

FOIP Guidance for Deputy Ministers and Delegated Decision-Makers

Data, Privacy and Innovation Division, Privacy, Policy and Governance Branch

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Introduction

The *Freedom of Information and Protection of Privacy Act* (the Act or the FOIP Act) provides a mechanism for access to records while also providing for the protection of personal information.

The Act grants an applicant a right of access to any record in the custody or under the control of a public body (e.g., a department of the Government of Alberta (GoA)), subject to limited and specific exceptions set out in the Act (or other legislation that is paramount to the Act). Access requests can be for a record containing the applicant's personal information (personal request), or for a record containing any other information (general request); requests can produce one page of responsive records or a large number of records; they can be simple or complex.

Access provisions of the Act apply to most records¹ in the custody or under the control of government entities called “public bodies”, regardless of the medium or location in which the information is recorded or stored.

If access to all or part of a record is refused, the applicant must be given reasons for the refusal and the provision of the Act on which the refusal was based. In addition, the applicant must be told that they may ask the Information and Privacy Commissioner (Commissioner) to review the decision to refuse access. The Commissioner has the power to issue orders to the public body (department) regarding access decisions; these orders are published online by the Commissioner. A department may make an application to the Court of King's Bench for a review of the decision.

For the purposes of the Act, each government department is considered a separate public body and the Minister with responsibility for the department is considered the “head” of that public body, along with the Deputy Minister (DM).

Purpose

This guidance addresses the roles and responsibilities in the FOIP access request decision-making process and provides best practice tools and processes to facilitate effective and consistent decision-making across the GoA in accordance with the FOIP Act.

Authority

The guidance is issued under the authority of the [Designation and Transfer of Responsibility Regulation](#) whereby the Minister of Service Alberta and Red Tape Reduction has been designated responsibility for administration and operation of FOIP services.

Scope

This guidance applies to all GoA departments and select agencies, boards and commissions where the delivery of FOIP services are being provided by Service Alberta and Red Tape Reduction's FOIP Operations Branch.

¹ There are certain categories of information and records in the custody or under the control of public bodies that are exempt from the application of the FOIP Act under section 4(1).

Description

The Minister has a statutory obligation to make every reasonable effort to assist applicants and to respond openly, accurately and completely. The department must respond to a FOIP access request within 30 calendar days unless the time limit is extended in accordance with the Act or the request is transferred to a more appropriate public body for response.

It is important for DMs and other delegated decision-makers (DDMs) to understand their obligations in the FOIP decision-making process.

Definitions

See [Appendix A](#) for definitions to be used for interpreting this guidance.

Roles and Responsibilities in the Decision-Making Process

Minister and Minister's Office Staff

Under the FOIP Act, the head of the public body (the Minister) has specific decision-making powers, duties and functions pertaining to access and privacy. The DM also holds this authority by virtue of the *Interpretation Act*, which states that in legislation, where a Minister is empowered to do something, this also includes their DM (except the power to enact regulations). As a result, the Minister and DM have concurrent responsibility; however, the DM practically fulfills the responsibilities of the head of the public body.

Briefings to the Minister occur as necessary, in accordance with the processes established between the Minister's Office, DM's Offices and the DDM's office. The normal protocol is that communications with regard to FOIP access requests are provided to the Minister through the DM. This is in keeping with normal communication protocols and is especially important in the FOIP access request process to avoid the appearance of improper influence. See the Communication and Briefing section for further detail regarding this process.

Deputy Minister

The DM's authority to act is legislated, therefore, no additional delegation to the DM is required. In addition, the DM is responsible and accountable to ensure operational FOIP processes within the department meet the requirements and intent of the Act while ensuring the Minister who presides over the department is confident that this is in fact occurring.

Delegation of DM decision-making authority to a DDM is routinely undertaken because, like the Minister, it is not always practicable for DMs to review everything within the time constraints of the Act. DMs maintain the ability to choose to be decision-maker in regards to a specific request, notwithstanding the delegation. This must be done before any decision is made by the DDM; the DM cannot "overrule" their delegate, but they can choose to take their place with regard to a particular matter.

