



Office of the Information and  
Privacy Commissioner of Alberta

# **STRATEGIC BUSINESS PLAN**

2018-21



# Introduction

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The mission of the office includes:

- Ensuring public bodies, health custodians and private sector organizations uphold the access and privacy rights contained in the laws of Alberta
- Providing fair, independent and impartial reviews in a timely and efficient manner
- Advocating for the privacy and access rights of Albertans

The office works to fulfil its mandate within an environment characterized by a myriad of challenges, including those posed by technology, changing social norms, economic and budgetary constraints, and citizen expectations.

Over the past few years, the number of access requests submitted to government departments and other local public bodies in Alberta has increased.<sup>1</sup>

Privacy breaches are more frequent, particularly those caused by hacking, phishing or malware in the private sector, and “snooping” cases in the health sector.<sup>2</sup>

These and other realities affect the OIPC’s caseload.

Under the *Freedom of Information and Protection of Privacy Act*, *Health Information Act* and *Personal Information Protection Act* there have been across the board increases in caseloads – whether reviewing privacy impact assessments, privacy complaints, access requests for review, requests for time extensions or issuing orders.

OIPC staff have risen to the challenge. The staff complement has essentially remained the same since 2011-12, but the total number of cases opened annually has increased by 74%<sup>3</sup> and the OIPC now closes 56% more files annually.<sup>4</sup>

The office is committed to continuous process improvement to keep pace with rising caseloads.

At the same time, the education mandate of the office remains important and cannot be understated. The public feels as though they have less control over their own information in the digital economy, and delays in accessing information have been prevalent as evidenced by OIPC investigation reports, which cite a number of factors causing backlogs in the system. Regulated stakeholders and the public expect the office to take a leadership role on these issues.

This business plan attempts to meet the office’s education mandate and manage caseload pressures by focusing on the following three goals:

- Enhance access to information and protection of personal and health information by government and other regulated stakeholders
- Increase Albertans’ awareness of access and privacy rights and issues
- Fulfil the OIPC’s legislated mandate efficiently, effectively and fairly

1 Annual reports on the operation of the *Freedom of Information and Protection of Privacy Act* are available on Service Alberta’s website at [www.servicealberta.ca](http://www.servicealberta.ca).

2 The OIPC’s 2016-17 Annual Report summarizes themes in breach reporting and offence investigations. It is available at [www.oipc.ab.ca](http://www.oipc.ab.ca).

3 From 1,288 in 2011-12 to 2,239 in 2016-17.

4 From 1,320 in 2011-12 to 2,061 in 2016-17.

# Goal 1: Enhance access to information and protection of personal and health information by government and other regulated stakeholders

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The OIPC recognizes its role in providing guidance to regulated stakeholders through its education mandate.

While the OIPC cannot make decisions for government and other regulated stakeholders, these entities often look for guidance from the OIPC to improve their own processes and inform projects or programs.

Additionally, the privacy landscape is constantly changing. Whether enhanced regulatory frameworks are being introduced globally that affect how business is done in Alberta or new ways to collect, use or disclose personal information using technology are introduced, regulated stakeholders seek direction from the OIPC to help ensure they are complying with privacy laws.

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To assist government and other regulated stakeholders in enhancing access to information and protection of personal and health information, the OIPC is committed to:

## **1.1 Advocating for open, transparent and accountable government through legislative reform, compliance reviews and promotion of proactive disclosure of government records.**

- The OIPC is committed to advocating for the modernization of Alberta's access to information and privacy laws, and will continue to promote recommendations made in the past.
- The OIPC will continue to proactively investigate matters that are of public interest and submit recommendations to government and other regulated stakeholders.

- The OIPC will continue to follow up on past recommendations and monitor improvements made by government and other regulated stakeholders.
- The OIPC will continue to support a thoughtful approach to proactive disclosure of certain types of government records. For example, in 2016, the OIPC released *Access Impact Assessment Guidelines for Proactive Disclosure* to assist public bodies in developing proactive disclosure programs.
- In November 2016, the Supreme Court of Canada (SCC) decided that the Alberta Legislature did not use the right words in the *Freedom of Information and Protection of Privacy Act* to give the Commissioner the power to compel the production of records over which solicitor-client privilege has been claimed.

The OIPC will continue to advocate for legislative amendments to ensure the Commissioner is able to fulfil the legislated mandate.

## **1.2 Developing a strategy to help stakeholders mitigate the risks of privacy breaches and offences occurring in Alberta.**

- The OIPC is committed to providing guidance for managing privacy breaches to help public bodies, custodians and organizations effectively respond to and reduce the number of incidents occurring.
- The OIPC will update its 2012 publication, *Two Years of Mandatory Breach Reporting: A Snapshot*, to share learnings of seven years of mandatory breach reporting under the *Personal Information Protection Act*.

- The OIPC will update its breach reporting resources to ensure regulated stakeholders provide required information, and to streamline breach reporting and notification processes.

### **1.3 Providing guidance on access and privacy implications of information sharing initiatives.**

- Privacy laws are often seen as a barrier to information sharing for effective service delivery among the public, health and private sectors. The OIPC is committed to exploring opportunities with stakeholders to ensure information sharing initiatives respect the privacy and access to information rights of Albertans while allowing for effective service delivery.

### **1.4 Providing training, education and guidance to government and other regulated stakeholders on responsibilities to ensure compliance with access and privacy laws.**

- The OIPC will continue to provide workshops on topics of importance, such as breach response and reporting and privacy impact assessments.
- The OIPC is committed to reviewing and updating published resources.
- With the impending enactment of the European Union's *General Data Protection Regulation*, the OIPC will share resources with Alberta-based businesses to improve understanding of the global implications of this law.

