



# POLICY

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<b>POLICY NO:</b>	500	<b>APPROVAL DATE:</b>	August 9, 2021
<b>TITLE:</b>	Access to Information and Protection of Privacy (AIPP)	<b>REVISION DATE:</b>	
<b>SECTION:</b>	Information Management	<b>PAGE 1 OF 7</b>	
<b>DEPARTMENT:</b>	Legislative Services		

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## POLICY STATEMENT

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The City of Grande Prairie (“City”) is committed to protecting the Personal Information of its residents, taxpayers and customers. The City is responsible for ensuring that the records in its custody and control be readily available to individuals, with the omission of Personal Information subject to limited and specific exceptions as set out in the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25, as amended from time to time (“FOIP Act”).

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## REASON FOR POLICY

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The City acknowledges that the privacy and confidentiality of Personal Information of all persons is important and commits to treating all Personal Information with respect pursuant to the FOIP Act. The City will ensure that appropriate measures are in place to govern the Collection, Use and Disclosure of Personal Information and establishes authority with specific levels of control to certain members of the City’s administration.

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## DEFINITIONS

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“**City**” means the municipal corporation of the City of Grande Prairie.

“**City Manager**” means the person appointed by the Council to the position of Chief Administrative Officer or their designate.

“**Collection**” means the gathering, acquisition, receiving or obtaining of Personal Information, whether that information is collected through such methods as interviews, questionnaires, surveys, polling, or by completing forms. Collection may be in writing, audio or video recording, electronic data entry, Oral Consent or other such means.

“**Corporate Leadership Team (CLT)**” means the senior management team of Directors, including the City Manager, responsible for the planning, organization, development, implementation and administration of the services areas of the City.

“**Council**” means the duly elected Council of the City.

**“Disclosure”** means to release, transmit, reveal, expose, show, provide copies of, verbally state the contents of, or give Personal Information by any other means to someone. It includes oral transmission or information by telephone, or in person; provision of Personal Information on paper, by facsimile or in any other format; and electronic transmission through electronic mail, data transfer or internet.

**“Electronic Consent”** means electronic information that a person creates or adopts in order to sign a record and that is in, attached to or associated with the record. Further means the consent to the Disclosure of Personal Information as defined under Section 1(n) of the FOIP Act.

**“Employee”** means any individual employed by the City including contractors and sub-contractors.

**“Express Consent”** means a specific authorization given by the individual in writing.

**“FOIP Act”** means the *Freedom of Information and Protection of Privacy Act, RSA 2000 c.F-25*, as amended from time to time.

**“FOIP Coordinator”** is the individual delegated the responsibility for the overall management of the Freedom of Information and Protection of Privacy function for the City.

**“Implied Consent”** means that specific authorization has not been given by the individual, but the circumstances permits the City to collect, Use or Disclose Personal Information.

**“Oral Consent”** means that the individual will verbally agree to participate. No document (consent form) is used.

**“Personal Information”** means recorded information about an identifiable individual, including, but not limited to:

- (a) the individual’s name, home or business address or home or business telephone number;
- (b) the individual’s race, national or ethnic origin, colour or religious or political beliefs or association;
- (c) the individual’s age, sex, marital status or family status;
- (d) an identifying number, symbol or other particular assigned to the individual;
- (e) the individual’s fingerprints, other biometric information, blood type, genetic information or inheritable characteristics;
- (f) information about the individual’s health and health care history, including information about a physical or mental disability;
- (g) information about the individual’s educational, financial, employment or criminal history, including criminal records where a pardon has been given;
- (h) anyone else’s opinions about the individual; and
- (i) the individual’s personal views or opinions, except if they are about someone else.

**“Privacy Impact Assessment (“PIA”)** means a process that describes how proposed administrative practices and information systems relating to the Collection, Use and Disclosure of Personal Information may affect the privacy of the individual who is the subject of the information.

**ACCESS TO INFORMATION AND PROTECTION OF PRIVACY (AIPP)**

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**“Use of Personal Information”** means employing collected information to accomplish the City’s purposes such as using the information to administer a program or activity, provide a service or determine eligibility for a benefit. Access to a file or database by program staff or contract agent constitutes “use” as defined under the FOIP Act.

