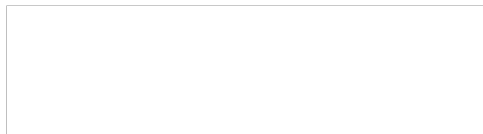


**Reference Number: 2018-G-1111**

December 21 2018



Dear Yolanda Song:

**Re: *Freedom of Information and Protection of Privacy (FOIP) Act*  
Request for Access to General Information**

---

On November 30, 2018, the Alberta Justice and Solicitor General (JSG) FOIP Unit received your request under the *FOIP Act* for access to records containing general information.

Please note that nothing in this correspondence or its attachments constitutes a waiver of any privilege.

**There were a total of 209 pages responsive to your request. Unfortunately, access to these records is refused under the following sections of the *FOIP Act*.**

Some of the records located contain information that is withheld from disclosure under the *FOIP Act*. We have severed (removed) the excepted information so that we could disclose the remaining information in the records. The severed information is withheld from disclosure under the following sections:

- Section 20(1)(g) – Disclosure harmful to law enforcement,
- Section 24(1)(a) – Advice from officials,
- Section 27(1)(a) – Privileged information,

We have included a copy of the relevant sections of the *FOIP Act* to explain why information was withheld.

If you feel that your request has not been answered completely or you require further clarification, please contact Fola Degun, FOIP Advisor at 780-643-6663.

Please note that under section 65 of the *FOIP Act*, you may ask the Information and Privacy Commissioner of Alberta to review our foregoing response to your request. To request a review, you must complete and deliver a *Request for Review* form within 60 days from the date of this notice to:

#410, 9925 – 109 Street NW  
Edmonton, Alberta  
T5K 2J8

The form is available under the Resources tab on the Commissioner's website [www.oipc.ab.ca](http://www.oipc.ab.ca) or you can call 1-888-878-4044 (in Edmonton, call 780-422-6860) to request a copy of the form.

If you wish to request a review, please provide the Office of the Information and Privacy Commissioner (OIPC) with the following information:

1. A copy of this letter.
2. A copy of your original request form that you sent to Alberta Justice and Solicitor General.
3. A completed OIPC *Request for Review* Form.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Bruce', with a large, stylized flourish extending from the end.

Jennifer Bruce  
FOIP Coordinator  
Alberta Justice and Solicitor General

Enclosure: Sections 20, 24 and 27 of the *FOIP Act*







**Disclosure harmful to law enforcement**

**20(1)** The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) harm a law enforcement matter,
- (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada,
- (b.1) disclose activities suspected of constituting threats to the security of Canada within the meaning of the *Canadian Security Intelligence Service Act* (Canada),
- (c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,
- (d) reveal the identity of a confidential source of law enforcement information,
- (e) reveal criminal intelligence that has a reasonable connection with the detection, prevention or suppression of organized criminal activities or of serious and repetitive criminal activities,
- (f) interfere with or harm an ongoing or unsolved law enforcement investigation, including a police investigation,
- (g) reveal any information relating to or used in the exercise of prosecutorial discretion,
- (h) deprive a person of the right to a fair trial or impartial adjudication,
- (i) reveal a record that has been confiscated from a person by a peace officer in accordance with a law,
- (j) facilitate the escape from custody of an individual who is being lawfully detained,
- (k) facilitate the commission of an unlawful act or hamper the control of crime,
- (l) reveal technical information relating to weapons or potential weapons,
- (m) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system, or
- (n) reveal information in a correctional record supplied, explicitly or implicitly, in confidence.

**(2)** Subsection (1)(g) does not apply to information that has been in existence for 10 years or more.

**(3)** The head of a public body may refuse to disclose information to an applicant if the information

- (a) is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or an individual who has been quoted or paraphrased in the record, or
- (b) is about the history, supervision or release of an individual who is under the control or supervision of a correctional authority and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.

**(4)** The head of a public body must refuse to disclose information to an applicant if the information is in a law enforcement record and the disclosure would be an offence under an Act of Canada.

