

**TOWN OF HANNA
PROVINCE OF ALBERTA
BY-LAW 1042-2025**

A BYLAW OF THE TOWN OF HANNA, IN THE PROVINCE OF ALBERTA, TO GOVERN ACCESS TO INFORMATION AND PROTECTION OF PRIVACY IN ACCORDANCE WITH THE ACCESS TO INFORMATION ACT AND THE PROTECTION OF PRIVACY ACT

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, the Access to Information Act (ATIA), and the Protection of Privacy Act (POPA) provide individuals with the right to access municipal records and require the responsible management of personal information;

AND WHEREAS POPA requires public bodies to protect personal information collected and maintained in the course of delivering programs and services, including establishing a privacy management program and appointing a privacy officer;

AND WHEREAS the Town of Hanna is committed to transparency, accountability, and the protection of privacy in accordance with provincial legislation;

NOW THEREFORE THE COUNCIL OF THE TOWN OF HANNA, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART I SHORT TITLE AND AUTHORITY

- 1.1 **Short Title** - This bylaw shall be known as the "ACCESS TO INFORMATION AND PROTECTION OF PRIVACY BYLAW" of the Town of Hanna.
- 1.2 **Purpose** - The purpose of this bylaw is to update and replace the Town's previous FOIP Bylaw to comply with Alberta's new Access to Information Act and Protection of Privacy Act, which came into force on June 11, 2025. It establishes local practices and procedures for access to information and protection of privacy in accordance with these Acts.
- 1.3 **Authority** - This bylaw is made pursuant to the Access to Information Act and Protection of Privacy Act (hereinafter "the Acts"). In accordance with the Acts, the Head of the Town of Hanna is the Chief Administrative Officer (CAO), who has overall responsibility for ensuring compliance with access to information requests and privacy protection requirements. The CAO may delegate administrative duties under this bylaw to an Access and Privacy Coordinator or other designee as needed

PART II OBJECTIVES

- 2.1 The OBJECTIVES of this bylaw is to:

- (a) Facilitate public access to Town records in accordance with the Access to Information Act, except where records are exempt from disclosure under that Act;;
- (b) Protect personal privacy by establishing measures to safeguard personal information collected or held by the Town, in compliance with the Protection of Privacy Act;
- (c) Define the local process for requesting access to records and for the Town's response, including timelines and forms;
- (d) Ensure full compliance with the requirements and duties set out in the new provincial Acts and associated regulations (replacing references to the FOIP Act with the Access to Information Act and Protection of Privacy Act);
- (e) Provide clear procedures for third-party notice and consultation when access requests involve information about third parties;
- (f) Implement a structured process for appeals of access decisions and for responding to privacy breaches, including internal reviews and cooperation with the Information and Privacy Commissioner.

PART III DEFINITIONS

3.1 In this bylaw, unless the context otherwise requires;

- (a) **“Access to Information Act (ATIA)”** means the *Access to Information Act*, SA 2024, c. A-6.5, and its regulations, as amended from time to time (this Act provides the public right of access to records held by public bodies).
- (b) **“Protection of Privacy Act (POPA)”** means the *Protection of Privacy Act*, SA 2024, c. P-28.5, and its regulations (this Act governs the protection of personal information held by public bodies, including privacy requirements and breach notification).
- (c) **“Applicant”** means any person making a request for access to information under this bylaw (i.e. an individual or organization submitting an official access to information request).
- (d) **“Personal Information”** means recorded information about an identifiable individual as defined in the Acts (for example, an individual's name, address, telephone number, age, financial information, etc., as defined in POPA).
- (e) **“Third Party”** means any individual, organization, or business other than the Applicant or the Town, whose information may be contained in a record requested under this bylaw. This includes a person or entity whose personal or proprietary information might be disclosed to an applicant.
- (f) **“Chief Administrative Officer (CAO)”** means the Town's Chief Administrative Officer appointed by Council. For the purposes of this bylaw and the Acts, the CAO is the Head of the public body (the Town of Hanna)

responsible for overall compliance with the Access to Information Act and Protection of Privacy Act.

- (g) **“Head”** means the head of the public body as defined in the Acts. Under this bylaw, the Head is the Chief Administrative Officer of the Town of Hanna. The Head has statutory responsibilities for responding to access requests and ensuring privacy protection on behalf of the Town.
- (h) **“Access and Privacy Coordinator”** means the individual designated by the Town (by the CAO/Head) to manage and administer requests for access to information and to oversee day-to-day privacy compliance. The Access and Privacy Coordinator acts as the primary contact for Applicants and for the Office of the Information and Privacy Commissioner, and ensures the Town’s obligations under the Acts are fulfilled. (This position was formerly referred to as the “FOIP Coordinator.”)
- (i) **“Formal Request”** (or “Access Request”) means a written request for access to records made under the Access to Information Act, which is submitted on the prescribed form (Schedule A – Access to Information Request Form) or in another written format that meets the requirements of the Act. A Formal Request typically requires the payment of any applicable application fee.
- (j) **“Routine Disclosure”** means the practice of disclosing certain records proactively, without the need for a formal access request, as a matter of course or on request. Routine Disclosure includes making commonly requested information available to the public via the Town’s website or upon inquiry (e.g. Council meeting minutes, bylaws, basic financial reports), where such release is permitted by law. Routine Disclosure supports the principle of transparency and the new proactive disclosure policy encouraged under the Access to Information Act.

PART IV ACCESS TO INFORMATION

4.1 **Right of Access:** In accordance with the Access to Information Act, any person has a right of access to records in the custody or under the control of the Town of Hanna, subject to limited and specific exceptions as set out in the Act. The Town will grant access to records or portions of records unless they contain information that is excepted from disclosure under the Act (for example, confidential third-party information, personal privacy, legal privilege, etc.). Exceptions to disclosure will be applied only as necessary and in accordance with the Act’s provisions. *(Reference: The Access to Information Act preserves many of the exemptions and exclusions formerly in FOIP, such as protections for personal privacy, confidential business info, cabinet confidences, etc.)*

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- 4.2 **Processing Requests – Duty to Assist:** The Town has a duty to assist applicants and shall ensure that access requests are handled in an open, accurate, and timely manner. The Access and Privacy Coordinator (under the authority of the Head) shall process all Formal Requests in accordance with the requirements of the Access to Information Act and this bylaw, ensuring:
- (a) **Assistance to Applicants:** The Town will make every reasonable effort to assist applicants, clarify the request if needed, and respond openly, accurately and completely to each applicant, as required by the Act (commonly known as the “duty to assist”).
 - (b) **Timely Response:** A response providing access to the requested record (or a decision refusing access, with reasons) is given to the applicant within 30 business days from the date of receipt of the Formal Request, unless an extension of time is authorized under the Act. (The Access to Information Act sets a 30-business-day standard timeline for responses, which may be extended in certain cases such as large volume requests or the need to consult with third parties.) If an extension is necessary, the applicant will be notified in writing of the extension and the reason for it, in accordance with the Act.
 - (c) **Partial Disclosure:** If a record contains some information that is excepted from disclosure (for example, personal information or other exempt material), the Town will provide **partial access** by severing (redacting) the excepted portions and releasing the remainder of the record, whenever possible. The Applicant will be informed of the rationale for any portions that are withheld.
 - (d) **Notification of Decision:** If a request is refused in whole or in part, the Applicant will be provided with a written notice stating the reasons for the refusal and identifying the specific exceptions or provisions of the Act relied upon, as well as information on the right to request a review of the decision. Every response letter will inform the Applicant of their right to an internal review (appeal) and/or to ask the Information and Privacy Commissioner to review the decision.
- 4.3 **Routine Disclosure and Proactive Release:** The Town of Hanna will continue to provide access to information through routine disclosure and active dissemination of records without the need for formal requests, to the extent possible. The Town shall identify categories of records that are of public interest and can be released routinely (such as Council meeting minutes, bylaws, policies, public reports, etc.) and make these available via the Town’s website or other means. This practice aligns with the Access to Information Act’s emphasis on proactive disclosure, whereby public bodies are encouraged to release information without requiring a formal request. The existence of this bylaw and formal request process does not limit the Town’s ability to continue releasing information informally as long as it does not contravene any laws.

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4.4 **Correction of Personal Information:** An individual who is given access to their own personal information by the Town has the right to request correction of that information if they believe there is an error or omission. If the individual makes a request in writing for correction of their personal information:

- The Town shall correct the information if it is satisfied on reasonable grounds that the correction is warranted; or
- If the Town does not agree that the information is in error, it will annotate the personal information with the correction that was requested but not made.

No fee will be charged for a request for correction. The Town will respond to correction requests within the time period set out in the applicable legislation (generally 30 days). If a correction is made, or a note of disagreement is added, the Town will, where practicable, notify any other public body or third party to whom that information has been disclosed within the last year of the change (so they can also correct their records), as required by POPA. The right of correction is provided under the Protection of Privacy Act to ensure personal information is as accurate and complete as possible.