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**ACCOUNTABILITY**

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This Policy applies to all City Employees, members of Council and volunteers whose access to or Use of Personal Information and/or records and information technology resources that is provided by the City or available through equipment owned by the City whether that access is during normal working hours and whether such access is from the City’s premises or elsewhere.

**The City Manager** will ensure that accountability for privacy issues is clearly incorporated into the duties of all City Employees, volunteers, contractors and any other participants, including those other institutions, jurisdictions and sectors.

**All Employees of the City** are responsible for:

1. respecting the confidentiality of Personal Information and complying with the City’s information control and security systems; and
2. reporting any suspected or actual breaches of privacy to their immediate supervisor or other City designated authority.

**The FOIP Coordinator** is responsible for the overall development, implementation and monitoring of the City’s FOIP program. The primary responsibilities of the FOIP Coordinator are:

1. managing the FOIP request process for the City;
  2. liaison for public inquiries;
  3. providing advice to Department Managers, CLT and Council including information that can be disclosed without a FOIP request;
  4. assist departments with respect to records management regarding FOIP responsibilities;
  5. providing advisory services to City Employees, including training programs on access to information and privacy protection and coordinating participation in FOIP courses offered by the Government of Alberta; and
  6. liaising with the office of the Office of the Information and Privacy Commissioner of Alberta on privacy breaches, privacy complaints and access appeals.
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**ACCESS & ACCURACY OF PERSONAL INFORMATION**

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The City shall:

1. make every reasonable effort to ensure an individual’s Personal Information in the custody and control of the City is accurate and complete;
2. provide a person access to their own Personal Information subject to limited and specific legislative requirements; and
3. make every effort to allow a person access to their own Personal Information to verify, update and correct it.

## CLASSIFICATION OF INFORMATION

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The City shall protect Personal Information based on the following classifications:

1. **Restricted - Access is strictly limited:**  
Information that would be damaging to the integrity, image or effective operation of the City if improperly used or disclosed.
  2. **Confidential - Access is specific to a function, City department or role:**  
Information that must be protected from unauthorized disclosure or modification.
  3. **Internal - Access is specific to individuals possessing an authenticated identity:**  
Information that is of interest to the organization and must be protected from unauthorized access.
  4. **Public - Access is unrestricted:**  
Information that has no security requirements.
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## COLLECTION, USE & DISCLOSURE

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Consent, whether Oral, Electronic, Express, or Implied shall be required and documented for the Collection, Use and/or Disclosure of Personal Information except when otherwise authorized by the FOIP Act.

Subject to the legal exceptions and reasonable notice, consent may be withdrawn at any time. Withdrawal of consent should be in writing as this may result in unintended consequences such as the inability to offer services to the individual.

**Exceptions** - there are circumstances in which the City is not required to obtain an individual's consent or provide an explanation for the purposes for the Collection, Use or Disclosure of their Personal Information. These include, but are not limited to:

1. **Collection** - The City may collect Personal Information without consent when it is in the individual's interest and timely consent is unavailable, or to investigate a breach of an agreement, or contravention of law.
2. **Use** - The City may use Personal Information without consent for similar reasons as those listed above, as well as in an emergency in which an individual's life, health, or security is threatened.
3. **Disclosure** - The City may disclose Personal Information without consent for law enforcement security purposes, for debt collection, to a lawyer representing the City, and in emergency situations in which an individual's life, health, or security is threatened.

Collection of Personal Information shall be done in a confidential manner to minimize the risk of disclosing sensitive Personal Information to third parties.

The privacy of individuals will be maintained according to the FOIP Act. Personal Information that is collected will adhere to Section 33 and 34 of the FOIP Act and is to be protected in accordance with the Protection and Retention Section of this Policy.

**ACCESS TO INFORMATION AND PROTECTION OF PRIVACY (AIPP)**

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The City shall use and disclose an individual's Personal Information only:

1. for the purpose for which it was collected or for a use consistent with that purpose;
2. for other purposes for which the City has consent from the individual; or
3. for other purposes where the City is required or permitted to do so by law.

The City may use or disclose information for the purpose of:

1. contacting a next of kin in the event of an emergency; and
2. providing a routine release of information when the information is:
  - a. a statutory requirement;
  - b. requested on a regular basis;
  - c. content made publicly available; and/or
  - d. no FOIP Act exceptions apply to the information.

