference guide for new employees and provide consistency, security and fairness to the applicant.

We recognize that informal procedures exist and are being followed, however, these procedures should be formally documented.

**18. It is recommended that the Request for Proposal document include the following information:**

- **a summary of the Alberta Registries policies and procedures (policy directives and user guides) for registry agents;**
- **full details of all of the performance standards directives;**

**as a means of ensuring that the operational responsibilities of both parties and the expectations of Alberta Registries are understood by applicants prior to submission of an application for a registry agency.**

The information package which is presently provided to all RFP applicants does not provide detailed information on the nature and extent of Alberta Registries policies and procedures for the provision of registry services.

The information package includes the following statement with regards to service standards:

*"To assure consistency, policies, procedures, and performance standards will be established by Alberta Registries. For example, monitoring and support of registry agents will include periodic on-site visits, auditing of administrative records, and monitoring of performance standards. Any public complaints or concerns will be investigated by Alberta Registries."*

According to the agent agreement, the term "agreement" refers to the contract and all policy directives and user guides issued by the Minister relating to the provision of registry services. Thus, performance service standards and other policy directives of Alberta Registries are an integral part of the agency agreement. In our opinion, all prospective agents should be aware of the content, or at least the significant implications, of these directives and user guides, from the outset.

If Alberta Registries is to obtain full co-operation from private registry agents it should ensure that all agents are informed of the full scope of their responsibilities prior to submitting their application. This will ensure that there is no ambiguity in the expectations of both parties to the agreement.

**19. It is recommended that the procedures regarding reference checks be standardized as a means of ensuring that applicants for a registry agency receive a fair and consistent evaluation.**

Alberta Registries has not applied consistent procedures for reference checks. However, we understand that Alberta Registries has recently been considering several options for reference checks including contracting with an independent consultant to perform the reference checks on all prospective agents.

Reference checks provide an independent source of evaluation information and are an integral part of the proposal evaluation process. Consistent procedures will reduce the extent of bias in the process and ensure that each prospective registry agent receives a fair and consistent evaluation.

**20. It is recommended that Alberta Registries strengthen its policy and procedures for monitoring the activities and performance of private registry agents and ensure that monitoring resources are allocated based on the risk that registry agents will not provide registry services in accordance with the registry agent agreement.**

The registry agent monitoring process at Alberta Registries has not been completely documented. Elements of the process are documented including: the job description of a CSC; the newly revised policy of performance standards; and scoring guidelines, and internal audit programs. Each of these items represents a part of the monitoring process, however, no document exists which identifies all components of the process and the respective roles and responsibilities of all personnel performing monitoring functions.

Documentation of the respective roles and responsibilities of each monitoring unit (CSC, internal audit, direct customer assistance and financial monitoring) will ensure that all areas of concern to Alberta Registries (compliance with the agreement and all policy directives) are being monitored. It will also provide management with a basis for assessing whether the current monitoring processes are adequate.

We found that Customer Service Co-ordinators do not have specific procedures for the performance of their monitoring duties and consequently their practices vary. A registry agent stated that he receives conflicting advice from CSCs on the same issue. Our interviews of private registry agents indicate that they also believe that the monitoring procedures of the CSCs vary significantly and that consistency between agent evaluations has not been achieved.

The monitoring procedures of the CSCs should be documented to ensure all policies and procedures are followed consistently and completely, and that all private registry agents are subject to the same standards. In addition, standardization will assist Alberta Registries when training a new Customer Service Co-ordinator.

The current on-site review checklist focuses on basic agency procedures including: a spot check on inventories, documentation of fixed asset serial numbers, on-site training, security of computer access, inventory, and cash, and a follow-up of recommendations from prior visits. The scope of the on-site reviews should be expanded to include an assessment of the agent's compliance with policies and procedures, similar to those procedures performed by Municipal Affairs Internal Audit.

More comprehensive on-site reviews will provide Alberta Registries with additional performance information and provide assurance that the agency agreement is being adhered to.