**(5)** Subsections (1) and (3) do not apply to

- (a) a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an Act of Alberta, or
- (b) a report, including statistical analysis, on the degree of success achieved in a law enforcement program unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters referred to in subsection (1) or (3).

**(6)** After a police investigation is completed, the head of a public body may disclose under this section the reasons for a decision not to prosecute

- (a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or
- (b) to any other member of the public, if the fact of the investigation was made public.

RSA 2000 cF-25 s20;2002 c32 s7

### Advice from officials

**24(1)** The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal

- (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council,
- (b) consultations or deliberations involving
  - (i) officers or employees of a public body,
  - (ii) a member of the Executive Council, or
  - (iii) the staff of a member of the Executive Council,
- (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Alberta or a public body, or considerations that relate to those negotiations,
- (d) plans relating to the management of personnel or the administration of a public body that have not yet been implemented,
- (e) the contents of draft legislation, regulations and orders of members of the Executive Council or the Lieutenant Governor in Council,
- (f) the contents of agendas or minutes of meetings
  - (i) of the governing body of an agency, board, commission, corporation, office or other body that is designated as a public body in the regulations, or
  - (ii) of a committee of a governing body referred to in subclause (i),
- (g) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision, or
- (h) the contents of a formal research or audit report that in the opinion of the head of the public body is incomplete unless no progress has been made on the report for at least 3 years.

*do we have something like this in ~~DLF~~ the DN Act or MFIPPA?*

**(2)** This section does not apply to information that

- (a) has been in existence for 15 years or more,
- (b) is a statement of the reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function,
- (c) is the result of product or environmental testing carried out by or for a public body, that is complete or on which no progress has been made for at least 3 years, unless the testing was done
  - (i) for a fee as a service to a person other than a public body, or
  - (ii) for the purpose of developing methods of testing or testing products for possible purchase,
- (d) is a statistical survey,
- (e) is the result of background research of a scientific or technical nature undertaken in connection with the formulation of a policy proposal, that is complete or on which no progress has been made for at least 3 years,
- (f) is an instruction or guideline issued to the officers or employees of a public body, or



- (g) is a substantive rule or statement of policy that has been adopted by a public body for the purpose of interpreting an Act or regulation or administering a program or activity of the public body.

**(2.1)** The head of a public body must refuse to disclose to an applicant

- (a) a record relating to an audit by the Chief Internal Auditor of Alberta that is created by or for the Chief Internal Auditor of Alberta, or
- (b) information that would reveal information about an audit by the Chief Internal Auditor of Alberta.

**(2.2)** Subsection (2.1) does not apply to a record or information described in that subsection

- (a) if 15 years or more has elapsed since the audit to which the record or information relates was completed, or
- (b) if the audit to which the record or information relates was discontinued or if no progress has been made on the audit for 15 years or more.

**(3)** In this section, “audit” means a financial or other formal and systematic examination or review of a program, portion of a program or activity.

RSA 2000 cF-25 s24;2006 c17 s5

**Privileged information**

**27(1)** The head of a public body may refuse to disclose to an applicant

- (a) information that is subject to any type of legal privilege, including solicitor-client privilege or parliamentary privilege,
- (b) information prepared by or for
  - (i) the Minister of Justice and Attorney General,
  - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
  - (iii) an agent or lawyer of a public body,in relation to a matter involving the provision of legal services, or
- (c) information in correspondence between
  - (i) the Minister of Justice and Attorney General,
  - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
  - (iii) an agent or lawyer of a public body,and any other person in relation to a matter involving the provision of advice or other services by the Minister of Justice and Attorney General or by the agent or lawyer.

**(2)** The head of a public body must refuse to disclose information described in subsection (1)(a) that relates to a person other than a public body.

**(3)** Only the Speaker of the Legislative Assembly may determine whether information is subject to parliamentary privilege.

1994 cF-18.5 s26;1995 c17 s10;1999 c23 s17

*privileged info  
likely to be  
redactable?*

