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ATIA and POPA: What School Authorities Need to Know

**The New Access to Information and Privacy
Legislation in Alberta**

CASS Annual Learning Conference

March 19, 2026



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1999:

Freedom of Information and Protection of Privacy Act introduced

December 5, 2024:

Bill 33 + Bill 34 are passed to create Access to Information Act and Protection of Privacy Act

June 11, 2026:

Privacy Management Programs required

November 2024:

Government announced replacement (Bill 33 + Bill 34)

June 1, 2025:

Proclamation resulting in new legislation in force, with new regulations



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Access to Information Act

SA 2024, c A-1.4



The *ATIA* allows access to records held by public bodies in Alberta, **subject to limited and specific exceptions.**

The Act applies to all records in the **custody** or **under the control** of a public body
[Section 3]

- **Custody:** in the physical possession of the public body
- **Control:** when the public body has the authority to manage it, including restricting, regulating and administering its use, disclosure or disposition



Some indicators that a record may be in the **custody** or under the **control** of the public body are:

- It was created by an officer, **employee** or member of the public body;
- It is in the possession of the public body;
- the content relates to the public body's mandate and functions;
- the public body has the authority to regulate its use and disposition;
- It is closely integrated with other records of the public body;
- **The public body has relied upon it to a substantial extent; or**
- **A contract permits the public body to inspect, review or copy a record produced, received or acquired by a contractor as a result of a contract.**



- A request can be made for **general information**, or an individual can request access to their own **personal information**
- **NEW TO ATIA:** Must provide enough detail to enable the public body to locate and identify the record within **reasonable time** with **reasonable effort**
- **NEW TO ATIA:** Public body has **DUTY TO ASSIST [s. 12]**
- If unreasonable to provide – **can disregard [s.9]**
 - Shift of the decision making from the Commissioner





Duty to Assist is proactive: Public bodies must make every reasonable effort to assist applicants and respond to each applicant openly, accurately and completely [s. 5]

- (a) **Reasonable opportunity to provide additional information to enable the public body to locate and identify requested record within a reasonable time with reasonable effort,**
- (b) **respond in plain language, and**
- (c) **provide information on kinds of records the public body has in its custody and offer suggestions on how an applicant may adjust a request to enable the request to be processed.**



Has the head of the public body made every reasonable effort to assist an applicant?

FACTORS

- a) Size of the public body;**
- b) Number of hours required to assist/respond;**
- c) Number of staff required to assist/ respond;**
- d) Impact on the regular operations of the public body.**



Documentation of Steps Taken

s.5(4) A public body must create and maintain accurate records that document the public body's decisions and actions, including the public body's communications with applicants, respecting each request for access to a record.





5 CIRCUMSTANCES WHERE PUBLIC BODY MAY DISREGARD REQUEST:

1. **unreasonably interfere with the operations of the public body (repeated requests)**
2. **abusive, threatening, frivolous, or vexatious**
3. Has already been provided/available to the public
4. **Public body does not have information that is sufficiently clear** to enable them to locate and identify the record within a **reasonable time with reasonable effort**, or
5. **otherwise overly broad or incomprehensible**



GENERALLY: Applicant has a right of access to all or part of a record that is the subject of their access to information request

SUBJECT TO FEES [ATIA Regulation Schedule 1]

- *Unchanged from FOIP Act*

TIMELINE TO RESPOND: *Thirty business days subject to time extensions*

EXCEPTIONS TO DISCLOSURE: *Mandatory & Discretionary*



Mandatory Exceptions

- Disclosure harmful to business interests of a third party (section 19)
- Disclosure harmful to personal privacy (section 20)
- Cabinet and Treasury Board confidences (section 27)
- Disclosure harmful to law enforcement (section 23(4))
- Privileged information of a third party (section 32(2))

Discretionary Exceptions

- Disclosure harmful to individual or public safety (section 21)
- Confidential evaluations (section 22)
- Disclosure harmful to law enforcement (section 23)
- Workplace investigations (Section 24)
- Local public body confidences (section 28)
- Disclosure harmful to economic and other interests of a public body (section 30)
- Testing procedures, tests and audits (section 31)
- Privileged information (section 32)
- Information that is or will be available to the public (section 34)



Requests for Records

No requests by public body to another public body [s 8]

- Purpose of provision unclear
- Public body should use other options

Records available without requests [s 90]