PART V THIRD PARTY NOTIFICATIONS

5 If an access request is received for a record that contains information about a Third Party (for example, personal information about someone other than the applicant, or a third party's confidential business information), the Town shall follow the third-party notice requirements of the Access to Information Act before disclosing the record. In practice, the Access and Privacy Coordinator (on behalf of the Head) will:

- Notice to Third Party:** Notify the Third Party in writing of the request within 10 business days after the Formal Request is received (this notice will state that a request has been made for records that may contain information about the Third Party, and include an opportunity for the Third Party to consent to disclosure or to object). *(The Town's goal is to provide notice promptly, generally within about 10 business days, to allow timely processing. The Act specifies that notice to third parties must be given within a reasonable time.)*
- Time for Response:** Give the Third Party a reasonable period to respond to the notice. The Third Party shall have 20 days from the date of the notice to provide written comment or evidence as to whether the information should be disclosed or withheld. The notice will inform the Third Party of this 20-day period (which aligns with the timeline contemplated in the legislation for third-party responses under the former FOIP Act).
- Consideration of Objections:** After the 20-day response period, the Head (or designate) will consider any representations or objections received from the Third Party. The Head will then decide on whether to disclose the information in question to the Applicant, in accordance with the criteria set out in the Access to Information Act. This decision will be made with reference to the specific

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exceptions in the Act (for example, if the information is third-party personal information or trade secrets, the Act may prohibit disclosure in some cases). The Head shall issue a written decision to the Third Party, and to the Applicant, explaining whether the record (or part of it) will be released and giving reasons, pursuant to the Act's requirements (analogous to the process under section 31 of the former FOIP Act).

- (d) **Review by Commissioner:** If the Third Party objects to the Town's decision to disclose the information, the Third Party may request a review by the Information and Privacy Commissioner. In such cases, the Town will not disclose the information to the Applicant until the Commissioner's review is concluded and any applicable appeal rights are exhausted (the Applicant will be informed that a third-party review is underway). The Town will **refer the matter to the Commissioner** if required, by forwarding the relevant records and decision to the Office of the Information and Privacy Commissioner for a ruling. The Town shall abide by the Commissioner's decision or any binding order that results from the review. If no review request is received from the Third Party within the time limit set by the Act (generally 20 days after the Third Party is informed of the Town's decision), the Town will proceed to release the information to the Applicant as per the original decision.

(Note: The Third-Party notification process in this Part aligns with the principles of the Access to Information Act, ensuring that third parties' privacy and confidentiality are protected. It replaces the similar provisions formerly found in sections 30 and 31 of the FOIP Act.)

PART VI PRIVACY BREACH RESPONSE

6.1 **Privacy Management Program:** The Town of Hanna shall establish and maintain a *privacy management program* as required by the Protection of Privacy Act and its regulations. This program will consist of documented policies and procedures to ensure the Town's compliance with POPA in its collection, use, disclosure, retention, and safeguarding of personal information. The privacy management program will be designed proportionately to the volume and sensitivity of the personal information the Town handles, and will include:

- Appointment of an individual (the Access and Privacy Coordinator or another designate) responsible for privacy management;
- Privacy policies addressing topics such as data collection, consent (where applicable), use and disclosure of personal information, records retention and disposal, and administrative, technical, and physical safeguards;
- Ongoing training and education for Town staff on their obligations under POPA and this bylaw;

- Regular review and updating of privacy policies and practices to reflect changes in law and best practices; and
- A process for handling privacy complaints or inquiries from the public.

- 6.2 **Prohibition on Selling Personal Data:** The Town of Hanna is prohibited from selling personal information in its custody or under its control, under any circumstances. This is a strict requirement of the Protection of Privacy Act, which expressly forbids public bodies from selling personal information for any purpose. All Town employees and officials shall ensure that no personal information held by the Town is sold or offered for sale to any external party. Any willful violation of this prohibition is an offence under POPA (see Part X of this bylaw for penalties).
- 6.3 **Privacy Impact Assessments:** The Town shall conduct Privacy Impact Assessments (PIAs) in circumstances required by the Protection of Privacy Act and its regulations. A Privacy Impact Assessment is a process to identify and address potential privacy risks that may occur in the course of new or significantly revised projects, programs, systems, or technologies that involve the collection, use, or disclosure of personal information. When embarking on such initiatives, the Town will assess how personal information will be handled, ensure compliance with POPA, and mitigate any privacy risks. Where required by POPA or the Information and Privacy Commissioner, PIAs will be submitted to the Commissioner for review and comment. The Town's privacy management program will include guidance on when and how to complete PIAs.
- 6.4 **Definition of a Privacy Breach:** For the purposes of this bylaw, a *privacy breach* means any incident involving the loss of, unauthorized access to, or unauthorized disclosure of personal information in the custody or control of the Town. This includes events such as misdirected emails or mail containing personal data, theft or loss of devices holding personal information, database intrusions, or any other situation where personal information is compromised without proper authorization.
- 6.5 **Privacy Breach Response:** In the event that a privacy breach is suspected or confirmed, the Town shall take immediate steps to contain and manage the breach in accordance with POPA and the Town's internal Privacy Breach Response Guidelines (Schedule D). The following actions will be undertaken:
- (a) **Containment and Initial Reporting:** Town staff or officials who become aware of a potential privacy breach must immediately contain the breach (e.g., retrieve misdirected documents, shut down systems, or correct security weaknesses to prevent further unauthorized access). They must also report the breach without delay to the Access and Privacy Coordinator or the CAO (Head). The Access and Privacy Coordinator will log the incident and lead the response.
 - (b) **Assessment of Risks:** The Access and Privacy Coordinator (in consultation with the CAO/Head and any necessary technical experts) will

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promptly investigate and assess the breach. This includes determining the nature and scope of the breach, identifying the personal information involved, and evaluating the risks of harm to affected individuals. Risks may include identity theft, financial loss, hurt, humiliation, damage to reputation, loss of trust, or any other potential harm. The Coordinator will determine the likelihood and magnitude of harm that could result from the breach.

- (c) **Notification to Affected Individuals:** If, after assessment, it is determined that the breach could result in a real risk of significant harm to one or more individuals, the Town will notify those individuals of the breach as soon as reasonably possible. Notification will include a description of the breach, the personal information involved, steps taken to mitigate the harm, and contact information for more information or assistance. The notice will also advise affected individuals of steps they can take to protect themselves (such as monitoring financial accounts or changing passwords, if applicable).
- (d) **Notification to Commissioner and Minister:** In accordance with the Protection of Privacy Act's new mandatory breach reporting provisions, the Town will report the breach to the Office of the Information and Privacy Commissioner (OIPC) and the Minister responsible for POPA if the incident meets the threshold of a real risk of significant harm. The report to the Commissioner and Minister will contain details of the breach as required by law (including a description of the incident, the information involved, cause, containment steps, intended notification to individuals, and future prevention measures). This notification will be made without unreasonable delay once the Town determines that the threshold is met. *(These requirements implement the mandatory breach notification introduced by POPA, which are the strongest public-sector privacy protections in Canada.)*
- (e) **Prevention and Remediation:** After the immediate response, the Town will analyze the cause of the breach and implement measures to prevent similar incidents in the future. This may include revising procedures, enhancing security safeguards, providing additional training to staff, or other remedial actions. The Town's privacy management program will be updated if necessary to address any lessons learned from the incident. A report documenting the breach and the Town's response will be prepared and retained.

6.6 All Town employees, contractors, and agents must follow the Town's Privacy Breach Response Guidelines (Schedule D) in the event of a breach. Failure to report or respond to a known breach appropriately may result in disciplinary action. The Town will treat privacy breaches with the utmost seriousness and will cooperate fully with the Information and Privacy Commissioner in any investigation of a breach.

(Note: The above procedures meet or exceed the requirements of POPA, which imposes mandatory breach notification to affected individuals, the Commissioner, and the Minister for breaches with risk of harm. The Town's approach aligns with best practices for breach management as recommended by Alberta's *OIPC*.)

PART VII ACCESS REQUEST APPEALS AND REVIEW PROCESS

- 7.1 **Submitting an Access to Information Request:** An Applicant seeking access to Town records under the Access to Information Act must submit a Formal Request in writing. The preferred method is to use the Town's Access to Information Request Form (Schedule A), which captures all information required to process the request. The completed form, along with the initial application fee (if applicable), can be submitted to the Town's Access and Privacy Coordinator at the Town Office (contact information is provided in Schedule E). Requests should be as specific as possible to enable efficient searching of records. If an applicant needs assistance in formulating a request, the Access and Privacy Coordinator will provide reasonable assistance (see duty to assist in section 4.2(a)).
- 7.2 **Internal Review (Local Appeal):** If an Applicant is not satisfied with the Town's response to an access request – for example, if access to some or all records is refused, or if they believe the response is incomplete or the fee assessed is incorrect – the Applicant **may request an internal review** (appeal) by the Town. The following provisions apply:
- (a) **Request to CAO or Council:** The Applicant may file an Internal Review/Appeal Form (Schedule B) within 30 days of receiving the Town's decision on an access request. On the form, the Applicant should indicate whether they are requesting a review by the Chief Administrative Officer (CAO) or by the Town Council. The Town provides these two internal appeal options to ensure fairness – for instance, if the original decision was made by the CAO (as Head), the Applicant might choose to have Council review it. The internal review request should state the reasons for the appeal (e.g. why the Applicant believes more information should be released, or why a correction should be made, etc.). There is no fee for an internal review.
 - (b) **Conducting the Internal Review:** Upon receiving a request for internal review, the Town will acknowledge it and proceed to review the original decision. The CAO or Council (whichever is chosen by the Applicant on the form) will consider the matter. This may involve examining the records in question, the reasons for withholding or redacting information, and any arguments the Applicant has provided in their appeal form. The internal review will be conducted impartially – if the appeal is to Council, Council may meet in camera to review the records and consult with the Access and Privacy Coordinator or legal advisors as needed. The Town will complete the internal review and provide a written decision to the Applicant within 30 days of the appeal being received. The internal reviewer (CAO or Council) may decide to

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uphold the original decision, or to release further information (in whole or in part), or to adjust any fee or correction decision as appropriate. The written outcome of the internal review will include reasons for the decision.