It is acceptable for the DM to delegate responsibility for decision-making and still review FOIP approval packages after a decision has been made but prior to the disclosure of the package. It is important to note that review before the decision is made may lead to improper influence on the decision-maker or, at a minimum, the appearance that this has occurred. Improper influence on the decision-maker could nullify the decision on review.

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Delegation of DM decision-making authority to a DDM occurs through a delegation instrument (see Appendix B). Delegation instruments are the legal instrument whereby someone else is authorized to carry out a power, duty or function conferred or imposed upon the Minister by legislation. In order to promote consistency across the GoA, a common and streamlined delegation instrument that is in keeping with other forms of statutory delegation used within the GoA is required. The standard delegation of authority in regards to the FOIP Act keeps day-to-day authority for processing FOIP access requests with FOIP Operations and King's Printer Branch in Service Alberta and Red Tape Reduction but delegates overall decision-making for general requests to a specific Assistant Deputy Minister (ADM) in a department (the DDM). Personal requests are delegated to the FOIP Operations and King's Printer Branch unless the DM/DDM advises they will make a decision regarding a particular matter. The ADM level was chosen to ensure a GoA sensibility is applied to all matters arising under the FOIP Act, while not overwhelming DMs whose departments deal with a high volume of requests. This power could be assigned to multiple ADMs, but a single ADM is recommended. Where one ADM has responsibility for FOIP decision-making, it is important they work collaboratively with the program area business owners, i.e. the other ADMs with responsibility for the records. Delegation for FOIP is done via a Ministerial Order. This delegation can be made by the Minister or their DM; however, within the GoA, it has been decided that the DM makes the delegation for FOIP.

Notwithstanding the delegation, DMs are still responsible for the manner in which the FOIP Act is administered within their departments. It is important that the DM continue to convey to staff the importance of complying with the requirements of the Act.

Delegated Decision-Maker (DDM)

Where the DDM is the decision-maker with respect to a particular general FOIP access request, they must consider the question at hand and exercise their authority appropriately. In order to assist them in carrying out their duties, they must understand their responsibilities under the delegation instrument and ensure they are acting in accordance with its terms.

Departments receive updates on FOIP access requests through a weekly FOIP report prepared by Service Alberta and Red Tape Reduction's FOIP Operations and King's Printer Branch.

It is the DDM (i.e., usually an ADM with responsibility for the Act within a department) who will report and brief the DM on sensitive or significant requests. Regular and candid discussions/briefings should take place between FOIP Operations and King's Printer Branch staff and the respective DDM, which are crucial for the effective and efficient administration of this process.

The DDM is responsible for reviewing the FOIP packages prepared by the FOIP Operations and King's Printer Branch. In their review, in addition to the records and recommendations of the FOIP Operations and King's Printer Branch, the decision-maker should seek input from the ADM responsible for specific program area records, before making decisions. This allows for any additional context that may assist the decision-maker in determining the responsiveness of information in the records and the application of any exceptions. Where an DDM does not agree with the recommendations in FOIP package, that DDM should discuss their concerns with the FOIP Coordinator that is assigned to their department.

The DDM must make their decision based on their own review of the records and knowledge of the Act, giving due consideration to all relevant circumstances, including the

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recommendations presented, any concerns from other ADMs noted in the FOIP approval package, and any feedback collected by FOIP Operations and King's Printer Branch from other sources (i.e. third parties, other public bodies, legal counsel, etc.).

When reviewing and providing input on the records, if there is uncertainty with regard to the sensitivity of the records, the DDM can clarify, ask questions and consult with whomever they need to, including:

Area to Consult	Situation
Deputy Minister	<ul style="list-style-type: none"> • A request is particularly sensitive or complex matter (<i>Note: This is a mandatory consultation, pursuant to the restrictions in the FOIP delegation instrument</i>); and/or • There is a need to elevate decision to the DM (<i>Note: this should not be asking the DM to review the DDM's decision but instead elevating the decision for the DM to make</i>).
Executive Council	<ul style="list-style-type: none"> • The responsive records include Cabinet information; • A request is particularly sensitive or complex, having regard to factors such as implications for the department, impact on the GoA; and • The matter is of importance or applies to the GoA as a whole. <p><i>Note: This is a mandatory consultation, pursuant to the restrictions in the FOIP delegation instrument.</i></p>
Chief Data and Privacy Officer and Privacy, Policy and Governance Branch, Technology and Innovation;	<ul style="list-style-type: none"> • Any DDM decision which may have broader GoA implications.
FOIP Operations and King's Printer Branch, Service Alberta and Red Tape Reduction	<ul style="list-style-type: none"> • The matter is of importance or applies to the GoA as a whole. <p><i>Note: This is a mandatory consultation, pursuant to the restrictions in the FOIP delegation instrument.</i></p>
Justice Legal Counsel	<ul style="list-style-type: none"> • A particular request raises a novel or unusual interpretative question (<i>Note: This is a mandatory consultation, pursuant to the restrictions in the FOIP delegation instrument</i>); • A request is particularly sensitive or complex, having regard to factors such as implications for the department, impact on the GoA; • The responsive records are involved in ongoing or anticipated litigation; • The responsive records involve legal counsel or legal advice (i.e., may be subject to legal privilege); and • A matter is or is likely to be brought before the Commissioner.
Public Service Commission	<ul style="list-style-type: none"> • The request raises employee-relation matters.
Treasury Board and Finance	<ul style="list-style-type: none"> • The request includes information relating to Treasury Board or its decisions.

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The DDM should also keep their department's Communications Director informed of the FOIP request as they are signed-off, so that the Communications Director can determine whether any key messages are required. The FOIP release package should not be provided until after sign off.

Important Considerations regarding Timelines and Decision-Making

The time limits of the Act need to be balanced with ensuring proper decision-making. It is important that DDMs understand that failing to sign-off within legislated timelines will lead to the request falling into deemed refusal. This creates potential reputational damage to the department, and potential cause for review by the Commissioner. Sign-off should be completed within the initial timelines allotted, and any concerns with meeting those timelines should be communicated to the FOIP Operations and King's Printer Branch as soon as they are identified.

Considerations for DDMs:

When reviewing FOIP approval packages, DDMs should:

- consider all relevant factors including the purpose of access to records under the Act;
- consider not only one department's interests but the interests of the government as a whole;
- ensure the recommendations have a consistent application with other departments within the government;
- clarify, ask questions, consult with others as needed; and
- never feel pressured to quickly sign-off a FOIP approval package just to meet the sign-off timelines; always ensure comfort with the recommendations for which the DDM becomes responsible upon making their decision, while having regard to the time limits in the Act.

Service Alberta and Red Tape Reduction

Service Alberta and Red Tape Reduction delivers FOIP services to departments through offices that are organized into pillars with a FOIP Director assigned for each pillar. Multiple FOIP Coordinators report to a FOIP Director.

Service Alberta and Red Tape Reduction's FOIP Operations and King's Printer Branch works with decision-maker(s) to facilitate the decisions related to the release of records. This is achieved by providing the DDM with recommendations and supporting rationale as to what may be withheld or disclosed in accordance with the Act and other considerations of importance in the approval process. It is important to be clear that Service Alberta and Red Tape Reduction's FOIP Operations and King's Printer Branch has responsibility for operational and administrative processes and is not the ultimate decision-maker for general requests, based on the FOIP Delegation Instrument. The FOIP Operations and King's Printer Branch presents the information necessary to enable the DDM to make their decision on general requests. Personal requests are delegated to the FOIP Operations and King's Printer Branch unless the DM/DDM advises they will make a decision regarding a particular matter (see Appendix B).

FOIP Coordinators

FOIP Coordinators have responsibility for the general administrative processing of general FOIP access requests, as per the FOIP Delegation instrument. Departments may have more than one FOIP Coordinator assigned to them from Service Alberta and

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Red Tape Reduction's FOIP Operations Branch, that are responsible for overseeing the day-to-day processing of FOIP access requests, contact with applicants, the collection and review of records, determining fees, etc.

FOIP Coordinators must also ensure all necessary consultations (internal and external) are completed and that advice is obtained from the appropriate government resources (e.g., Executive Council, Public Service Commission, Treasury Board and Finance, legal counsel).