- Proactive or routine disclosure
- Limits right to request access to information





- All disclosure decisions made by a school board are reviewable by the Information and Privacy Commissioner under the *ATIA*
 - **NEW TO ATIA:** *180 business days, or no more than 360 business days with extension*
- The **Commissioner may require that the applicant is given access to all or part of the record**, if the Commissioner determines that the head is not authorized or required to refuse access [**Section 64(2)(a)**]



Access to Information Act: Summary

The *ATIA* replaced the *FOIP Act* for access to information requests

Generally, same process as before:

- Applicant makes request
- Public body searches for records
- Records are provided subject to exceptions to disclosure
 - **Unreasonable invasion of personal privacy**
- Respond within 30 business days
- Time extensions, clarifications, disregarding requests, fees, etc.





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Protection of Privacy Act

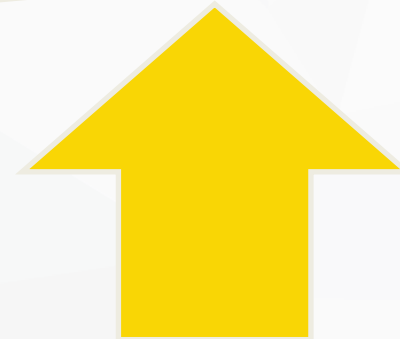
SA 2024, c P-28.5



**Privacy as the
default**



**Proactive rather
than reactive**





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Protection of Privacy Act: Overview



A public body is limited in the situations where it may collect personal information [Section 4]

Collection by or on behalf of the public body must be:

- a. Expressly authorized by legislation;**
- b. Collected for purpose of law enforcement; or**
- c. Relating directly to and necessary for operating a program or activity of the public body**



Section 5(2) - Obligation to provide notice to the individual that their personal information is being collected

NOTICE MUST INCLUDE:

- the [purpose](#) for which the information is collected;
- the [legal authority](#) for the collection;
- the [contact information](#) of the public body for the individual to direct questions about the collection of personal information; and
- the public body's intention, if any, at that time to input the information into an [automated system](#) to generate content or make decisions, recommendations or predictions.



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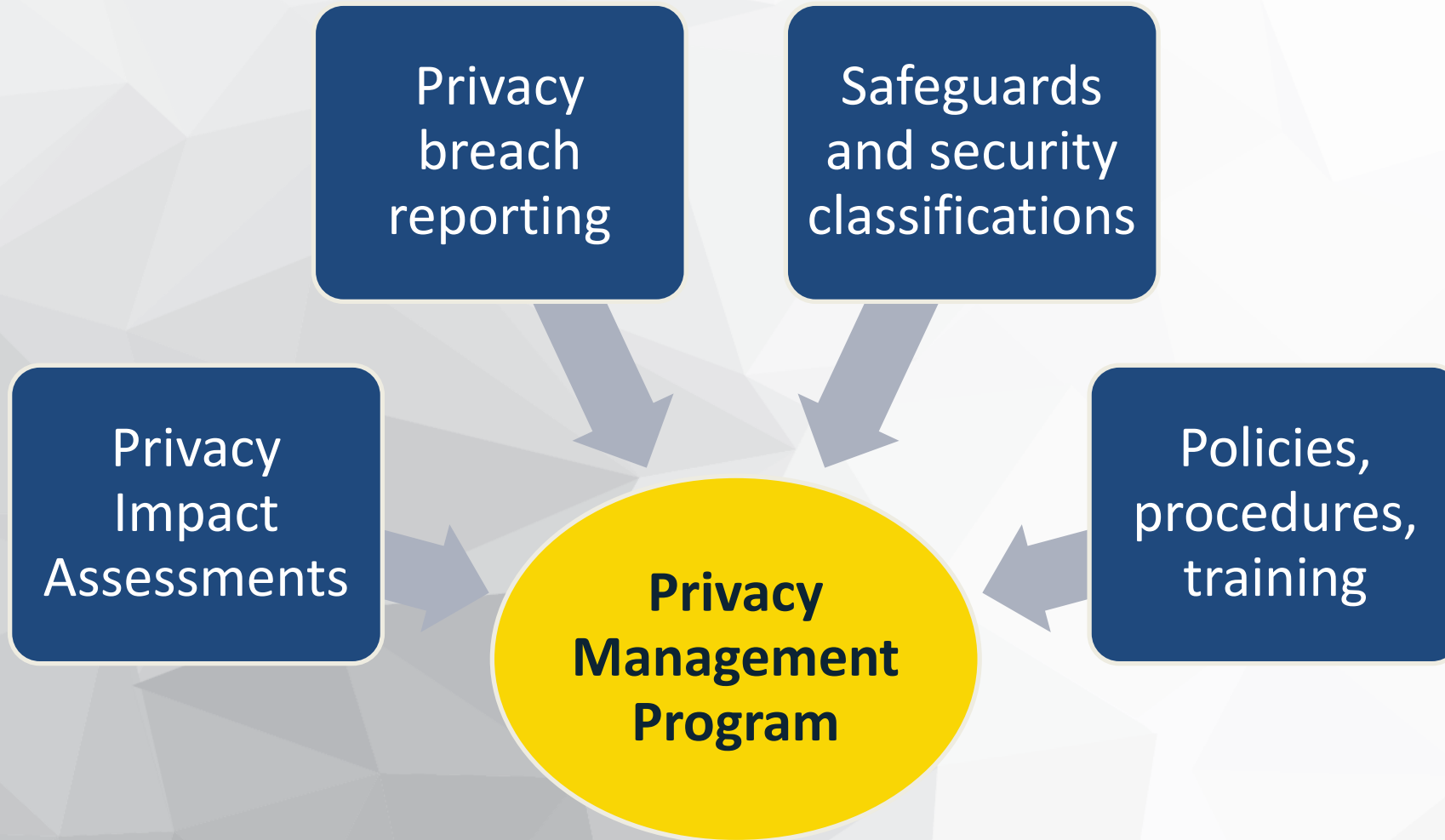
Protection of Privacy Act: Overview