Any loss of Personal Information or inadvertent Disclosure of Personal Information shall, whenever possible be reported to the individual whose information has been lost or disclosed.

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**PROTECTION & RETENTION**

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The City shall protect Personal Information by making reasonable security arrangements. Personal Information shall be protected from unauthorized access, use, disclosure, or destruction through a system of administrative, physical, and technical controls, including but not limited to:

1. restricting access to Personal Information that is stored in an electronic format to authorized persons by requiring login credentials;
2. storing Personal Information in locations which are not generally accessible to members of the general public; and
3. securing rooms and filing cabinets that contain Personal Information during those times in which an authorized person is not present.

Personal Information that is no longer required to fulfill identified purposes will be destroyed in accordance with the City's [Records Management Bylaw C-1348](#).

If there is an ongoing investigation with the Office of the Information and Privacy Commissioner of Alberta, the records must remain intact until such time the investigation is considered closed by the Office of the Information and Privacy Commissioner of Alberta.

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**COMPLIANCE & SANCTIONS**

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Instances of possible non-compliance with the FOIP Act or this Policy shall be immediately reported to the FOIP Coordinator for investigation.

Any Employee found to be in violation of this Policy may be subjected to disciplinary action. Such action may be dependent upon the nature of the breach of this Policy; discipline may range from a written warning to dismissal with cause.

Any Council member found to be in violation of this Policy may be dealt with in accordance with the [Council Code of Conduct Bylaw C-1384](#).

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## **PERSONAL INFORMATION REQUESTS**

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Any written or verbal requests for access to information not part of a routine release shall be forwarded to the FOIP Coordinator.

Upon request, an individual will be informed of the existence, Use and Disclosure of their Personal Information, if such information is currently under the custody and control of the City, and may be given access to, and challenge the accuracy and completeness of that information.

Pursuant to the FOIP Act, exceptions to Disclosure include but are not limited to:

1. Personal Information about another person might be revealed, in this case, the City may redact certain information;
  2. commercially confidential information might be revealed, in this case, the City may redact certain information;
  3. an individual's life or security might be threatened;
  4. the information was collected without consent for the purposes related to an investigation of a breach of an agreement or contravention of the law; or
  5. the information was generated during a formal dispute resolution process.
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## **GENERAL PUBLIC ACCESS**

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The City will continue to make available to the public, general information including current policies and procedures by publishing information to the City website.

The information that the City makes publicly available will include but is not limited to:

1. the contact information for the FOIP Coordinator;
  2. the means of gaining access to Personal Information held by the City;
  3. a description of the type of Personal Information held by the City and general account of use;
  4. written information that explains the City's policy and procedures; and
  5. a general list of the kinds of Personal Information made available by the City to other organizations.
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## **PRIVACY IMPACT ASSESSMENTS**

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The PIA process was developed by the Office of the Information and Privacy Commissioner of Alberta to assist public bodies in reviewing the impact that new projects may have on an individual's privacy. Privacy consideration should be integrated at the earliest stages of the development of new programs, or automated information systems to ensure that these reflect the requirements of the FOIP Act.

**ACCESS TO INFORMATION AND PROTECTION OF PRIVACY (AIPP)**

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This process is also designed to be used by the City to evaluate existing programs to ensure compliance with the FOIP Act.

Departments conducting a PIA will use the instructions and questionnaire provided by the Office of the Information and Privacy Commissioner of Alberta, and will include:

1. a description of the project/program and the nature and sensitivity of the Personal Information involved;
  2. relevant privacy principals and potential issues for the project including recommendations to address the issues identified;
  3. a data flow analysis, including a description of the uses of the Personal Information and all consistent purposes and authorized Disclosures;
  4. consideration of how the privacy requirements of the FOIP Act will be met;
  5. an overall assessment of the privacy impact (high, medium or low) including a risk/threat analysis; and
  6. the FOIP Coordinator will assist with the preparation of the PIA including conducting the audit portion of the PIA, when required.
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**ROLES AND RESPONSIBILITIES**

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City Council will review and approve any revisions to this Policy.

City Manager will review and approve any procedures related to this Policy.

City Administration will carry out the policy based on established procedures.