- (c) **Notice to Applicant:** After the internal review, the Applicant will be notified of the outcome in writing. If the internal review results in additional records being released or a change in fees, those will be provided. If the original decision is upheld (no further information released), the Applicant will be informed of that result. In all cases, the notice will again advise the Applicant of the right to seek an external review by the Information and Privacy Commissioner if they remain unsatisfied.

7.3 **External Review by Commissioner:** In addition to (or instead of) the internal review process, an Applicant has the right under the Access to Information Act to request a review of the Town's decision by the Alberta Information and Privacy Commissioner (an independent oversight office). The following applies to Commissioner reviews:

- (a) **Time Limit to Request Commissioner Review:** The Applicant must request a review by the Commissioner within 60 days of receiving the Town's final decision on their access request. (If the Applicant used the internal review process first, the 60 days would typically run from when they received the internal review decision. However, an Applicant may choose to skip internal review and go directly to the Commissioner – they do not lose the right to Commissioner review by pursuing an internal appeal first.)
- (b) **How to Request a Commissioner Review:** To initiate a review, the Applicant should submit a written Request for Review to the Office of the Information and Privacy Commissioner (OIPC). This can be done by filling out the OIPC's form or writing a letter that includes: the Applicant's name and contact information, a copy of the original access request and the Town's response (decision letter), and a brief explanation of what aspects of the decision the Applicant disputes. The Applicant should send this request to the OIPC at the address provided in Schedule E (Contact Information for Appeals), or via the OIPC's email/fax, within the 60-day timeframe. The Town's Access and Privacy Coordinator is available to provide the Applicant with OIPC contact information or answer process questions, but cannot provide legal advice on the appeal.
- (c) **Commissioner's Review Process:** Once the Commissioner receives a Request for Review, the OIPC will typically notify the Town and any affected third parties, and an OIPC Portfolio Officer may be assigned to investigate or mediate. The Commissioner's office may attempt to settle the matter through mediation between the Applicant and the Town. If mediation is unsuccessful or not pursued, the Commissioner may decide to conduct an inquiry (a more formal adjudication process). During an inquiry, both the Applicant and the Town (and any third party, if applicable) can make submissions or present evidence. The Commissioner will then

issue a written decision, which could be an order. Under the new legislation, the Commissioner has the power to make binding orders. For example, the Commissioner can order the Town to disclose records (in full or part) or confirm that the Town was justified in refusing access. The Town of Hanna is required to comply with any legally binding order issued by the Commissioner. The outcome of the Commissioner's review will be communicated to both the Applicant and the Town in writing.

- (d) **Judicial Review:** If any party (the Applicant, the Town, or a Third Party) is dissatisfied with the Commissioner's decision or order, they may seek a judicial review at the Alberta Court of King's Bench, as allowed by the Acts. A judicial review is essentially an appeal to the court to review the Commissioner's decision for any errors in law or jurisdiction. The application for judicial review must be filed with the Court within 45 days of receiving the Commissioner's decision/order. The court will then consider the case and may uphold the Commissioner's decision, overturn it, or send the issue back to the Commissioner for reconsideration. Judicial review is typically used only in complex or significant matters, as it involves legal proceedings. During any judicial review process, the Town will comply with any court directives (and, generally, the records in question would not be released until the court has rendered a decision if a stay is in effect).

7.4 **Effect of Appeals on Disclosure:** While an appeal (internal or external) is in progress, the Town will generally hold off on releasing any disputed records until the matter is resolved, so as not to prejudice any party's rights. However, if the appeal relates only to a portion of the records, and other records can be released, the Town may release the undisputed portion to the Applicant while withholding the contested information pending the appeal outcome. The Town will follow any directions from the Commissioner regarding the handling of records during a review.

7.5 **Assistance During Appeals:** The Town's Access and Privacy Coordinator will act as the primary liaison for the Town during reviews by the Commissioner, providing the Commissioner's office with the records and explanations as required. The Coordinator will also keep Council/CAO informed of any significant appeals and their outcomes.

(For a step-by-step guide to the review and appeal process, including internal review and Commissioner review, see Schedule E – Review and Appeal Process. Schedule E provides a summary table of timelines and contacts for convenience.)

PART VIII FEES FOR INFORMATION REQUESTS

8.1 **Authority to Charge Fees:** The Town of Hanna may charge fees for processing access to information requests, in accordance with the Access to Information Regulation made under the Access to Information Act and as specified in this

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bylaw. All fees charged by the Town will be consistent with the fee structure set by the provincial regulation, ensuring that applicants are not charged more than the allowable amounts. Schedule C of this bylaw (Fee Schedule) sets out the detailed fees adopted by the Town, which mirror the standard rates.

8.2 Fee Schedule (Schedule C): A summary of applicable fees is as follows:

- **General (Non-Personal) Information Request:** \$25.00 initial application fee per request (this is a standard fee for requests that are not limited to the applicant's own personal information).
- **Continuing Request (for ongoing/periodic access):** \$50.00 initial fee (if an applicant requests records on an ongoing basis over a period of time, e.g., a monthly report, the regulation provides for a higher initial fee).
- **Search and Retrieval:** \$30.00 per hour for locating, retrieving, and preparing records (not including the first 3 hours, which are free). The Town will not charge for the first three hours of search time, but beyond that, hourly fees may apply.
- **Copies of Records:** \$0.25 per page for paper photocopies of standard size (letter or legal). For large size documents (e.g. maps, plans) or specialized printouts, fees will be based on actual costs.
- **Electronic Records:** If records are provided on electronic media (CD, USB drive) or by email, the Town will charge the actual cost of the storage media (if any). Providing records by email may be free of charge unless printing or significant processing is required.
- **Certified Copy of Record:** \$10.00 per document for a certified true copy, if the applicant requests official certification.
- **Other Services:** For other services such as programming or data manipulation to produce a record, or translation, the Town will charge actual costs as permitted by regulation. The applicant will be provided an estimate beforehand if such services are needed.

These fees are further detailed in Schedule C. The Town's fees will be reviewed periodically to ensure they remain in line with any changes to the Access to Information Regulation. The Town may choose to waive fees in certain cases (see section 8.3 below). All fees collected are payable to the Town of Hanna and must be received before records are released.

8.3 Fee Waivers: The Town of Hanna may waive fees, in whole or in part, in circumstances where charging the fee would be unfair or where waiver is in the public interest, as guided by the Access to Information Regulation. For example:

- **Inability to Pay (Financial Hardship):** If an applicant can demonstrate that paying the fees would cause them financial hardship, the Town will consider waiving fees.

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The Applicant may be asked to provide some evidence of hardship (e.g., proof of income) for significant fee waivers.

- **Public Interest:** If the requested records relate to a matter of public interest (for example, the environment, public health or safety, or the use of public funds) and release of the information will benefit the public or contribute to public understanding of an issue, the Town may waive fees on that basis. This aligns with the principle that fees should not be a barrier to access when the information is for the common good.
- **Personal Information Requests:** As per the regulation, if an individual is requesting only their own personal information, the Town will not charge the \$25 initial fee. Additionally, certain costs (like reviewing the individual's own personal information) may not be charged.
- **Other Cases:** The CAO/Head or the Access and Privacy Coordinator (if delegated) has discretion to waive or reduce fees in other situations deemed appropriate – for instance, if only a small amount is owing, or if processing the payment would cost more than the fee itself, or as a goodwill gesture for frequent requesters when appropriate.

If a fee waiver is denied, the Applicant will be notified and given the reason. The Applicant may also appeal a denial of a fee waiver as part of an internal review or Commissioner review (unreasonable fees can be considered by the Commissioner on review).

8.4 **Fee Estimates and Deposits:** Where the estimated cost of processing a request (beyond the initial fee) exceeds \$150, the Town will provide the Applicant with a fee estimate before proceeding with the request. The estimate will include a breakdown of the anticipated charges (e.g., search time, copying costs). In such cases, the Town may require the Applicant to pay a 50% deposit of the estimated amount before continuing with processing. Work on the request may be paused until the deposit is paid, as allowed by the regulation. The time taken by the Applicant to pay a deposit is not counted in the statutory response time. If the actual processing ends up costing less than the deposit, any overpayment will be refunded. If it is more, the Applicant will be expected to pay the balance before receiving the records. The Town will always aim to provide records most cost-effectively to minimize fees for the Applicant.