On average, each agent will be audited by internal audit once every five years for compliance with policies and procedures. Alberta Registries only performs an agent on-site review once a year, which does not focus on compliance with Alberta Registries policies and procedures. It should be determined whether an audit once every five years is sufficient to ensure that each agent is complying with all policies and procedures. The need for these audits will, of course, depend upon whether CSCs will in the future be performing this function and how often. If fully comprehensive on-site reviews are to be

performed frequently by CSCs, the internal audit function could logically be confined to audits of the content and format of on-site reviews performed by Alberta Registries.

The monitoring policy and procedures of Alberta Registries should be driven by an assessment of the risk that the private registry agents will not provide registry services satisfactorily. The risk will vary by agent depending on factors specific to the agency i.e. the quality of agent personnel, the services provided, location (urban or rural), staff turnover. While all agents should be subject to a basic level of monitoring, these risk factors should be the basis for determining the extent of further monitoring and auditing.

With the continuous addition of services delivered by agents, monitoring processes need to be revised. For instance, agents now deliver new corporate registries services, yet performance standards and the monitoring process have not been developed to ensure agents are in compliance with all policies and procedures. Performance standards and the monitoring process should be developed to ensure that services are being delivered effectively, efficiently and in compliance with Alberta Registries policies and procedures as well as with applicable legislation.

**21. It is recommended that Alberta Registries, in order to improve registry agent service delivery and accountability to the Department, formally communicate to all existing and prospective private registry agents the framework of the registry agents model including the following:**

- **the guiding principles of accountability, deregulation, privacy, accessibility, and economy;**
- **the legislative and contractual framework;**
- **Alberta Registries goals and objectives; and**
- **the roles of Alberta Registries and private registry agents in achieving Alberta Registries goals and objectives.**

The registry service delivery model has changed significantly since privatization. Alberta Registries has implemented many new policies, procedures and contractual amendments which affect the delivery of registry services. These changes have mainly been directed at ensuring the accountability of private registry agents to Alberta Registries.

While these changes have been communicated to private registry agents, it is important that all agents understand the underlying concepts and basis for these changes. From our interviews of several private registry agents and their staff, it was apparent that they do not fully understand the role of the agent and the role of Alberta Registries within the registry agents service delivery model.

By communicating the framework to all agents, as part of the policies and procedures manual and as part of the RFP document, Alberta Registries will ensure that all agents understand the basic principles of Alberta Registries service delivery. This may also increase the extent of registry agent "buy-in" to the model and the role of Alberta

Registries in facilitating and managing the registry service delivery.

## **VII. Response of Municipal Affairs**

On March 25, 1998, we received the response of Municipal Affairs to our audit report.

The letter reads as follows:

"Attached is our response to your draft audit report. We agree with recommendations 2-6, and 11-21 and we have already proceeded to address these matters.

Recommendation numbers 1, 7, 8, 9 and 10 have legislative, policy and financial implications. We agree in principle with these recommendations, however, additional time to consult with the Motor Vehicles Registry stakeholders regarding the implications of implementation would be advisable in our view.

The Minister of Labour, the Honorable Murray Smith, has established an all-party committee to review the Freedom of Information and Protection of Privacy Act. It would be our intention to present issues affecting Alberta Registries to this committee and recommend possible changes which would be in keeping with the best practices of managing Registries information."

With this letter, we also received more comprehensive responses to each of our recommendations which follow:

- 1. In order to protect the personal information of Albertans from inappropriate disclosure and consequent misuse, it is recommended that the Minister responsible for Alberta Registries consider the advisability of making personal information in the Office of the Registrar of Motor Vehicles Services fully subject to Part 2 of the Freedom of Information and Protection of Privacy Act.**

Alternatively, it is recommended that Alberta Registries consider adopting fair information practices that are equivalent to the Freedom of Information and Protection of Privacy Act with respect to the use, disclosure and protection of personal information in the Motor Vehicles Registry. (Recommendation #7 provides more detail)

### Management Comments

This recommendation has major legislative, policy and financial implications. We agree in principle with this recommendation, however, additional time is necessary to consult with the Motor Vehicles Registry stakeholders regarding implications of this recommendation and the manner in which it could be implemented.