WHEN IS DISCLOSURE OF PERSONAL INFORMATION AUTHORIZED? [Section 13]

- a) if the disclosure would not be an unreasonable invasion of personal privacy under section 20 of *ATIA*,**
- b) for the purpose for which the information was collected or compiled or for a use consistent with that purpose**
- c) for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure**

Public bodies must ensure they disclose only what is necessary to carry out its purpose in a reasonable manner.





Mandatory to establish and implement:

- Policies and procedures
- Available to the public or on request
- Promote compliance
- **One year** to establish and implement = June 11, 2026

Proportional to volume and sensitivity of personal information

PRIVACY MANAGEMENT
PROGRAM





PMPs must include (s 6(1) Min Reg):

- a) Designation of a **privacy officer**;
- b) **Internal policies and procedures:**
 - Responding to corrections, incidents and complaints
 - Non-personal data
 - Automated systems
- c) **Security classification system**
- d) **Mandatory training for employees** – expiry and retraining
- e) **Timelines for the periodic review**, assessment and update of PMP





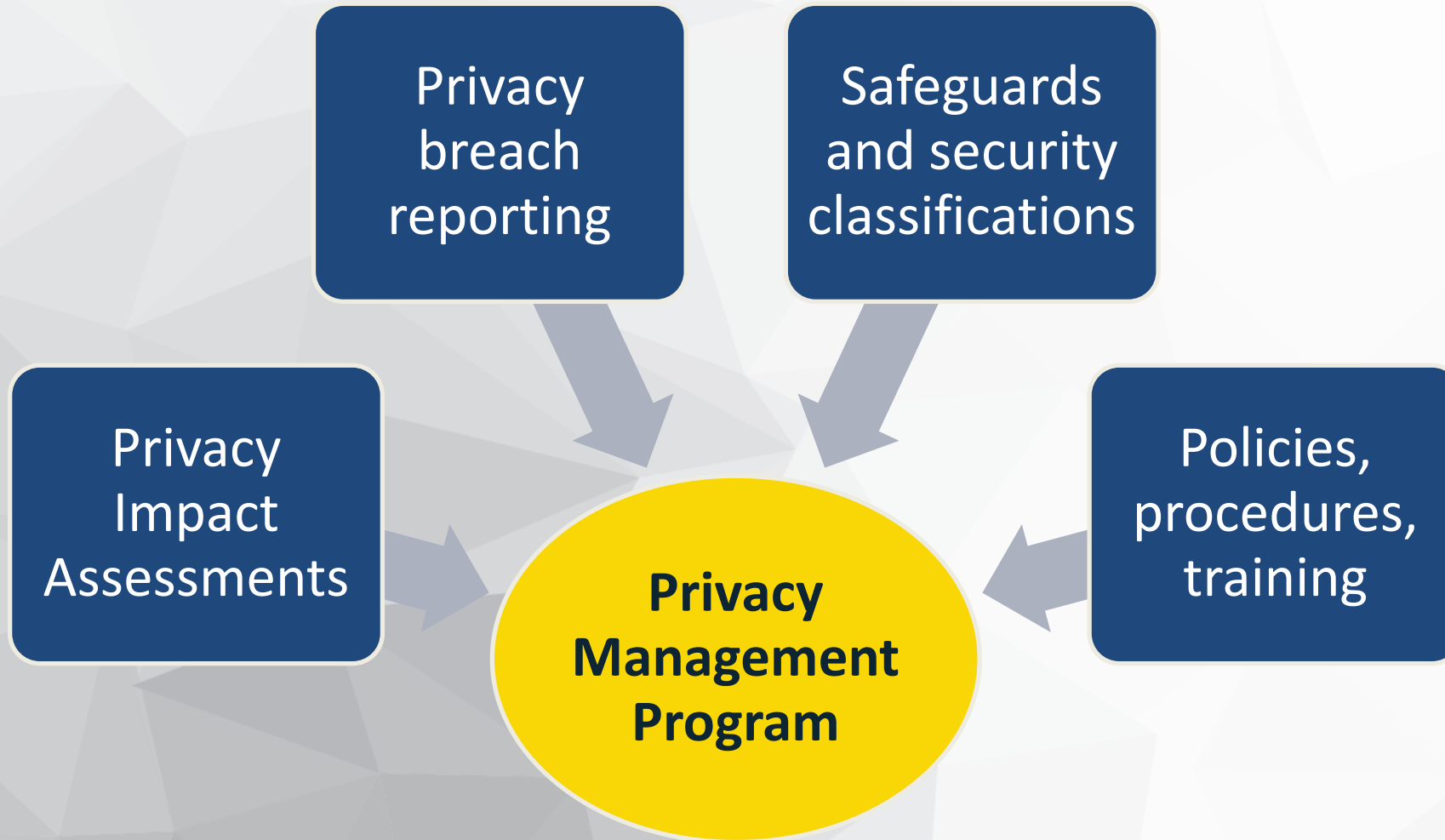
High volume of personal information or highly sensitive personal information, PMPs must also include

- The roles, responsibilities and accountabilities of employees
- Privacy Impact Assessments
- Proactive monitoring of information systems
- Procedures for obtaining consent
- Use of personal information in AI and automated systems
- Written administrative, technical and physical safeguards for managing personal information, data derived from personal information and non-personal data



- **Notice where intention to use personal information in an automated system**
 - Generate content, or make decisions, recommendation or predictions
- **External definitions**
- **Account for in PMP**
 - How automated systems use personal information
 - Policies re use of personal information in AI systems







Establish privacy breach response policy

Section 10(2) – Unauthorized access or disclosure of personal information where **Real Risk of Significant Harm**

MANDATORY Notice

- Individual, Commissioner, Minister
- Without unreasonable delay

**PRIVACY
BREACH**



Significant harm – physical, humiliation, damage to reputation, loss of opportunity, identity theft, damage/loss of property, legal or financial harm

Real Risk:

- 1) Misuse of personal information
- 2) Malicious intent
- 3) Sensitivity of personal information
- 4) Mitigating measures



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Privacy Breaches: Notice



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Privacy Impact Assessments





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Privacy Impact Assessments & Solutions