PART IX SCHEDULES

9.1 The following Schedules are attached to and form part of this bylaw:

- **Schedule A – Access to Information Request Form** (form to be used by the public to request access to records under the Access to Information Act).
- **Schedule B – Internal Review/Appeal Form** (form to request an internal review by the CAO or Council, or to initiate an appeal to the Commissioner).

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- **Schedule C – Fee Schedule** (detailed list of fees for processing access requests, consistent with provincial regulations, as adopted by the Town).
 - **Schedule D – Privacy Breach Response Guidelines** (step-by-step procedures for Town staff to respond to privacy breaches in compliance with the Protection of Privacy Act).
 - **Schedule E – Review and Appeal Process** (a user-friendly guide outlining the steps for internal reviews and appeals to the Commissioner, including contact information and timelines, to assist applicants in understanding their options).
- 9.2 These Schedules may be updated by Council from time to time by bylaw amendment to reflect changes in law, fees, or administrative procedures. The intent is to keep the forms and guidelines current without requiring a full replacement of this bylaw's text, provided such updates remain consistent with the Acts.

PART X OFFENCES AND PENALTIES

- 10.1 **Internal Discipline:** Any Town of Hanna employee, officer, or contractor who willfully contravenes the provisions of this bylaw or the duties imposed by the Access to Information Act or Protection of Privacy Act may be subject to disciplinary action. This includes deliberate misuse or unauthorized disclosure of personal information, willful obstruction of access to information processes, or other knowing violations. Disciplinary measures may range from remedial training and reprimand up to termination of employment or contract, depending on severity and in accordance with Town personnel policies. Nothing in this section limits the ability of external authorities to prosecute an individual under the Acts, if applicable.
- 10.2 **Offences under the Access to Information Act:** The Access to Information Act creates offences for certain unlawful actions, such as willfully concealing, altering or destroying records to evade an access request, or obstructing the Commissioner's investigation. Any person found guilty of an offence under the ATIA is liable to the penalties set out in that Act. Penalties for offences under the Access to Information Act have been increased and can be up to a maximum fine of \$50,000 for an individual on summary conviction. For example, if a Town employee were to deliberately destroy a record after an access request is received, that individual could face prosecution and, upon conviction, a substantial fine. The Town will not indemnify employees for fines resulting from willful violations of the law.
- 10.3 **Offences under the Protection of Privacy Act:** The Protection of Privacy Act likewise establishes offences for egregious violations of privacy, such as willfully collecting, using or disclosing personal information in contravention of the Act, or attempting to re-identify individuals from anonymized data in violation of the Act. Offences under POPA carry even stricter penalties – an individual could face a fine

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of up to \$200,000, and a public body (organization) could face a fine of up to \$1,000,000 upon conviction. In particular, selling personal information is prohibited (as noted in section 6.2 of this bylaw), and any person who knowingly directs or participates in the selling of personal information would be committing an offence. The POPA also makes it an offence to retaliate against someone for making a request or a complaint under the Act. The Town and its representatives must strictly observe all privacy obligations; any willful breach will be dealt with under the law.

- 10.4 **Good Faith Actions:** No Town employee or official shall be found to have committed an offence under this bylaw if they acted in good faith and in a reasonable belief that their action or inaction was lawful under the circumstances. This bylaw is intended to encourage compliance and education; prosecution is a last resort for willful and knowing misconduct. The Town will generally seek to correct and educate before considering punitive measures, except in cases of malicious or deliberate breaches.

(For reference: These penalty provisions reflect the new maximum fines set by the provincial Acts, which are among the strictest in Canada. The Town is committed to upholding the law, and these consequences underscore the importance of compliance.)

PART XI GENERAL PROVISIONS

- 11.1 **Repeal of Previous Bylaws:** Bylaw No. 1039-2025 of the Town of Hanna (the "Freedom of Information and Protection of Privacy Bylaw, 2025") is hereby repealed in its entirety. Any other previous bylaws, resolutions or policies of the Town of Hanna that are inconsistent with this bylaw are also hereby repealed or rescinded to the extent of the inconsistency.
- 11.2 **Enactment and Effective Date:** This bylaw shall come into force and take effect on the date of third reading and final passing. All access to information requests received on or after that date will be processed under this bylaw and the new Access to Information Act and Protection of Privacy Act. Requests already in progress at the time of enactment will continue under the new regime as well, with no loss of rights to applicants.
- 11.3 **Severability:** Should any provision of this bylaw be found invalid or unenforceable by a court of competent jurisdiction, that provision shall be severed, and the remainder of the bylaw shall remain in full force and effect. The invalidity of any section, in whole or in part, does not affect the validity of the rest of the bylaw, which can be given effect without the invalid portion.
- 11.4 **Headings:** The part and section headings in this bylaw are for ease of reference only and do not affect the interpretation of the bylaw.

11.5 **Publication and Awareness:** A copy of this bylaw, along with the schedules and forms, shall be posted on the Town of Hanna's official website and made available at the Town Office for public inspection during regular business hours. The Town will also provide training and informational materials to staff about the new procedures to ensure smooth implementation.

11.6 This bylaw repeals Bylaw No. 1039-2025 and any previous FOIP bylaws.

EFFECTIVE DATE


This Bylaw shall come into effect upon the day of third and final reading:

READ A FIRST TIME THIS 9TH DAY OF SEPTEMBER 2025.

READ A SECOND TIME THIS 9TH DAY OF SEPTEMBER 2025.



Mayor Danny Povaschuk




Chief Administrative Officer
Matthew Norburn

READ A THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF SEPTEMBER 2025.



Mayor Danny Povaschuk



Chief Administrative Officer
Matthew Norburn

Schedule A – FOIP Request Form

TOWN OF HANNA PROVINCE OF ALBERTA FOIP REQUEST FORM – SCHEDULE A

This form is to be used for submitting a formal request for access to records under the Access to Information Act. Please complete all sections. If you have any questions about how to fill out this form, contact the Town of Hanna Access and Privacy Coordinator for assistance.

Note:

- An initial \$25.00 application fee is required for all requests for general information (non-personal information).
- Requests for *your own personal information* do not require an application fee.
- Additional processing fees may be charged for locating, copying, or preparing records, as outlined in Schedule C (Fee Schedule), but a fee estimate will be provided if fees are likely to exceed \$150.
- The statutory response time is 30 business days from receipt of the request, unless an extension is authorized.

SECTION 1: APPLICANT INFORMATION

- **Full Name:**
- **Company/Organization (if applicable):**
- **Mailing Address:**
- **City/Town:** **Province:** **Postal Code:**
- **Telephone (Daytime):** **Telephone (Evening):**
- **Email Address:**
- **Preferred Contact Method:** Email Mail Phone

If you are acting on behalf of another person (e.g., you have power of attorney or are requesting someone else's information with consent), please attach proof of your authority to act for that person (such as an authorization letter or legal documentation).

SECTION 2: TYPE OF REQUEST (Check one)

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- **General Information Request** (requesting records that do *not* contain your personal information) – \$25 application fee applies.
- **Personal Information Request** (requesting records containing your own personal information) – No application fee.
- **Third-Party Personal Information Request** (requesting another individual’s personal information **with their consent** or other legal authority) – No application fee, but you must attach the individual’s signed consent or proof of your legal authority to obtain their information.

SECTION 3: DETAILS OF REQUESTED RECORDS

- **Describe the records you are requesting:** Please provide as much detail as possible about the records you wish to access. Include specific keywords, subject matters, file names or numbers (if known), departments involved, etc. For example: “Emails and meeting minutes between [Department] and [Company] regarding [Project] from January 2024 to December 2024.” The more details you provide, the more efficiently we can locate the records.

Description of Records:

.....

- **Timeframe of records (if applicable):** If your request covers a range of dates, please specify the time period.
From: _____ (YYYY/MM/DD) **To:** _____ (YYYY/MM/DD)
- **Format of access requested:** Receive copies of records Examine the records in person Receive records in electronic format (if available, e.g., PDF via email or USB)

(Note: Choosing electronic copies can sometimes reduce fees. The Town will provide records in the format requested whenever feasible.)

SECTION 4: URGENT PROCESSING (Optional)

The standard response time is 30 business days. If you require urgent processing of your request, please indicate the reason. The Access to Information Act allows public bodies to prioritize requests in certain situations (for example, if it involves an individual’s life or security).

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- **Reason for urgency (if applicable):**

.....
.....

Please note: Expedited processing is at the Town's discretion and typically will only be granted if legislated criteria are met. You may be asked to provide evidence supporting any urgent circumstances.

SECTION 5: FEES AND PAYMENT

- **Application Fee:** For general information requests, a \$25 application fee must be paid before your request is processed. Personal information requests have no initial fee.
- **Additional Fees:** In some cases, additional fees may apply for searching, photocopying, etc., as per Schedule C (Fee Schedule). If the estimated fees exceed \$150, you will receive a fee estimate and may need to pay a deposit of 50%. You can indicate an upper limit you are willing to pay without further approval if you wish (optional).

I enclose the \$25.00 application fee (for general information requests).

Not applicable (my request is only for personal information about myself).

