Access to Information Act Requests and Requests for Correction Procedure

Purpose:

To educate all members of the EPS about the *Access to Information Act* (*ATIA*) and ensure that all formal *ATIA* requests are managed in accordance with *ATIA* and all requests for correction are managed in accordance with the *Protection of Privacy Act* (*POPA*).

Procedure:

A. Access To Information Requests:

Formal *ATIA* requests must be made in writing and provide sufficient detail to enable the Information and Privacy Unit (IAPU) disclosure analysts and/or Information and Privacy Coordinator to identify the record(s) being requested. *ATIA* requests may be mailed or faxed to IAPU or dropped off at any EPS Station.

Applicants may use the Request to Access Information Form or they can write a letter referencing the *ATIA* and request the record(s).

The front counter members and/or IAPU will make every reasonable effort to assist applicants in completing a Request to Access Information Form.

B. Formal Requests on Behalf of Other Individuals:

Section 86 of the *ATIA* sets out the circumstances in which individuals may exercise the rights conferred by the *Act* on behalf of another person.

1. Deceased Individual:

   If an individual is deceased, then the deceased's personal representative may make a request for the deceased individual's personal information if the request relates to the administration of the deceased individual's estate. The requester will be required to provide a copy of the signed and attested document naming the representative to act in matters related to the estate.

2. Guardian or Trustee:

If a guardian or trustee has been appointed for an individual under the *Dependent Adults Act*, the guardian or trustee may make a request for the individual's personal information if the request relates to the powers and duties of the guardian or trustee. The requestor will be required to provide a copy of the document(s) governing the nature of the guardianship or trusteeship.

3. Agent Pursuant to Personal Directive:

   If an agent has been designated by a personal directive under the *Personal Directives Act*, the agent may make a request for an individual's personal information if the directive so authorizes. The requestor will be required to provide a copy of the directive.

4. Attorney Pursuant to Power of Attorney:

   If a power of attorney has been granted by an individual, the attorney may make a request for the individual's personal information if the request relates to the powers and duties of the attorney, conferred by the power of attorney. The requestor will be required to provide a copy of the document establishing the power of attorney.

5. Minors:

   If the individual is a minor, a guardian of the minor may request the minor's personal information. The guardian will be required to provide documentation to establish guardianship. In such circumstances, the EPS will process the request when the disclosure to the guardian would not constitute an unreasonable invasion of the personal privacy of the minor.

6. Written Authorization:

   Any person may make a request on behalf of another individual with written authorization from the individual to act on the individual's behalf.

   All written authorizations must be:

   a. current within the past ninety (90) days, and

   b. specific to the exercise of rights under the *ATIA*. The written authorization should clearly state that the individual is authorizing the requestor to request information pursuant to the *ATIA*.

   When the EPS is processing a request based on a written authorization, the EPS may, at its discretion, contact the individual who has granted the authority

to confirm that they are aware of the amount and type of personal information that will be disclosed.

C. Proof of Identity:

The *ATIA* requires that all public bodies such as the EPS protect personal information by making reasonable security arrangements against such risks as unauthorized disclosure. In order to ensure the confidentiality of applicants' access requests, and to ensure that EPS records are provided only to the individual to whom they relate, the EPS must verify the identity of the applicant and/or the person making the request on behalf of an individual prior to the release of personal information.

1. Applicants are required to attend at any of the EPS facilities, or other police facility (e.g., Calgary Police Service) and present two (2) pieces of valid identification, one (1) piece being photo identification, in order to obtain the records that contain their personal information released to them. The member releasing the records shall confirm in writing that they have viewed the identification and note the type of identification viewed but will **not** record the identification numbers from the pieces of identification.

2. Applicants may request that the records responsive to their request be forwarded via regular or any mail service providing signed confirmation of delivery. In such circumstances, the applicant will be required to forward copies of two (2) pieces of valid identification, one (1) piece being photo identification. If the IAPU disclosure analyst assigned to process the request is confident that the records relate to the applicant, the requirement to obtain the records at a police facility may be waived.

3. In the event that a request is made on behalf of another individual (as in the circumstances set out in "Requests on Behalf of Other Individuals"), the EPS must verify the identity of both the individual to whom the information relates (the applicant) and the requestor. The requestor will be required to attend at any of the EPS facilities or any other police facility, and present two (2) pieces of valid identification, one (1) piece being photo identification.