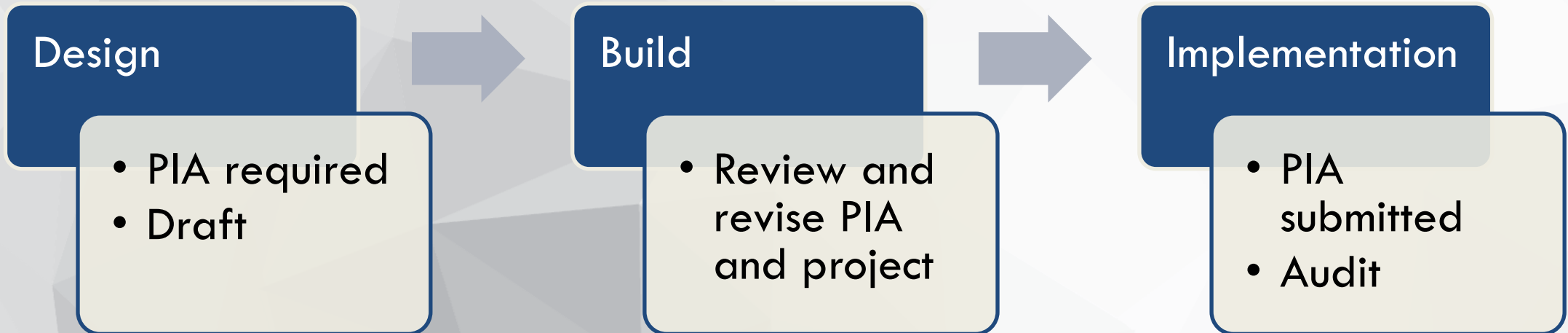
Assessments: Requirements



- **Detail consistent with complexity of practice, program, etc.**
 - Purpose
 - Identification of information and security arrangements
 - Legal authority
 - Privacy risk identification and mitigation
 - Safeguards
 - Accuracy, correction, retention
 - Governance and accountability
- **Copy to Commissioner** on request or where prescribed (incl. high sensitivity information)



Public Body is implementing a new software that collects personal information





Establish and Implement Security Measures

Section 10(1) – Reasonable security arrangements against risk of unauthorized collection, use, disclosure, or destruction

POP Regulations –

- RSA = Administrative, physical, technical safeguards
- RSA must :
 - Be appropriate and proportional with security classification level
 - Considerations for non-personal data



Establish and Maintain Security Classifications

Ministerial Regulations –

- Must establish security classification levels for all personal information
 - Levels reflect sensitivity of information
- High sensitivity – biometrics, financials, minor, seniors, vulnerable ind.
- Reasonable security arrangements proportional to classification





Privacy no longer an afterthought

- PIAs, safeguards, and security classifications

Scope of PMPs

- Policies and mandatory training

Consequences of new technologies

- Automated decision making and AI systems

Privacy breaches

- Not “if”, but “when”



New privacy requirements affect Division/ District Level (superintendents, boards) and School Level (staff, students, families, contractors, volunteers)

- Reporting privacy breaches
- Device use and sharing of personal information
- Contractual negotiations
- Clear governance structure
- Retention and destruction of personal information
- Education



Inventory of personal information and practices

Current policies – review and revise

New requirements – formalize PLA, breach reporting, safeguards, security classification levels

Implementation of Privacy Management Programs

Training and education

Deadline is June 11, 2026



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FAQ on Access and Privacy Issues for School Authorities



Who is an "Employee" under the POA?

A: a person who performs a service for the public body as an **appointee**, **volunteer** or **student** or under a **contract or agency relationship**.

School council members are not considered to be employees under the *POPA*.

Recommendation: contracts need to include privacy protection clauses, as well as clarity on control of and access to records.



What information can be disclosed?

A: Disclosure of student names and addresses to bus drivers is a use that is consistent with the purpose for which it was collected or compiled (POPA section 12(1)(a)), and are part of the school's obligation to provide students with transportation to an educational program under the *Education Act*.

Recommendation: Only the minimum amount of personal information should be disclosed to meet this purpose (i.e. only the personal information of students on the bus driver's route).



A: A trustee is an officer of the school division and is therefore subject to the *ATIA*.

Records of the trustee such as notes, email and correspondence that relate to the affairs of the Board and/or the school division will likely be subject to the *ATIA*.

Exception for any personal record or constituency record of a trustee pursuant to section 4(1)(p) and (q) of the *ATIA*.



A: Newsletters are public documents.

- **ATIA Section 20:** Disclose attendance at public event related to a public body (graduation ceremony, sporting event, cultural program or club, or field trip) or about a receipt of an honour or award granted by or through a public body.
- **Reasonable and direct connection to purpose for which information was collected → notice only required.**
- Seek parental consent where students profiled individually in in-depth way or on a sensitive subject.
- **Express objection by parent → no disclosure.**



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The Path Forward



- **Templates and review of PMPs, PIAs, and other policies**
- **Breach assistance and reporting**
- **POPA training**
- **Access to Information training**
- **POPA and ATIA FAQs for School Divisions**



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QUESTIONS?

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