2. **In order to comply with the collection provisions of the Freedom of Information and Protection of Privacy Act, it is recommended that Alberta Registries ensure that private registry agents discontinue recording personal information provided by applicants to establish their identity.**

Management Comments

Alberta Registries agrees with this recommendation and will issue new instructions to its staff and to the private registry agents so that the permanent collection of the identifiers ceases.

3. **It is recommended that Alberta Registries regularly evaluate the personal data it collects to determine if there is a continuing need for the information.**

Management Comments Alberta Registries agrees with the recommendation. Since the Act was implemented in October of 1995, a very thorough review was conducted which validated the current collection scope. Alberta Registries intends to continue to conduct reviews on a periodic basis to ensure compliance with the "need to know" principle. To that end, the division will establish a committee that will conduct an inventory of all forms currently used by Alberta Registries and its agents.

Recommendations 3, 4 and 5 which all deal with the collection of personal information and it is felt by the Department that the resolution of the issues calls for a comprehensive approach.

The division uses many different forms to collect data. The review and the reprinting of those forms constitutes a major project both in terms of costs and staffing. It is estimated that a project of such magnitude requires up to 30 months to be completed. The division has done considerable amount of work to date with regards to this concern. All initial intake documents i.e. those forms used when a member of the public first comes to Alberta Registries, already include notification statements.

4. **It is recommended that Alberta Registries ensure that only current forms are used for collection of personal information.**

Management Comments

Because this recommendation is, for all intents and purposes, the same as recommendation 3, please refer to that response.

5. **It is recommended that Alberta Registries ensure that forms used for collection of personal information contain notification statements that are in**

**accordance with the requirements of the Freedom of Information and Protection of Privacy Act.**

Management Comments

Because this recommendation is, for all intents and purposes, the same as recommendation 3, please refer to that response.

6. **It is recommended that Alberta Registries, through literature produced for the public, communicate its purpose and authority for collection of personal information.**

Management Comments

Alberta Registries agrees with the above recommendation and intends to implement it as soon as possible. Alberta Registries Business Plan must be amended to accommodate the change in direction suggested by the audit. Given the scope of the audit, a staggered implementation will be required spanning a minimum of three years. The implementation will be divided into two steps:

1. A working committee will examine the various options available to identify the most effective and economical ways to disseminate the information to the public.
  2. The implementation phase will commence as soon as possible following receipt of the committee's recommendations.
7. While we recognize that the use and disclosure of personal information in the Office of the Registrar of Motor Vehicles is not subject to the Freedom of Information and Protection of Privacy Act, we believe that Albertans expect that the protection of privacy provisions should apply to the use and disclosure of registry information.

**It is recommended that Alberta Registries adopt fair information practices and disclose personal information only:**

- **if the disclosure is consistent with the original purpose for which the information was collected; or**
- **if there is legislative authority for disclosure; or**
- **if informed consent has been obtained; or**
- **if disclosure is for a purpose consistent with the provisions of sections 38, 40 and 41 of the Freedom of Information and Protection of**

**Privacy Act, which specifies the circumstances under which a public body may disclose personal information.**

Management Comments

This recommendation has major legislative, policy and financial implications. We agree in principle with this recommendation, however, additional time is necessary to consult with the Motor Vehicles Registry stakeholders regarding implications of this recommendation and the manner in which it could be implemented.

- 8. It is recommended that Alberta Registries monitor the disclosure of driver abstracts to ensure consent is obtained in compliance with the Motor Vehicles legislation.**

Management Comments

This recommendation has major legislative, policy and financial implications. We agree in principle with this recommendation, however, additional time is necessary to consult with the Motor Vehicles Registry stakeholders regarding the implications of this recommendation and the manner in which it could be implemented.

- 9. It is recommended that Alberta Registries ensure that the personal information disclosed to clients is used in accordance with the terms of the access agreements between Alberta Registries and those clients.**

Management Comments

This recommendation has major legislative, policy and financial implications. We agree in principle with this recommendation, however, additional time is necessary to consult with the Motor Vehicles Registry stakeholders regarding implications of this recommendation and the manner in which it could be implemented.