4. In the event that IAPU is able to verify the identity of the requestor through other means, the requirement to present identification may be waived. In order to verify the identity of the applicant, the requestor may be required to forward a copy of two (2) pieces of the applicant's valid identification, one (1) piece being photo identification, to IAPU. Alternatively, arrangements may be made for the applicant to attend at any of the EPS facilities, or any other police facility with two (2) pieces of valid identification, one (1) piece being photo identification, in order to have the records released to them.

When IAPU is confident that the records relate to the applicant, the requirement for identification may be waived. This includes situations in which the requestor is counsel for the applicant.

5. The EPS recognizes that occasionally it may not be possible to meet the above requirements. Alternative means to verify the identity of the requestor and applicant may be available. The Information and Privacy Coordinator is responsible for approving any alternative means of establishing identity.

D. **Requests for Correction of Personal Information:**

All requests for correction of personal information shall be directed to IAPU, which will process the requests in accordance with *POPA*:

1. An individual who believes there is an error or omission in the individual's personal information that is in the EPS' custody or control may make a request to IAPU to correct the information.

2. The IAPU will not correct an opinion, including a professional or expert opinion.

3. If no correction is made in response to a request, or if no correction may be made because the information is an opinion, the IAPU will annotate or link the personal information with that part of the requested correction that is relevant and material to the record in question.

4. On correcting, annotating or linking personal information under this section, the IAPU will notify any other public body or any third party to whom that information has been disclosed during the one (1) year before the correction was requested that a correction, annotation or linkage has been made.

5. IAPU may dispense with notifying any other public body or third party that a correction, annotation or linkage has been made if:

    a) the correction, annotation or linkage is not material, and

    b) the individual who requested the correction is advised and agrees in writing that notification is not necessary.

6. On being notified by another public body under subsection 7(4) of *POPA* of a correction, annotation or linkage of personal information, IAPU will make the correction, annotation or linkage on any record of that information in the EPS' custody or under its control.

7. Within 30 business days after the request for correction is received, or any longer period allowed by the Commissioner, the IAPU will give written notice to the individual that

    a) the correction has been made, or

    b) an annotation or linkage has been made.

Transferring request to correct personal information

1. Within fifteen (15) business days after a request to correct personal information is received by IAPU, it may transfer the request to another public body if

    a) the personal information was collected by the other public body, or

    b) the other public body created the record containing the personal information.

2. If a request is transferred, IAPU will notify the individual who made the request of the transfer as soon as possible.

Any request for correction that contains information to which the *Health Information Act* applies shall be dealt with in accordance with section 9 of *POPA.*

E. ATIA Requests Involving Specialized Areas of the EPS:

1. Employee and Organizational Wellness (EOW):

    Due to the sensitive nature of records held by EOW, including respect for the individual, and the integrity of the program, all original records requested pursuant to the *ATIA* held by EOW shall be maintained within the respective unit. IAPU will only view or copy the records to the extent necessary to fulfill the EPS obligations under the *ATIA*.

2. Confidential Human Sources - Organizational Security:

    In response to requests received by the EPS pursuant to the *ATIA* for records relating to Confidential Human Sources, the EPS will neither confirm nor deny the existence of such records.

F. Investigations by the Office of the Information and Privacy Commissioner:

On occasion, the Office of the Information and Privacy Commissioner will conduct an investigation or inquiry about the EPS or its members. Should the Office of the Information and Privacy Commissioner conduct an investigation, the EPS Information

and Privacy Coordinator will be the EPS contact to ensure the investigation is pursued in a timely and efficient manner, while addressing the concerns of the EPS.

G. Function Specific Responsibilities:

1. IAPU:

   a. Upon receipt of a request to access information, IAPU will follow procedures as outlined in the IAPU How to Manual.

   b. IAPU shall ensure that a record of each access request is maintained in sufficient detail to assist the Information and Privacy Commissioner in preparing an annual report, by including specific information as outlined in the IAPU How to Manual.

2. The Bureau, Division, Section or Unit Head:

   In response to a request for information from IAPU:

   a. ensure that a thorough search is conducted for the requested records,

   b. ensure that all records pertaining to the request are forwarded to IAPU within three (3) days, and

   c. assist IAPU as required.

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Related Information:

Forms:	Request to Access Information
Additional Info:	Adult Guardianship and Trusteeship Act Alberta Access to Information Act Alberta Personal Directives Act