- **Deposit Agreement:** If estimated processing costs exceed \$150, do you agree to pay a 50% deposit to initiate processing?

Yes, I agree to pay the required deposit if the estimate exceeds \$150.

No (If no, your request will not proceed beyond the free threshold without payment, and this may delay processing).

- **Maximum Fee Willing to Pay (optional):** \$_____.

If the fee estimate is higher than this amount, we will contact you to discuss how to proceed (you may revise your request to reduce fees, or decide whether to continue).

- **Method of Payment:** Cash Cheque Debit Credit Card E-Transfer
(Do not send cash by mail. Cheques should be payable to Town of Hanna.)

SECTION 6: DECLARATION AND SIGNATURE

By signing below, you:

Certify that the information you have provided on this form is true and correct.

Understand that the Town of Hanna will process your request in compliance with the Access to Information Act and Protection of Privacy Act, and that some information may be withheld or redacted under the law's exceptions.

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- Agree** to pay any applicable fees associated with this request, as per Schedule C, and understand that the Town may require a deposit for large requests before proceeding.
- Understand** that you will be notified if an extension to the response time is needed or if third-party consultations are required.

Signature of Applicant: _____ **Date:** _____

Submit this form (with the \$25 application fee if required) to:

Access and Privacy Coordinator

Town of Hanna
302 2nd Avenue West, P.O. Box 430
Hanna, AB T0J 1P0
Email: admin@hanna.ca | Phone: 403-854-4433

You can mail or drop off the form at the Town Office, or email a scanned copy. The Town will officially acknowledge receipt of your request and the date received.

FOR OFFICE USE ONLY (to be filled out by Town staff)

- Date Received: _____
- File/Request Number: _____
- Received by: _____ (staff name)
- Initial Fee Paid: Yes No N/A Amount: \$ _____
- Fee Estimate Provided: Yes (date provided: _____) No (fees under \$150)
- Deposit Required: Yes (Amount \$ _____) No
- Due Date (30 business days from receipt, or as extended): _____
- Extended Deadline (if applicable, max +30 days without OIPC approval):

- Third-Party Notice Required: Yes (sent on _____) No
- Date Completed: _____
- Outcome: Full access Partial access Access refused (see letter)
- Date Applicant Notified of Decision: _____
- Method of Notification: Letter Email Other _____
- If partial/refused: Appeal information provided: Yes

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- Records released: Yes (date: _____) No (if no, explain in decision letter)
- Coordinator/FOIP Head Signature: _____ Date:

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- **Instructions for Submitting Your Request:**

-  **Mail or Drop-Off:**

Town of Hanna – CAO

302 2nd Ave West

- PO Box 430
- Hanna, AB, T0J 1P0

-  **Email:**

admin@hanna.ca

-  **Questions? Contact 403 854 4433**

- _____

Schedule B – FOIP Appeal Form

TOWN OF HANNA

PROVINCE OF ALBERTA

Internal Review / Appeal Form – SCHEDULE B

Use this form if you wish to appeal the decision on your Access to Information request. You may request an internal review by the Town (to be conducted by the CAO or Town Council), or you may appeal directly to the provincial Information and Privacy Commissioner.

Please complete Sections 1–7. Submit this form to the Town of Hanna’s Access and Privacy Coordinator. The Town will contact you to acknowledge your appeal and outline next steps. If you are appealing to the Commissioner, the Town can forward your request to the OIPC or you may send it directly (see contact info in Schedule E).

Important: You have 30 days from the date you received the Town’s decision to request an internal review by the CAO/Council. You have 60 days from the Town’s decision to appeal to the Information and Privacy Commissioner. (If you first do an internal review, the 60 days for the Commissioner typically run from when you get the internal review result.) If you miss these deadlines, your appeal might not be accepted.

SECTION 1: APPLICANT INFORMATION (Person requesting the review/appeal)

- **Name:**
- **Company/Organization (if applicable):**
- **Mailing Address:**
- **City/Town:** **Province:** **Postal Code:**
- **Telephone:** **Alternate Phone:**
- **Email Address:**
- **Preferred Contact Method:** Email Mail Phone

SECTION 2: ORIGINAL REQUEST DETAILS

- **Access Request File Number (if known):** _____
- **Date of Original Access Request:** _____
- **Date of Town’s Decision Letter:** _____

- **Type of Request:** General Information Personal Information Third-Party Information (*check the category of your original request*)

SECTION 3: REASONS FOR APPEAL

(Why are you appealing? Check all that apply and/or write an explanation.)

- **Access Denied:** I was refused access to all or part of the requested records.
- **Incomplete Information:** I believe additional records exist that were not provided (information was missing or omitted).
- **Excessive Redactions:** Information was severed (blacked out) and I disagree with the extent of the redactions.
- **Correction Request Denied:** I requested a correction to my personal information and it was refused or ignored.
- **Delayed Response:** The Town’s response was not provided within the 30 business day period (or any extended period) as required.
- **Fee Dispute:** The fees assessed by the Town are unreasonable or were incorrectly calculated.
- **Other:** (please describe any other issues, such as a privacy complaint or other grievance related to the request)

Explanation (optional, you may attach additional pages):

.....

If you know specific provisions of the Act that you believe were applied incorrectly (e.g., a certain exception), you can note them here:

(Example: “The Town cited section 17 (personal privacy) to withhold information, but I have consent from the individual” or “Section 25 (privileged information) was used, but I believe it doesn’t apply because...”.)

.....

SECTION 4: PREFERRED OUTCOME

(What are you seeking from this appeal?)

- Full release of all information requested (overturn the denial/redactions).
- Partial release of information (release additional portions that were withheld).

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- Fee reduction or waiver (if you believe fees should be lowered/waived).
- Correction of personal information as I originally requested.
- An explanation of the Town's decision (I want a more detailed rationale).
- Other: (describe any other remedy, such as improved search for records, etc.)

SECTION 5: INTERNAL REVIEW vs. COMMISSIONER APPEAL

(Choose one option for how you want your appeal handled at first instance.)

- **Option 1 – Internal Review by Town:**
 - I request an **Internal Review** of the decision by the Town of Hanna. I would like the decision to be reviewed by (choose one):
 - **CAO (Head) Review** – (The CAO will re-evaluate the decision.)
 - **Council Review** – (Council will review the matter, typically in a closed meeting, and make a determination.)

The internal review will be completed within 30 days and a written response will be sent to you.

- **Option 2 – Direct Appeal to Commissioner:**
 - I wish to appeal directly to the Information and Privacy Commissioner of Alberta (OIPC), without first having an internal review by the Town.

If you choose this option, you can submit this form to the OIPC yourself, or the Town can forward it on your behalf. The Commissioner's office will follow up with you for any additional information. The Commissioner's review may involve mediation or a formal inquiry, and can take additional time.

(Note: You may pursue an internal review first and then go to the Commissioner if unsatisfied. Choosing an internal review first does not waive your right to a Commissioner's review. It may, however, extend the overall timeline. Conversely, you may go straight to the Commissioner and bypass internal review.)

SECTION 6: DECLARATION

- I certify that the information provided in this appeal is true and correct to the best of my knowledge.
- I understand that the Town of Hanna and/or the Office of the Information and Privacy Commissioner may contact me to clarify the issues on appeal and that they will receive copies of relevant records and correspondence to conduct the review.

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I authorize the Town of Hanna to release any personal information about me that is necessary for the handling of this appeal to the Alberta Information and Privacy Commissioner (if I have requested a Commissioner review).

Appellant's Signature: _____ **Date:** _____

Submit this form to:

Access and Privacy Coordinator

Town of Hanna

302 2nd Avenue West, P.O. Box 430

Hanna, AB T0J 1P0

Email: admin@hanna.ca | Fax: 403-854-2772

The Town will confirm receipt of your appeal and the selected review option. If you indicated a Commissioner appeal, you may also send a copy of this form directly to the OIPC (see Schedule E for OIPC contact information). Keep a copy of this form and any attached pages for your records.

FOR TOWN OFFICE USE (Internal Review handling)

- Date Appeal Received: _____
- Received by: _____
- 30-day Deadline for Internal Review: _____
- Internal Review to be conducted by: CAO Council
- Date of Review Meeting/Decision: _____
- Internal Review Decision: Original decision upheld Information released Other _____
- Date Applicant Notified of Internal Review Outcome: _____
- If Applicant unsatisfied, referred to OIPC on: _____ (date)

FOR OIPC USE (Commissioner Review handling, if applicable) – *The OIPC will have its own forms/process; this section is just for reference*

- OIPC File Number: _____
- Date Commissioner Review Initiated: _____
- Mediation: Yes No (outcome: _____)
- Inquiry held: Yes (Inquiry No. ___) No

- Commissioner's Decision/Order No.: _____ Date: _____

- **Instructions for Submitting Your Request:**

-  **Mail or Drop-Off:**

Town of Hanna – CAO

302 2nd Ave West

- PO Box 430
- Hanna, AB, T0J 1P0

-  **Email:**

admin@hanna.ca

-  **Questions?** Contact 403 854 4433
-

Schedule C – FOIP Fee Schedule

TOWN OF HANNA

PROVINCE OF ALBERTA

ACCESS TO INFORMATION FEE SCHEDULE – SCHEDULE C

The following fee schedule is established pursuant to Part VIII of this bylaw, and is consistent with the maximum amounts allowed under the Alberta Access to Information Regulation and associated Ministerial Regulation. All fees are in Canadian dollars. The Town will only charge fees as permitted by law and will adhere to the principles of reasonable cost recovery, not profit.