- 10. In order to ensure that access to the Motor Vehicles Registry is restricted uniformly, it is recommended that Alberta Registries establish standards and conditions for granting access privileges and regularly update its records.**

Management Comments

This recommendation has major legislative, policy and financial implications. We agree in principle with this recommendation, however, additional time is

necessary to consult with the Motor Vehicles Registry stakeholders regarding implications of this recommendation and the manner in which it could be implemented.

- 11. It is recommended that Alberta Registries educate and train private registry agents on the Freedom of Information and Protection of Privacy Act and its implications to registry services delivery.**

Management Comments

Alberta Registries will develop and implement a training plan on FOIP specifically designed for the private registry agents. Alberta Registries Business Plan must be amended to accommodate the change in direction suggested by the [audit]. Given the scope of the audit, a staggered implementation will be required spanning a minimum of three years.

- 12. It is recommended that Alberta Registries ensure that the Alberta Directory accurately describes the personal information banks in its custody and control in accordance with the Act.**

Management Comments

As the auditors are aware, the development and maintenance of the Alberta Directory rests with the Minister of Labour. Alberta Registries can only embark on changes at the direction of Labour.

Alberta Registries will comply fully and cooperate with Alberta Labour on the Directory of Records Review Project.

- 13. It is recommended that Alberta Registries ensure that the service responsible for the operation of the Motor Vehicles and Driver Licensing Information Systems addresses the deficiencies in control procedures relating to the Information Systems identified during the joint audit and reports quarterly to Alberta Registries on the progress made towards correcting these deficiencies.**

Management Comments

- The identified deficiencies have been reviewed in detail with the service bureau. Those deficiencies which can be addressed without significant cost and or performance implications have either been addressed or are anticipated to be addressed in full.

- Methods of addressing the identified deficiencies which have significant cost and/or performance implications will be reviewed at least quarterly as part of the review of control deficiencies by Alberta Registries or an external auditor.
- It is anticipated that the annual supplementary operating agreement for 1998/99 will address segregation of responsibilities, improved understanding and adherence to security practices, implementation of firewall by the service bureau and improved monitoring by Alberta Registries.
- The service bureau has prepared and Alberta Registries has approved a work plan which provides details of how they will address outstanding deficiencies. The majority of the items will be actioned within the next three months.

**14. It is recommended that Alberta Registries strengthen the security measures at private registry agent offices to ensure the protection of personal information.**

Management Comments

- Alberta Registries will review its existing measures for password and office security and appropriate records retention and destruction procedures. In addition, measures will be taken to ensure that all registry agent staff are aware of the appropriate information security requirements, and the need to reduce the risk of unauthorized access to and disclosure of personal information. A strengthened policy directive for private registry agents relating to security procedures will be developed and issued as soon as possible.
- The registry agent contractual agreement requires that private registry agents and their employees and agents keep confidential and only use motor vehicle and other registry information for the purpose of providing the services listed in the product catalogue.
- Registry agents are required by the agreement to maintain controlled inventory in secure storage in accordance with the facility standards developed and maintained by Alberta Registries.
- Transactions which generate government revenue, including search transactions, are completed using pre-numbered forms which are

distributed, tracked and reconciled through the MOVES information systems, stage reports and site inspections.

- Internal audit reviews the security at private registry agents' offices and wherever security issues have been identified these have been corrected. Internal audit will continue to monitor and emphasize awareness of the importance of system security with private registry agents.
- Alberta Registries has issued detailed specifications for computer hardware and software and has prescribed the configuration of software in each registry agent workstation. These specifications will be enhanced to provide direction on any security issues involved with access to the Internet from registry agent workstation. Registries has been assured that access to the Internet from a registry agent workstation could not result in illegal access to Registries databases.

**15. It is recommended that Alberta Registries require that each registry agent obtain a signed code of conduct agreement from each employee stating a commitment to abide by the relevant policies and procedures as a means to ensuring that the privacy of Albertans and the security of their personal information is maintained.**

#### Management Comments

Alberta Registries will include a requirement in the registry agent's policies stating that all registry agent staff should be fully apprised of the privacy and security policies regarding personal information. The policy will direct that all agent staff shall be required to make a written commitment to comply with policies respecting privacy of personal information.