## Goal 2: Increase awareness of access and privacy rights through engagement with Albertans

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An ongoing challenge for a small office with a mandate that includes most public, health and private sector entities in Alberta is creating public awareness about access and privacy rights, and the role of the OIPC.

Issues the office tackles daily – from hacking, malware and phishing, to open government and access to government information – remain very important to the public.<sup>5</sup> However, the public often struggles to understand how these issues impact their lives, and how they can exercise their legal rights under Alberta’s access and privacy laws.

The office will continue to advocate for the access and privacy rights of Albertans, and search for opportunities to educate the public on emerging trends and issues.

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To enhance Albertans’ awareness of access and privacy rights, the OIPC is committed to:

### 2.1 Developing and implementing a strategy to improve awareness of the OIPC’s role and responsibilities.

- The strategy will address gaps in the public’s understanding of the office’s processes by documenting and communicating those processes through a variety of media.

While a redesigned website in December 2015 was a step in the right direction, improving communication of the office’s role and responsibilities is an ongoing endeavour.

### 2.2 Continuing to identify, facilitate and support opportunities to enhance access and privacy education for children and youth.

- The OIPC will continue its support of The eQuality Project. The eQuality Project is a seven-year research project with a number of objectives, including to create new knowledge about commercial data practices and their impact on youth as well as the ways in which young people conceptualize privacy, to share this new knowledge with policymakers and the public, and to create educational materials to help young Canadians make the most of their digital media experiences.

Official partners in The eQuality Project include the Alberta Teachers’ Association and Alberta Status of Women, among several scholars, research and policy institutes, policymakers, educators, community organizations and youth.

- As Alberta Education continues its review of curriculum, the OIPC will advocate for the inclusion of privacy education as a learning component, particularly as students grow and learn in a digital economy in which data, not oil, is the world’s most valuable resource.  
Examples to date include multiple presentations the OIPC has made to education stakeholders, including a presentation by the Commissioner to the Alberta Education Curriculum Review Working Groups.
- The OIPC will continue to look for opportunities to increase awareness about access and privacy implications of the use of education apps and software in networked classrooms.

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5 Results of the OIPC’s Public Awareness Surveys are available at [www.oipc.ab.ca](http://www.oipc.ab.ca).

- The OIPC will continue to collaborate with federal, provincial and territorial Information and Privacy Commissioners and Ombudspersons to promote the importance of information and privacy education in the digital economy.

Examples to date include promotion of the International Competency Framework for Privacy Education and advocacy efforts to the Council of Ministers of Education, Canada.

### **2.3 Informing Albertans about emerging access and privacy issues, such as the impacts of new technologies.**

- To effectively respond to public concerns about issues ranging from identity theft and fraud, to open government, mobile apps and wearable devices, the OIPC recognizes its role in providing guidance about how technology impacts access and privacy rights.

## Goal 3: Fulfil the legislated mandate of the office effectively, efficiently and fairly

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While the previous two goals are primarily outward facing, with a focus on the issues that the office should effectively communicate to regulated stakeholders and the public, this third goal reflects inward.

The majority of the office's time and resources is spent on complaint investigations, requests for review and inquiries. Increased volume in cases and static resources have been the reality.

Improving processes internally will benefit regulated stakeholders and the public.

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To improve the effectiveness and efficiency of office functions, the OIPC is committed to:

### **3.1 Identifying and facilitating opportunities for staff learning, collaboration and knowledge sharing.**

- The OIPC is committed to ensuring staff are aware of and can respond effectively to emerging access and privacy issues, such as the impact of new technologies.
- The office recognizes the need for collaboration and knowledge sharing to enhance understanding of a diversity of access and privacy issues.

### **3.2 Continuing internal business process review.**

- The OIPC is committed to continuous process improvement. Examples of this work in the past include an update of internal policies and procedures, process mapping and review, and implementation of an enhanced electronic case management system.

### **3.3 Continuing records management program review to reduce the reliance on paper records.**

- The office is engaged in an ongoing review of its records management program. This follows the implementation of a new electronic case management system.

While the office recognizes the benefits of electronic submission and processing of files, it must weigh those benefits against security risks and the cost of implementing such systems. Safe and secure systems are of the utmost priority.



# Summary: Strategic Business Plan 2018-21

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## **Goal 1: Enhance access to information and protection of personal and health information by government and other regulated stakeholders**

- 1.1 Advocating for open, transparent and accountable government through legislative reform, compliance reviews and promotion of proactive disclosure of government records.
- 1.2 Developing a strategy to help stakeholders mitigate the risks of privacy breaches and offences occurring in Alberta.
- 1.3 Providing guidance on access and privacy implications of information sharing initiatives.
- 1.4 Providing training, education and guidance to government and other regulated stakeholders on responsibilities to ensure compliance with access and privacy laws.

## **Goal 2: Increase awareness of access and privacy rights through engagement with Albertans**

- 2.1 Developing and implementing a strategy to improve awareness of the OIPC's role and responsibilities.
- 2.2 Continuing to identify, facilitate and support opportunities to enhance access and privacy education for children and youth.
- 2.3 Informing Albertans about emerging access and privacy issues, such as the impacts of new technologies.

## **Goal 3: Fulfill the legislated mandate of the office effectively, efficiently and fairly**

- 3.1 Identifying and facilitating opportunities for staff learning, collaboration and knowledge sharing.
- 3.2 Continuing internal business process review.
- 3.3 Continuing records management program review to reduce the reliance on paper records.