Expectations for records searches requested by IPO and Helpful Tips

Presented by: Mary Golab, University IPO
Key Principles – Freedom Of Information

• Right of Access to Any Record:
  - In the Custody of, or under the Control of, the University
  - Subject to certain exceptions

• Records – could be:
  - General (Business) records
  - Personal Information records
Access Process

Responsibilities of FOIP Liaison Officers

• Identify third parties, records issues etc.

• Forward records & FOIP Submission form to IPO
  - As a hard copy, or
  - Via Google Drive as one document
Right Vs. Duty

- Individuals have a right under the FOIP Act to make access requests for records in the custody and control of public bodies, such as the University of Alberta.

- Public bodies have a duty to respond to requests openly, accurately and completely and in timely manner.
Access Process

Responsibilities of All University Employees

• Duty to assist applicants

• Time limit to respond (30 calendar days for whole process; in some circumstances can be extended)

• Retrieve ALL records responsive to request from all sources and provide ALL of them to Information and Privacy Office (FOIP Liaison Officer assists)

• Remember to include attachments with emails
Access Process

Responsibilities of the IPO

• Communicates with applicant

• Coordinates university response; gathers records from different units

• Decides what can be released and prepares records for disclosure

• Provides access to records to applicant
Access Process

Responsibilities of the IPO

• Fee estimates, if applicable
• Prepares records for disclosure
• Provides access to records to applicant
Access Process

Communication is Key!
Freedom of Information: Exceptions to Disclosure

Intent of Act: disclose unless...
Responsibility of IPO: Apply Exceptions to Disclosure

Must refuse to disclose information that is:

• Harmful to business interests of a third party, including labour relations (s. 16)

• Personal information, if disclosure would be an unreasonable invasion of personal privacy (s. 17)
Freedom of Information: Exceptions to Disclosure

May refuse to disclose information that is:

• In some instances, confidential employment evaluations (s. 19)

• Harmful to economic interests of the university (s. 25)
Continue – **May** refuse to disclose information that is:

- Advice, proposals, recommendations, analyses or policy options developed by or for a public body…, (s. 24)

- Consultations or deliberations involving officers or employees of a public body (s. 24)

- Privileged information, prepared by or for a lawyer (s.27)

- Other limited exceptions
Practical Tips When Searching..
You know your programs and records content best! You are the Experts!

While ultimately the decision about disclosure of records/information in response to a FOIP request rests with the IPO we value your expertise and welcome your comments!
Practical tip #1

Review the FOIP request summary included in the Request for Records

• Time period
• Types of records
• Keywords
• Exclusions
Practical tip #2

If a FOIP request includes records that the unit or program area does not consider sensitive and could be released please identify them to IPO ASAP!
Practical tip #3

If a FOIP request for meeting minutes (for example) is received, it is helpful if meeting minutes clearly identify:

- Portions of meeting that were “advice” or “consultation”
- Decisions made at meeting
- Legal advice given at meeting
Practical tip #4

Review the Links included with Request for records that include:

In addition to the requested records, please complete the Search for Records form and share it with our office via Google Drive.

This form is on the FLO webpage at this link:

https://www.ualberta.ca/information-and-privacy-office/flo-resources.html
Practical Tip #4 Continued...

At the link (previous page), you will also find these templates:

**Appendix A** – Instructions for locating and providing records via Google Drive. This document includes very helpful search tips for Google.

**For FOIP Liaison Officers** - A sample form of email to send to people within your faculty or unit, explaining the request.

**An Index of Records** (optional) – Typically not necessary. Someone from the IPO will let you know if this will need to be completed.
<table>
<thead>
<tr>
<th>What you can search by</th>
<th>Search operator &amp; example</th>
</tr>
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| Specify the sender                                        | from:  
Example: from:amy                                                                   |
| Specify a recipient                                       | To:  
Example: to:david                                                                     |
| Words in the subject line                                 | subject:  
Example: subject:dinner                                                              |
| Messages that match multiple terms                        | OR or {}  
Example: from:amy OR from:david  
Example: {from:amy from:david}                                                          |
| Remove messages from your results                         | -  
Example: dinner -movie                                                                  |
| Search for an exact word or phrase                        | ""  
Example: "dinner and movie tonight"                                                      |
| Messages in any folder, including Spam and Trash           | in:anywhere  
Example: in: anywhere movie                                                            |
| Search for messages sent during a certain time period     | after:  
before:  
older:  
newer:  
Example: after:2004/04/16  
Example: before:2004/04/18                                                                |
Practical tip #5

Contact the IPO if you need assistance with search terms and parameters or general clarification.

As stated earlier, communication is key in conducting a complete and accurate search. If scope of the request as provided raises questions for you, contact us and we will try to assist as best we can!
I have submitted the records to IPO. Now what?

- IPO responds to the request providing access to the records (entirety, partially, denied access)
- Applicant has 60 days to request a review by the Commissioner
- IPO represents University during review and works with Applicant and OIPC officer towards resolution
- If review does not resolve, can proceed to a Commissioners inquiry (formal process) and IPO can represent University at inquiry – Order issued
- Parties can judicially review a Commissioners Order – Court of Queens Bench
Questions?

See:

www.uab.ca/ipo

Or contact us at:

Information and Privacy Office

foip@ualberta.ca