**16. It is recommended that Alberta Registries obtain annually a letter of representation in a form acceptable to Alberta Registries, confirming that the control procedures relevant to the performance of services for Registries have been established and are operating effectively in all areas affecting the security and integrity of information processed and maintained by the service bureau responsible for the computer systems at Alberta Registries.**

**It is further recommended that:**

- **the letter of representation be supported by a report by an external auditor of the service bureau on control procedures in a form and to a standard provided for by The Canadian Institute of Chartered**

### **Accountants.**

- **any control deficiencies identified by Alberta Registries, or by an external auditor, be made the subject of quarterly reports by the service bureau to Alberta Registries which detail the progress made towards correcting the deficiencies.**

### Management's Comments

Alberta Registries has requested, and the service bureau has agreed, to the following:

- to provide a letter to representation confirming that the control procedures relevant to the performance of services for Registries have been established and are operating effectively in all areas affecting the security and integrity of information processed and maintained by the service bureau. This letter of representation will be supported by a report prepared by an external auditor of the service bureau on control procedures and in a form and to a standard provided for in section 5900 of the CICA Handbook.
- provide to Alberta Registries on a quarterly basis a report which details the progress made towards correcting any control deficiencies identified by Registries or by an external auditor.
- Alberta Registries will work with the service bureau to determine the frequency of section 5900 reports and the issuing of letters of representation from the service bureau.

17. **It is recommended that the entire Request for Proposal process be formally documented as a means of ensuring that applicants for a registry agency are treated, and can be seen to be treated, in an equitable manner.**

### Management Comments

Alberta Registries agrees with this recommendation. The Request for Proposal document has already been re-drafted to reflect the recommendation of an independent consultant. The entire Request for Proposal process will be formally documented.

**18. It is recommended that the Request for Proposal document include the following information:**

- **a summary of the Alberta Registries policies and procedures (policy directives and user guides) for registry agents;**
- **full details of all of the performance standards directives;**

**as a means of ensuring that the operational responsibilities of both parties and the expectations of Alberta Registries are understood by applicants prior to submission of an application for a registry agency.**

Management Comments

The Request for Proposal document will be revised to provide additional information on the nature of Alberta Registries policies and procedures. Alberta Registries will require that these be reviewed prior to contracting with the successful bidder.

**19. It is recommended that the procedures regarding reference checks be standardized as a means of ensuring that applicants for a registry agency receive a fair and consistent evaluation.**

Management Comments

Alberta Registries agrees with this recommendation and will establish a standard reference check procedures and describe it when the Request for Proposal process is documented.

**20. It is recommended that Alberta Registries strengthen its policy and procedures for monitoring the activities and performance of private registry agents and ensure that monitoring resources are allocated based on the risk that registry agents will not provide registry services in accordance with the registry agent agreement.**

Management Comments

Alberta Registries has commenced work on a comprehensive policy which will include the following components:

- A framework outlining the functional responsibilities of each staff group for monitoring and auditing.
- Internal staff procedures for the application of the performance standards.



- Performance standards and related policy for private registry agents.
- Site visit procedures for customer service co-ordinators including an updated checklist.
- The current audit schedule for the registry agent network. Procedures for Internal Audit staff to maintain consistency in registry agent audits.

**21. It is recommended that Alberta Registries, in order to improve registry agent service delivery and accountability to the Department, formally communicate to all existing and prospective private registry agents the framework of the registry agents model including the following:**

- **the guiding principles of accountability, deregulation, privacy, accessibility, and economy;**
- **the legislative and contractual framework;**
- **Alberta Registries goals and objectives; and**
- **the roles of Alberta Registries and private registry agents in achieving Alberta Registries goals and objectives.**

#### Management Comments

Alberta Registries will draft a description of the registry agent model, based on our business plan, including roles and responsibilities for private registry agents and Alberta Registries, which will be provided to all existing and prospective private registry agents.

