



Office of the Information and
Privacy Commissioner of Alberta

September 22, 2014

Honourable Jim Prentice
Premier
307 Legislature Building
10800 - 97 Avenue
Edmonton, AB T5K 2B6

Honourable Jonathan Denis
Minister of Justice and Solicitor General
403 Legislature Building
10800 - 97 Avenue
Edmonton, AB T5K 2B6

Honourable Stephen Khan
Minister of Service Alberta
423 Legislature Building
10800 - 97 Avenue
Edmonton, AB T5K 2B6

Dear Premier Prentice, Minister Denis and Minister Khan,

Re: *Alberta's Personal Information Protection Act*

On November 15, 2013, the Supreme Court of Canada issued its decision in *Alberta (Information and Privacy Commissioner) v. United Food and Commercial Workers, Local 401 (UFCW)*, ruling that Alberta's *Personal Information Protection Act* (PIPA) is unconstitutional and declaring it invalid. **It gave the Alberta Legislature 12 months to bring the Act in line with the *Canadian Charter of Rights and Freedoms*.**

On September 18, 2014, the government of Alberta announced that the current session of the Alberta Legislature will be prorogued and the third session of the 28th Legislature will begin on November 17, 2014.

I write because I am concerned that, as a result of the delayed start to the session, the Alberta Legislature will not be able to act to preserve PIPA before it lapses.

On December 20, 2013, I wrote to Minister Denis and Minister Griffiths (then Minister of Service Alberta), to offer an amending solution that would address the constitutional problems raised by the Court while also preserving an appropriate degree of protection for the personal information of Albertans (see enclosed letter). In my letter, I also stressed the importance of private-sector privacy legislation for Albertans, and asked the government to proceed quickly on this matter so as to meet the Court's timeline and maintain the personal privacy protections that Albertans have come to expect.

At this time, Albertans are the beneficiaries of strong private-sector privacy legislation. PIPA is “made-in-Alberta” legislation with provincial oversight. For the last 10 years, Alberta businesses have invested in complying with PIPA. Citizens have been able to apply to my office for independent review of complaints and responses to access requests.

If PIPA is allowed to lapse, Alberta’s citizens and businesses will lose the unique benefits afforded by the legislation, including: mandatory breach reporting and notification to affected individuals, local enforcement without court involvement, and protection for the access and privacy rights of employees of provincially-regulated private sector businesses.

As the oversight body for PIPA, my office is receiving inquiries from the public and stakeholders as to the status of the legislation. In addition, there are 280 PIPA cases currently open in the office—including breach reports from organizations, complaint investigations, and quasi-judicial inquiries—which will potentially be affected in the event the legislation lapses. New cases are opened every week. As Commissioner, I need to be able to respond to inquiries, manage the cases in the office, and plan and administer my office’s resources.

I respectfully request that the government act to address this situation as quickly as possible, or, at the very least, advise me as to how it intends to proceed.

I am available at any time to discuss this matter. Please be aware that I will be making this letter available on my office’s website.

Yours truly,

[Original signed by Jill Clayton]

Jill Clayton
Information and Privacy Commissioner

Encl.