1. Application Fees:

- **General Information Request:** \$25.00 per request.
(This fee applies to requests for information that is not personal information about the applicant. It must be paid at the time of application. Each separate request requires a separate fee. This fee is non-refundable once processing begins, even if no records are found or all records are exempt.)
- **Personal Information Request:** \$0.00.
(There is no initial fee for requests where the applicant is asking only for their own personal information. Identity verification may be required in such cases.)
- **Continuing Request:** \$50.00 per request.
(If you make a “continuing request” – i.e., a single request for records that are to be provided on a periodic basis over a set time frame – the initial fee is \$50, as set by regulation. This covers the entire series of releases under that continuing request.)

2. Search and Retrieval Fees:

- **Locating, retrieving, and processing records:** \$30.00 per hour.
(This covers staff time spent searching for the records, retrieving files from storage, electronically searching for digital records, and preparing and reviewing records for disclosure, including applying any necessary redactions.)

Note: The first 3 hours of search and preparation time are provided **free of charge**. Fees will only be charged for time in excess of 3 hours. For example, if a request takes 5 hours of search/preparation time, the fee would be $\$30 \times (5-3) = \60.00 .

5. Fee Estimates: If the total cost of processing your request is estimated to exceed \$150, the Town will provide you with a written fee estimate. This estimate will break down the expected costs (e.g., hours of search, number of copies, etc.). You may be asked to pay a 50% deposit of the estimate before processing continues. The Town will work with you to potentially narrow the request to reduce fees, if desired. The clock for responding to your request stops while we await your decision on a fee estimate or deposit payment.

6. Waiver of Fees: As noted in section 8.3 of the bylaw, you may request a fee waiver. You should outline the reasons (financial hardship, public interest, etc.). The CAO or designate will consider each waiver request on a case-by-case basis. If a waiver is refused, you will be notified of the decision and reasons, and you still have the option to proceed with the request by paying the fees or to appeal the fee decision.

7. No GST: Currently, fees for access to information requests are not subject to GST. The amounts listed are the total amounts payable. (Should provincial policy change regarding taxes on fees, the Town will adjust accordingly.)

8. Example of Fee Calculation: For illustration, suppose you request 100 pages of records, and it takes 4 hours to search and prepare them. If it's a general info request, you paid \$25 to apply. The first 3 hours are free; 1 extra hour is \$30. 100 pages at \$0.25 = \$25. Total = \$25 (application) + \$30 + \$25 = \$80. If, however, it was your personal info, no \$25 fee, so it would be \$55. If the request was narrow and under 3 hours to process and, say, 10 pages, the only charge would be the \$25 application fee plus \$2.50 for copies, i.e., \$27.50. We provide these examples to be transparent about how costs can accumulate. We encourage applicants to be specific in their requests to reduce unnecessary costs, and we will communicate with you if we think a modification to your request could significantly lower the fees.

9. Payment: Payment can be made by cash, debit, credit card, cheque, or money order to the Town of Hanna. For remote applicants, credit card or e-transfer arrangements can be made. Do not mail cash. If a payment (like a cheque) is returned NSF, processing of the request may halt until payment is corrected (and the bank's NSF charge may be added).

This fee schedule is effective as of the date of passage of the bylaw. The Town of Hanna will amend this schedule if provincial regulations change the fee amounts in the future.



- **Instructions for Submitting Your Request:**

-  **Mail or Drop-Off:**

Town of Hanna – CAO

302 2nd Ave West

- PO Box 430

- Hanna, AB, T0J 1P0

-  **Email:**

admin@hanna.ca

-  **Questions? Contact 403 854 4433**
-

Schedule D – Privacy Breach Response Guidelines

TOWN OF HANNA

PROVINCE OF ALBERTA

PRIVACY BREACH RESPONSE GUIDELINES – SCHEDULE D

These guidelines are part of the Town's privacy management program (see Part VI of the bylaw) and are designed to ensure a prompt, consistent, and compliant response to any privacy breach. All Town employees and contractors must follow these steps in the event of a breach involving personal information. These guidelines incorporate the requirements of the Protection of Privacy Act (POPA), including the new mandatory notification provisions.

Definition of Privacy Breach: A privacy breach occurs when personal information is accessed, collected, used, disclosed, or disposed of in an unauthorized manner or by unauthorized persons. This can happen through theft, loss (e.g., a misplaced file or device), hacking or other cyber incident, accidental email to the wrong recipient, improper disposal of documents, etc. Essentially, any situation where personal data is at risk of exposure or misuse beyond what is permitted under POPA is considered a breach.

IMMEDIATE STEPS (CONTAINMENT & REPORTING):

1. **Secure the Information:** As soon as a staff member discovers or suspects a privacy breach, they must immediately act to contain the breach. This may include:
 - Stopping the unauthorized practice (e.g., if information was mistakenly posted online, remove it; if an email went to the wrong person, attempt to recall it or have the recipient delete it).
 - Recovering the records or equipment if possible (e.g., retrieve documents that were left in a public place; recover a lost laptop if possible).
 - Disabling or changing passwords on compromised accounts.
 - Revoking access permissions if an internal account is misused.
 - Securing any physical areas involved (lock cabinets, offices, etc.).
2. **Report to Coordinator/CAO:** Immediately notify the FOIP Head/Access and Privacy Coordinator of the incident. If the Coordinator is not available, notify the CAO or a senior manager. Time is of the essence – even if not all details are known yet, the key

is to alert those who can initiate further response. Provide all available details, including: what happened, when it was discovered, what types of personal info are involved, how many people's data might be affected, and what steps have been taken so far to contain it. The person receiving the report (Coordinator or CAO) should start a log of the incident.

3. **Preserve Evidence:** Do not destroy or alter any records related to the breach (including system logs). This evidence may be needed to investigate and understand the breach.

ASSESSMENT & INVESTIGATION:

4. **Assign Investigation Leads:** The Access and Privacy Coordinator will lead the investigation, under the oversight of the CAO if appropriate. They may assemble a breach response team including IT staff (if technology is involved), the department manager where the breach occurred, and others as needed (e.g., legal counsel, communications). Assign clear responsibilities for fact-finding, notifying affected parties, etc.

5. **Identify Scope of Breach:** Determine exactly what personal information was compromised. Key questions:

- Whose information is involved? (How many individuals? Employees, citizens, clients?)
- What types of information? (Name, address, SIN, medical info, financial info, etc.)
- How sensitive is the info? (E.g., Social Insurance Numbers and medical records are highly sensitive; names and business contact info are less so.)
- Is the information encrypted or otherwise not readily accessible? (If a lost device was encrypted, the risk is much lower.)
- How did the breach occur? (Hack, human error, technical glitch, theft, etc.)
- Is the breach ongoing or contained? (Has all lost info likely been recovered? Could the data be further disseminated?)

6. **Risk Evaluation:** Evaluate the risks of harm to individuals whose data was breached. Consider:

- **Potential harms:** Could individuals face identity theft or fraud? Financial loss? Physical harm or safety risk? Damage to reputation or relationships? Emotional harm (e.g., embarrassment, distress)?
- **Likelihood of misuse:** Who accessed the info? For example, if an email with personal data was sent to a trusted partner who deleted it, the risk is low; if it was posted publicly online, the risk is high. If a laptop was stolen, do we believe it was targeted for the data or just opportunistic theft?
- **Number of people affected:** A breach affecting many individuals might heighten public interest and harm.
- **Foreseeable adverse effects:** For instance, exposure of health or counselling records could be very impactful to individuals' privacy and well-being.

Document this risk assessment carefully, as it will guide the notification decisions.

7. **Consult if needed:** If unsure about whether a breach triggers mandatory notification, the Coordinator/CAO may consult with the Office of the Information and Privacy Commissioner (OIPC) informally for guidance, without initially identifying individuals involved if possible. Legal counsel can also be consulted regarding the Town's obligations and potential liabilities.

NOTIFICATION & REPORTING:

8. **Determine Notification Requirements:** Under POPA, if the Town determines that there is a real risk of significant harm (RRSH) to an individual as a result of the breach, the Town must notify that individual and must report to the Commissioner and Minister. Use the risk evaluation (Step 6) to decide if the RRSB threshold is met. "Significant harm" includes bodily harm, humiliation, damage to reputation/relationships, loss of employment or opportunities, financial loss, identity theft, negative effects on credit record, and damage to or loss of property. "Real risk" means the probability of harm is not remote – consider the sensitivity of the info and the likelihood of misuse. If in doubt, it is safer to err on the side of notification. The Coordinator and CAO should concur on this decision if possible.
9. **Notification to Affected Individuals:** If required, prepare notification letters or emails to affected individuals. Notifications should include:
 - **Date of breach (approximate)** and date of discovery.