#### **Glossary of Acronyms**

The Act/FOIP Act	Freedom of Information and Protection of Privacy Act
AT&U	Alberta Transportation and Utilities
CSC	Customer Service Co-ordinators
IDs	Identification Numbers
MA	Alberta Municipal Affairs
MOVES	Motor Vehicles and Driver Licensing System
MVAA	Motor Vehicle Administration Act
Registries	Alberta Registries
RFP	Request for Proposal for New Agent Selection
SIN	Social Insurance Number
CICA	Canadian Institute of Chartered Accountants

## **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (Excerpts)**

**Statutes of Alberta, 1994, Chapter F-18.5 with amendments in force as of October 1,  
1997**

### **Records to which this Act applies (Section 4)**

**4(1)** This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:

- (h) a record made from information
  - (i) in the Personal Property Registry,
  - (ii) in the office of the Registrar of Motor Vehicle Services,
    - (ii.1) in the office of the Registrar of Corporations,
    - (ii.2) in the office of the Registrar of Companies,
  - (iii) in a Land Titles Office,
  - (iv) in an office of a district registrar as defined in the *Vital Statistics Act*,  
or
  - (v) in a registry operated by a public body where public access to the registry is normally permitted;

## **Part 2 - Protection of Privacy**

### **Division 1 - Collection of Personal Information**

#### **Purpose of collection of information (Section 32)**

**32** No personal information may be collected by or for a public body unless:

- (a) the collection of that information is expressly authorized by or under an Act of Alberta or Canada,
- (b) that information is collected for the purposes of law enforcement, or
- (c) that information relates directly to and is necessary for an operating program or activity of the public body

**Manner of collection of information (section 33)**

**33(1)** public body must collect personal information directly from the individual the information is about unless

- (a) another method of collection is authorized by
  - (i) that individual,
  - (ii) another Act or a regulation under another Act, or
  - (iii) the Commissioner under section 51(1)(h) of this Act,
- (b) the information may be disclosed to the public body under Division 2 of this Part,
- (c) the information is collected for the purpose of law enforcement,
- (d) the information is collected for the purpose of collecting a fine or a debt owed to the Government of Alberta or a public body,
- (e) the information concerns the history, release or supervision of an individual under the control or supervision of a correctional authority,
- (f) the information is collected for use in the provision of legal services to the Government of Alberta or a public body,
- (g) the information is necessary
  - (i) to determine the eligibility of an individual to participate in a program of or receive a benefit, product or service from the Government of Alberta or a public body and is collected in the course of processing an application made by or on behalf of the individual the information is about, or
  - (ii) to verify the eligibility of an individual who is participating in a program of or receiving a benefit, product or service from the Government of Alberta or a public body and is collected for that purpose.

(h) the information is collected for the purpose of informing the Public Trustee or the Public Guardian about potential clients,

(i) the information is collected for the purpose of enforcing a maintenance order under the Maintenance Enforcement Act,

(j) the information is collected for the purpose of managing or administering personnel of the Government of Alberta or a public body, or

(k) the information is collected for the purpose of assisting in researching or validating the claims, disputes or grievances of aboriginal people.

**(2)** A public body that collects personal information that is required by subsection (1) to be collected directly from the individual the information is about must inform the individual of

(a) the purpose for which the information is collected,

(b) the specific legal authority for the collection, and

(c) the title, business address and business telephone number of an officer or employee of the public body who can answer the individual's questions about the collection.

**(3)** Subsections (1) and (2) do not apply if, in the opinion of the head of the public body concerned, compliance with them might result in the collection of inaccurate information.

### **Protection of personal information (Section 36)**

**36** The head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

## **Division 2 - Use and Disclosure of Personal Information by Public Bodies**

### **Use of personal information (Section 37)**

**37** A public body may use personal information only

(a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose,

(b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use, or

(c) for a purpose for which that information may be disclosed to that public body under section 38, 40 or 41.

### **Disclosure of personal information (Section 38)**

**38(1)** A public body may disclose personal information only

- (a) in accordance with Part 1,
- (b) for the purpose for which the information was collected or compiled or for a use consistent with that purpose,
- (c) if the individual the information is about has identified the information and consented, in the prescribed manner, to the disclosure,
- (d) for the purpose of complying with an enactment of Alberta or Canada or with a treaty, arrangement or agreement made under an enactment of Alberta or Canada,
- (e) for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure,
- (f) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction to compel the production of information or with a rule of court that relates to the production of information,
- (g) to an officer or employee of the public body or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer, employee or member,
- (h) for the purpose of enforcing a legal right that the Government of Alberta or a public body has against any person,
- (i) for the purpose
  - (i) collecting a fine or debt owing by an individual to the Government of Alberta or to a public body, or to an assignee of either of them, or
  - (ii) making a payment owing by the Government of Alberta or by a public body to an individual,
- (j) for the purpose of determining an individual's suitability or eligibility for a program or benefit,
- (k) to the Auditor General or any other prescribed person or body for audit

purposes,

(l) to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem,

(m) to a representative of a bargaining agent who has been authorized in writing by the employee the information is about to make an inquiry,

