



Freedom of Information and Protection of Privacy (FOIP) Act Policy

Version 2
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Executive

Freedom of Information and Protection of Privacy (FOIP) Act Policy

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2. Introduction

2.1 Policy statement

The Alberta Motor Vehicle Industry Council (AMVIC) is Alberta's automotive industry regulator and is a public agency accountable to the Minister of Service Alberta and the Government of Alberta. As a public agency, AMVIC is governed by the *Freedom of Information and Protection of Privacy (FOIP) Act* and is committed to striking a balance between the public's right to know and an individual's right to privacy with regards to records held by AMVIC.

2.2 Purpose

The purpose of this policy is to ensure AMVIC collects, uses, discloses and protects information gathered and generated in the course of performing its delegated responsibilities in a manner that is consistent with the FOIP Act.

2.3 Definitions

In this policy:

- i. "FOIP request" means a formal request for information in the custody and control of AMVIC under the FOIP Act;
- ii. "information correction request" means a formal request for information in the custody and control of AMVIC to be corrected;
- iii. "personal information" refers to recorded information about an individual, including:
 - 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 associations,
 - 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;

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- iv. “personal information banks” are descriptions of personal information under the control of AMVIC that is organized and retrievable by an individual’s name or by a number, symbol or other element that identifies an individual.
- v. “record” means a record of information in any form and includes notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records.

3. Policy

3.1 Duties and responsibilities

3.1.1 Chief executive officer

The chief executive officer acts as the head of the public body and is responsible for all decisions made under the FOIP Act that relate to AMVIC.

3.1.2 FOIP coordinator

The FOIP coordinator is responsible for the overall management of access to information and protection of personal information within AMVIC, including but not limited to:

- a. implementing policies, guidelines and procedures to manage the public body’s compliance with the FOIP Act;
- b. providing training programs on access to information and privacy protection within the public body and coordinating participation in FOIP courses offered by the Government of Alberta;
- c. providing advisory services to the staff of AMVIC;
- d. advising department managers on information that can be disclosed without a FOIP request;
- e. managing the FOIP request process for AMVIC;
- f. coordinating as required with the Office of the Information and Privacy Commissioner; and
- g. setting up practices and procedures to ensure compliance with the privacy protection measures in Part 2 of the FOIP Act.

3.1.3 Department managers

The managers of each department are accountable for:

- a. identifying and providing access to information that can be disclosed without a FOIP request;
- b. locating and retrieving records in response to FOIP requests; and
- c. ensuring that the department’s perspective is considered in any recommendation on a response to a FOIP request.

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3.1.4 AMVIC employees

All AMVIC employees are responsible for the protection of personal, confidential and sensitive information entrusted to them. AMVIC will ensure that all employees are aware of the FOIP Act and AMVIC privacy policies and procedures through annual training seminars and other communication means.

3.2 Application of the policy

AMVIC will collect, use, disclose and manage personal information in accordance with the FOIP Act, and other applicable legislation.

3.2.1 Collection of personal information

- a. The purpose of collection shall be clearly stated at or before the personal information is collected. A FOIP notification statement must be approved by the FOIP coordinator and be provided at the time the information is collected. The FOIP notification statement must include the following:
 - The purpose for which the information is collected;
 - The specific legal authority for the collection; and
 - The title, business address and business telephone number of the AMVIC employee who can answer questions about the collection.
- b. Personal information shall be collected directly from the individuals, unless otherwise authorized under the FOIP Act, such as where the individual has expressly authorized another method of collection or where an individual is providing emergency contact information.
- c. Every effort will be made to ensure that the information collected is accurate and complete. Individuals have a right to request correction(s) to their own personal information by submitting an information correction request form.
- d. Personal information banks of all personal information housed at AMVIC shall be kept as required by the FOIP Act.

3.2.2 Use of personal information

- a. Personal information will only be used:
 - For the purpose for which the information was collected or compiled or for a use consistent with that purpose;
 - To the extent necessary to enable AMVIC to carry out its delegated responsibilities in a reasonable manner; or

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- Where the individual for which the information is about has consented in the prescribed manner.

3.2.3 Disclosure of personal information

- a. Personal information will not be released to third parties and will only be disclosed where consistent with the purpose for which it was collected, except with the informed consent of the individual, or under the limited exceptions in the FOIP Act.

3.2.4 Right of access

- a. Individuals have the right of access to their own information. This right is subject only to the limited exceptions in the FOIP Act. This right of access does not include the right to remove or destroy information contained in a file.
- b. Persons have a right to make a FOIP request under the FOIP Act.
- c. Third parties also have a general right of access under the FOIP Act. AMVIC will provide access to information only in accordance with approved policy and procedures, and in compliance with the FOIP Act.
- d. AMVIC will strive where feasible to make information available without requiring the submission of a FOIP request.

3.2.5 Protection of privacy

- a. AMVIC will only collect, use or disclose personal information for the purposes reasonably related to its mandate and as may be required by law.
- b. AMVIC will make reasonable security arrangements to protect personal information from such risks as unauthorized access, collection, use, disclosure or disposal of personal information. If AMVIC suspects there may have been a breach to personal information, it will investigate and, if required, remedy the breach and implement preventative measures. Privacy breaches that are determined to be medium to high risk will be reported to the Office of the Information and Privacy Commissioner. The FOIP coordinator determines the severity of the privacy breach based on, but not limited to, the following considerations:
 - the sensitivity of the personal information;
 - how the disclosed information could be used and the risk to the individual (e.g. identity theft);
 - the number of people affected; and
 - whether information was fully recovered without further disclosure.

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4. Administration

4.1 Related documents and legislation

AMVIC Code of Conduct
AMVIC Records Management Policy
Freedom of Information and Protection of Privacy Act

4.2 Procedures

Privacy Breach Procedure

4.3 Forms

FOIP Request form
Information Correction form

4.4 Amendment history

Version	Date	Summary of update
1.	Jan. 27, 2015	Original – prepared in conjunction with FOIP Services – approved.
1.a	Feb. 8, 2018	Administrative change: <i>Fair Trading Act</i> to <i>Consumer Protection Act</i> .
2.	April 20, 2021	Updated to reflect transition of FOIP Act administration to AMVIC.

4.5 Scheduled review date

April 2024