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- **Description of the incident** in general terms (e.g., “a laptop containing your personal information was stolen from a staff vehicle” or “an email with your personal data was inadvertently sent to the wrong recipient”).
- **Description of the personal information involved** (e.g., “your name, address and social insurance number were in the file” – be specific so the person knows what data of theirs is at risk, but do not include the sensitive data itself in the letter subject line or envelope).
- **Potential risks or harms** that could result (e.g., “there is a risk of identity theft” or “you may receive phishing emails as a result”).
- **Steps taken by the Town to control or reduce the harm:** e.g., “we have recovered the documents,” “we have disabled the compromised accounts and enhanced security,” “police have been notified,” etc.
- **Steps the individual can take:** e.g., advice to change their passwords, contact their bank or credit bureau, watch for suspicious activity, etc., depending on the situation. Offer resources such as credit monitoring services if appropriate and if the Town is providing that (in some cases, organizations provide affected individuals with credit monitoring subscriptions when financial info/SIN is breached).
- **Contact information:** Provide a Town contact (the Coordinator or a hotline) for the individual to ask questions, as well as the OIPC’s contact info in case they want to learn of their rights or file a complaint.
- **Apology:** A sincere apology and assurance that the Town takes the matter seriously and is taking steps to prevent future incidents.

Notifications should be made as soon as possible – undue delay could increase harm. Typically, letters should be sent out without waiting for perfection; aim for within days or a week of breach discovery for serious cases. If contact information for affected individuals is outdated or unknown, consider alternative means (phone call, email, public notice if truly no direct contact info, etc.). Document all attempts to notify. If law enforcement is involved and tells us that notification would impede a criminal investigation, consult legal counsel and possibly delay notification accordingly (rare).

10. Reporting to OIPC and Minister: If the breach meets RRSB, complete a breach report to the Information and Privacy Commissioner and the Minister (Service Alberta). The Commissioner’s office may have a specific form, or you can write a letter containing:

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- A summary of the incident (what happened, when, and how discovered).
- Number of individuals affected and the types of personal information involved.
- The Town's assessment of risk of harm.
- Actions taken to mitigate harm (containment and planned notification to individuals).
- Contact info for the Town's breach lead.
- Any other relevant details (like if police are investigating).

The report to the Commissioner should be submitted as soon as practicable and no later than when individual notifications are sent out. Similarly, the Minister must be notified; typically, sending a copy of the OIPC report to the Minister (through the designated email or address in the regulations) is sufficient. The Town will follow any specific directions from the regulations regarding breach report content and format. Keep a copy of all correspondence.

11. Optional Police Notification: If the breach involved any criminal activity (e.g., theft, hacking) or if misuse of the data could lead to fraud, the Town should notify the RCMP or local police. For example, stolen identity information – police can watch for cases of identity theft. Also, if stolen devices are involved, a police report should be filed for insurance and investigative purposes.

FOLLOW-UP & PREVENTION:

12. Investigation Report: The Access and Privacy Coordinator will compile a report once the immediate crisis is handled. This internal report should include a timeline of events, how the breach occurred, who was involved in the response, what steps were taken, and all outcomes (including how many people were notified, any communications with OIPC, etc.). It should also outline recommended remedial actions to prevent similar breaches. The report should be shared with the CAO and relevant department heads, and a summary could be provided to Council in camera if appropriate (especially for serious breaches).

13. Evaluate Prevention Measures: Determine what went wrong and what measures will prevent this type of breach in the future. Actions might include:

- **Policy or Procedure Changes:** e.g., if it was human error, perhaps better checks for sending emails, encryption of attachments, or a two-person rule for mass emails. If it were a technical issue, update the software or change configurations.

- **Additional Training:** Perhaps staff need refresher training on privacy protocols, such as double-checking email recipients, locking file cabinets, using strong passwords, etc. Privacy and security training should be reinforced across the organization.
- **Enhanced Security:** Strengthen physical security (locks, clean desk policy), technical security (encryption of laptops, improved firewalls, access controls), and administrative controls (limit who can access certain personal info on a need-to-know basis).
- **Contractor Management:** If a contractor caused or suffered the breach, ensure contracts have proper privacy clauses and that they took proper actions. Possibly reconsider which contractors handle personal data or impose stricter requirements.
- **Testing and Auditing:** Implement or increase regular privacy audits or vulnerability assessments to catch weaknesses before a breach happens.

14. Follow-up with Affected Individuals: In some cases, the Town might issue a follow-up communication to affected individuals, especially if significant new information comes to light (e.g., stolen data is recovered or the culprit is apprehended). Also, be prepared to handle inquiries: some individuals may contact the Town or the media may report on the breach. The Town's communications should be coordinated to ensure consistent and accurate information, without disclosing sensitive details that could worsen the situation.

15. Documentation and Continuous Improvement: All breach documentation (incident log, investigation report, copies of notifications) should be preserved in a confidential file. Lessons learned from the breach should be integrated into the Town's privacy training and policies. The privacy management program (see Part VI) should be updated if necessary – for example, if the breach revealed a gap in policy, fill that gap. The Town will treat each incident as a learning opportunity to bolster privacy protection moving forward.

Roles and Responsibilities:

- **Employee/Contractor discovering breach:** Immediately report it; attempt initial containment if safe to do so (e.g., unplug system, retrieve document); cooperate with investigation.




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- **Access & Privacy Coordinator:** Lead breach response team; coordinate investigation, risk assessment, and notifications; act as primary liaison with OIPC and affected individuals; document the incident.
- **Chief Administrative Officer (Head):** Oversee the response; make key decisions on notifications in consultation with Coordinator; approve public communications; brief Council if needed; authorize resource allocation for response and remediation.
- **IT Department:** If breach is IT-related, identify and close security vulnerabilities; provide technical details for assessment; assist with containment (e.g., shut down servers, secure backups); support forensic analysis.
- **Department Manager (of area where breach occurred):** Ensure front-line cooperation; implement any immediate fixes in departmental procedures; partake in after-action review to improve departmental practices.
- **Communications Officer (if exists or CAO designate):** Prepare press releases or media lines if the breach becomes public; ensure affected individuals get clear information; avoid public disclosure of identities or sensitive details beyond what is necessary.
- **Legal Counsel (if consulted):** Advise on legal obligations, wording of notifications, liability mitigation, and any contractual or law enforcement issues.
- **Office of the Information and Privacy Commissioner (external):** Receives breach report; may follow up with Town for more info; can provide guidance; in serious cases, may launch an investigation or require certain steps. We must cooperate fully with any OIPC investigation or recommendations.

Remember: The goal in breach response is to minimize harm to affected individuals, comply with legal requirements (which now include Commissioner and Minister notifications for serious breaches), and to strengthen our systems to prevent future incidents. Time and transparency are critical – acting fast and honestly will help maintain public trust even when mistakes happen.

If you have any questions about these guidelines or if you are unsure whether something constitutes a breach, contact the Access and Privacy Coordinator immediately. It is better to ask and verify than to overlook a potential incident. The Town of Hanna is committed to safeguarding personal information and continuously improving our privacy practices.

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- **Instructions for Submitting Your Request:**
 -  **Mail or Drop-Off:**
Town of Hanna – CAO
302 2nd Ave West
 - PO Box 430
 - Hanna, AB, T0J 1P0
 -  **Email:**
admin@hanna.ca
 -  **Questions?** Contact 403 854 4433
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Schedule E – FOIP Appeal Process

TOWN OF HANNA

PROVINCE OF ALBERTA

ACCESS TO INFORMATION REVIEW AND APPEAL PROCESS – SCHEDULE E

This schedule provides a user-friendly guide summarizing how an applicant can seek a review or appeal regarding an access to information request, under the Access to Information Act (ATIA) and the Protection of Privacy Act (POPA). It outlines internal review by the Town and external appeal to the Office of the Information and Privacy Commissioner (OIPC), along with important timelines and contact information. This is for guidance only; in case of any discrepancy, the provisions of the Acts and the main body of the bylaw prevail.

Step 1: Internal Review (Optional Initial Appeal to Town)

- **Initiating Internal Review:** If you are dissatisfied with the Town's response to your access request (e.g., information withheld, correction refused, or you feel the process was not handled properly), you have the option to request an internal review by the Town. Submit a completed Internal Review/Appeal Form (Schedule B) to the Town within 30 days of receiving the Town's decision. Indicate whether you want the CAO or Town Council to conduct the review.
- **Town's Review Process:** The Town will acknowledge your appeal and carry out the review. If the CAO review is chosen, the CAO (who is the Head under the Act) will re-examine the decision. If Council review is chosen, Council may delegate a committee or handle it in a closed meeting to reconsider the matter. The reviewer will look at the records, the reasons for denial/redaction, and any arguments you provided.
- **Timeline:** The Town aims to complete the internal review and issue a decision within **30 days** of receiving your appeal. You will be notified in writing of the outcome.
- **Possible Outcomes:**
 - Decision upheld: The Town stands by the original decision (no additional information released or change made).
 - Decision modified: Some additional information may be disclosed, fees adjusted, or other changes made in your favor.
 - Decision overturned: The Town agrees to release the information or make the correction you sought (in whole).

You will receive a letter explaining the result and reasoning.