(n) to the Provincial Archives of Alberta or to the archives of a public body for permanent preservation,

(o) to a public body or a law enforcement agency in Canada to assist in an investigation

(i) undertaken with a view to a law enforcement proceeding, or

(ii) from which a law enforcement proceeding is likely to result,

(p) if the public body is a law enforcement agency and the information is disclosed

(i) to another law enforcement agency in Canada, or

(ii) to a law enforcement agency in a foreign country under an arrangement, written agreement, treaty or legislative authority,

(q) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted,

(r) in accordance with section 40 or 41,

(s) to an expert for the purposes of section 17(2),

(t) for use in a proceeding before a court or quasi-judicial body to which the Government of Alberta or a public body is a party,

(u) when disclosure is by the Minister of justice and Attorney General or an agent or lawyer of the Minister of Justice and Attorney General to a place of lawful detention,

(v) for the purpose of managing or administering personnel of the Government of Alberta or public body,

(w) to the Director of Maintenance Enforcement for the purpose of enforcing a maintenance order under the Maintenance Enforcement Act,

(x) to an officer of the Legislature, if the information is necessary for the performance of the duties of that officer,

(y) for the purpose of supervising an individual under the control or supervision of a correctional authority,

(z) when the information is available to the public,

(aa) to a relative of a deceased individual if, in the opinion of the head of the public body, the disclosure is not an unreasonable invasion of the deceased's personal privacy, or

(bb) to a lawyer or a student-at-law acting for an inmate under the control or supervision of a correctional authority.

(2) Only information that is reasonably required may be disclosed under subsection (1)(i).

### **Consistent purposes (Section 39)**

**39** For the purposes of sections 37(a) and 38(b), a use or disclosure of personal information is consistent with the purpose for which the information was collected or compiled if the use or disclosure

(a) has a reasonable and direct connection to that purpose, and

(b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.

### **Disclosure for research or statistical purposes (Section 40)**

**40** A public body may disclose personal information for a research purpose, including statistical research, only if

(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the Commissioner,

(b) any record linkage is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest,

(c) the head of the public body has approved conditions relating to the following:

(i) security and confidentiality,

(ii) the removal or destruction of individual identifiers at the earliest reasonable time, and

- (iii) the prohibition of any subsequent use or disclosure of the information in individually identifiable form without the express authorization of that public body, and
- (d) the person to whom the information is disclosed has signed an agreement to comply with the approved conditions, this Act and any of the public body's policies and procedures relating to the confidentiality of personal information.

#### **Disclosure for research purposes (Section 41)**

**41** The Provincial Archives of Alberta and the archives of a public body may disclose personal information for research purposes if

- (a) the disclosure would not be an unreasonable invasion of personal privacy under section 16,
- (b) the disclosure is in accordance with section 40,
- (c) the information is about someone who has been dead for 25 years or more, or
- (d) the information is in a record that has been in existence for 75 years or more.

### **Part 5 - General Provisions**

#### **Duty to publish directory (Section 82)**

**82(1)** The Minister must publish a directory to assist in identifying and locating records.

**(2)** The directory must include:

- (b) a description of the records in the custody or under the control of each public body,
- (c) a general listing of the records in the custody or under the control of each public body,

**(3)** The directory must include, for each personal information bank, the following:

- (a) the title and location of the personal information bank;
- (b) a description of the kind of personal information and the categories of individuals whose personal information is included;
- (c) the authority for collecting the personal information;
- (d) the purposes for which the personal information was collected or compiled and the purposes for which it is used or disclosed;



(e) the categories of persons who use the personal information or to whom it is disclosed.