- **Next Steps After Internal Review:** If you are satisfied with the internal review outcome, the process ends here – the Town’s decision is implemented. If you are not satisfied, or if you did not choose to use internal review, you can proceed to Step 2. Remember, using the Town’s internal review is optional – you may go directly to the Commissioner if you prefer.

Step 2: Appeal to the Alberta Information and Privacy Commissioner

- **Right to External Review:** Under the Access to Information Act, you have the right to ask the independent Information and Privacy Commissioner of Alberta to review any decision, act, or failure to act by the Town on your access request. Common reasons include: denial of access to records, excessive redactions, delays beyond statutory timelines, fees that you feel are unreasonable, or a refusal to correct your personal information.
- **How to Request Commissioner Review:** You must request the OIPC within 60 days of the Town’s final decision on your request (this could be 60 days from the original decision if you skipped internal review, or 60 days from the internal review outcome letter if you used that process). The request should be in writing. You can either:
 - a) **Send a Letter or Form to OIPC:** Include your name and contact, the name of the public body (Town of Hanna), the file number of your request (if known), date of the Town’s decision, and a brief description of what you want reviewed (e.g., “I believe more records exist,” or “Section X was improperly applied to withhold information about...”, etc.). The OIPC has a form called “Request for Review” available on their website, which you can fill out.
 - b) **Through the Town (if you filled Schedule B):** If you filled out Schedule B and indicated a direct appeal to the Commissioner, the Town can forward that form to the OIPC, but it’s ultimately your responsibility to ensure OIPC receives your request in time.
- **Where to Send:** You can mail, fax, or email your review request to the OIPC.

Office of the Information and Privacy Commissioner (OIPC) – Alberta

Suite 2460, 801 – 6 Avenue SW

Calgary, AB T2P 3W2

Email: generalinfo@oipc.ab.ca

Phone: 1-888-878-4044 (toll-free) or 403-297-2728

Fax: 403-297-2711

(The OIPC also has an Edmonton office; Calgary is given here for convenience. You may use either.)



- **After Requesting OIPC Review:** The Commissioner's office will typically send you a confirmation and open a case file. They will notify the Town that a review has been launched and outline what will be reviewed. An OIPC mediator or investigator may contact you and the Town to gather information. Often, the OIPC will attempt to mediate the dispute: the mediator may discuss with you and the Town to see if a resolution can be reached (e.g., perhaps the Town agrees to release some additional information, or you agree to narrow your request). Mediation is an informal and often successful stage.
- **Inquiry (Formal Hearing):** If mediation doesn't resolve the issue, the Commissioner may decide to hold a formal inquiry. This is like a tribunal hearing, usually done through written submissions but sometimes orally. You and the Town (and any third parties, if applicable) will be asked to provide written arguments and evidence by certain deadlines. The Commissioner (or an appointed Adjudicator) will then consider the case and issue an Order.
- **Commissioner's Decision/Order:** The result of an OIPC review can be a variety of outcomes depending on the issue:
 - The Commissioner may **order the Town to release** records that were withheld, if they find the exemptions were applied incorrectly.
 - Conversely, the Commissioner may uphold the Town's decision that certain information should remain confidential.
 - The Commissioner could also confirm or reduce a fee, order a correction to be made, or require the Town to take other steps (such as a further search for records).
 - Under the updated legislation, the Commissioner's orders are binding on the Town. This means the Town must comply with the order, subject to any further appeal (judicial review) rights. The Town will provide you with any additional records as directed by the Order, typically within a set time frame.

You will receive a copy of the Commissioner's written Order, which will outline the findings and what must be done. Many Orders are also published (with personal identities removed) on the OIPC website for transparency.

- **Timeline for OIPC Review:** There is no fixed timeline in the Act for the Commissioner's process – some simple matters in mediation might conclude in a month or two; formal inquiries might take several months up to a year or more, depending on complexity and the OIPC's caseload. The Commissioner does have a mandate to try to resolve matters expeditiously and has new powers to set binding timelines for reviews under the modernized Act. The Town will not usually release

disputed information during the OIPC process unless both you and the Town agree or the Commissioner orders an early release, to preserve the rights at issue.

Step 3: Judicial Review (Court) (if applicable)

- If you disagree with the Commissioner’s Order, or if the Town or a Third Party disagrees, an application can be made to the Alberta Court of King’s Bench for a judicial review. This must be filed within 45 days of the Commissioner’s Order being issued. Note: The Commissioner’s Order will include information about this right. Judicial review is essentially a court proceeding to review the lawfulness of the Commissioner’s decision. The Court will consider whether the Commissioner made any error in interpreting the law or in their process. The Court could uphold the Commissioner’s decision or send the matter back to the Commissioner for reconsideration (or potentially, rarely, substitute its own decision).
- Judicial review is a legal process that typically requires representation by a lawyer. As an applicant, you are not required to have a lawyer, but given the complexity of legal arguments, it is recommended to consult one. Keep in mind, going to court may involve legal costs (for you and potentially liability for others’ costs if unsuccessful).
- For the average FOIP/ATIA applicant, judicial review is not commonly pursued unless the matter involves significant principles or amounts of information and the Commissioner’s ruling is seen as problematic.
- The Town of Hanna, as a public body, will comply with any final court rulings.

Summary of Appeal Options and Timelines:

Appeal Option	Deadline to Initiate	Who Reviews	Outcomes
Internal Review (CAO or Council)	30 days from the Town’s decision	Town of Hanna (CAO or Council)	New decision by Town (may release more info, uphold denial, etc.) within 30 days. Not binding on applicant – you can still go to OIPC.
Commissioner Review (OIPC)	60 days from Town’s decision	Independent Information and Privacy Commissioner of Alberta	Order issued – can require Town to release records or uphold Town’s

Appeal Option	Deadline to Initiate	Who Reviews	Outcomes
	(or internal review result)	(mediator/investigator, then possibly an Adjudicator)	actions, etc. Binding on Town.
Judicial Review (Court)	45 days from the Commissioner's Order	Alberta Court of King's Bench	Court judgment – can uphold or quash the Commissioner's Order, with possible further directions. Binding on all parties (subject to any further appeal to the Court of Appeal).

(References: The above timelines and authorities are drawn from the Access to Information Act and the Protection of Privacy Act. For example, ATIA section on requesting review by Commissioner within 60 days mirrors FOIP's provision, and POPA's provisions on judicial review mirror FOIP's 45-day rule.)

Contact Information for Appeals:

- **Town of Hanna Access and Privacy Coordinator (Internal Appeals):**
 - *Address:* 302 2nd Ave West, P.O. Box 430, Hanna, AB T0J 1P0
 - *Email:* admin@hanna.ca
 - *Phone:* 403-854-4433
 - *Office Hours:* 8:30 am – 4:30 pm, Monday to Friday (closed statutory holidays)

When submitting an internal review request, you can deliver it to the Town Office in person, by mail, or email it. If emailing, it's a good idea to request a read receipt or follow up by phone to ensure it was received.

- **Office of the Information and Privacy Commissioner of Alberta (External Appeals):**
 - *Calgary Office:* Suite 2460, 801 6 Avenue SW, Calgary, AB T2P 3W2
Phone: 1-888-878-4044 or 403-297-2728; Fax: 403-297-2711

- *Edmonton Office:* Suite 410, 9925 109 Street NW, Edmonton, AB T5K 2J8
Phone: 780-422-6860; Fax: 780-422-5682
- *Email:* generalinfo@oipc.ab.ca
- *Website:* www.oipc.ab.ca (resources and forms are available here)




You can contact OIPC for general information on the process even before filing your review. Their staff can explain how to request a review. Remember not to include ultra-sensitive personal info in unencrypted email to OIPC – stick to the basics when initiating.

Need Help?

- If you require assistance at any stage – e.g., filling forms, understanding reasons for a decision, or how to word your concerns for a review – you may contact the Town’s Access and Privacy Coordinator. The Coordinator can guide you on the process (however, note they represent the Town’s interests too, so they can’t advise you on how to argue your case, but they can clarify what the decision was and what it was based on).
- For independent advice, you might consider reaching out to the OIPC (they won’t give legal advice but can clarify your rights) or seek legal counsel, especially for complex matters or the judicial review stage. Non-profit organizations that focus on freedom of information or privacy rights might also offer assistance or resources.
- The Alberta OIPC website has FAQs and examples of Orders which might be useful to understand how similar cases have been resolved in the past. It can sometimes be helpful to reference previous OIPC Orders if you think your case is similar (though each case is decided on its own merits).

Remember: Exercising your right to appeal or review is part of the democratic process of ensuring transparency. The Town of Hanna is committed to respecting your rights under the Access to Information Act and the Protection of Privacy Act. We will cooperate fully in any review by the Commissioner and strive to continuously improve our practices based on feedback and decisions resulting from appeals.

We hope this guide helps clarify the process. Your privacy and access rights matter to us, and we aim to make the process as straightforward as possible. If anything is unclear, please do not hesitate to reach out for clarification.

- **Instructions for Submitting Your Request:**
 -  **Mail or Drop-Off:**
Town of Hanna – CAO
302 2nd Ave West
 - PO Box 430
 - Hanna, AB, T0J 1P0
 -  **Email:**
admin@hanna.ca
 -  **Questions?** Contact 403 854 4433
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