The FOIP Delegation Instrument (Appendix B) identifies which sections of the Act the FOIP Coordinator is designated to make decisions for the head of the public body. FOIP Coordinators and FOIP Directors provide updates and advice to ensure the DDM has all the pertinent information to sign-off on the FOIP Access Request, as applicable.

FOIP Director

The FOIP Director supports FOIP Coordinators by providing oversight and clarity on approaches to FOIP access requests or the application of the Act to records, particularly for requests determined to be unusual, sensitive or complex. Each Director is accountable for ensuring policies, processes and procedures are applied consistently across the Government. Each Director for access requests is also accountable for reviewing and signing-off FOIP approval packages that are delegated to them as per the FOIP Delegation Instrument.

Department Communications Director

The Communications Director has no decision-making authority with respect to FOIP access requests. Discussions with the Communications Director relating to specific FOIP access requests are for information purposes only.

It is the Communications Director's responsibility to be aware of the content of FOIP approval packages, in order to identify requests that require the development of key messages. Communications Directors work with Issues Managers and DMO, as appropriate, to develop these messages.

Collaboration on the part of the DM, DDM, Communications Offices and Issues Managers to develop key messaging in preparation for release of records should be undertaken parallel to decision-making and imminent release so that necessary materials are in place. This can be determined as part of the monitoring of the weekly FOIP reports.

While the FOIP Operations Branch may provide additional information, it is important to separate issues management from the processing of FOIP access requests to ensure the requirements and intent of the Act are met with no improper influence.

The Communications Director may receive a copy of the FOIP approval package once the decision has been made concerning access. Delivery of the FOIP approval package to applicants must continue without delay.

Communication and Briefing

Discussions and briefings about what is being requested and released, as well as context, should not create interference nor should they compromise the FOIP access request process

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when undertaken with appropriate privacy compliance in place. Privacy compliance primarily requires that personal information, including applicants' names, not be shared. Reporting may identify the category of applicant.

Minister's Offices may be briefed on sensitive FOIP access requests at the discretion of the DM's office. The normal protocol is for an applicant copy of a FOIP access request to be provided to the Minister through the DM. This is in keeping with normal communication protocols and is especially important in the FOIP access request process to avoid the appearance of improper influence.

The Minister/Minister's Office or the Premier/Premier's Office may also request a briefing on a FOIP access request they identify as warranting their review. This request is not to influence or interfere with the decision-making process. If the briefing is for the Minister to make the decision, the request for a briefing must be made prior to a decision having been made. If the request for a briefing is for review only, the package should not be provided to the Minister's office until after the decision has been made.

Normal protocol is for this communication to occur through the DM's Office for the Minister/Minister's Office, and similarly for the Premier/Premier's Office via the Minister's Office of the department that the request was made to. Neither the Minister's Office nor the Premier's Office should be directly communicating with Service Alberta and Red Tape Reduction's FOIP Operations Branch for briefings on FOIP access requests.

Each Minister must be confident that the requirements and intent of the Act are met for the department they preside over. Briefings undertaken with appropriate privacy compliance in place provide an opportunity for the Minister to have discussions with their DM and provide information relative to context and sensitivity. Communications Offices and legal counsel may be included, as appropriate.

Personal requests are rarely the subject of briefings and are not generally reported. It is likely that a Minister's Office or the Premier's Office will only know about a personal request if their respective office's records are potentially responsive to the request and must be searched. In either case, whether there is a general request or a personal request that involves records from the Minister's Office or Premier's Office, Service Alberta and Red Tape Reduction's FOIP Operations Branch will use normal processes, including conducting required consultations with appropriate staff, to address those records.

After decisions have been made by the decision-maker regarding access to records in response to a FOIP access request, a briefing with key messages or a copy of the FOIP Access Request Approval Form and a copy of the FOIP approval package, with the personal information of the applicant also redacted, may be provided to the Minister's Office.

NOTE: Briefings to the Minister (or other non-decision-makers) should not delay the delivery of the response to the applicant, as legislated response timelines are set.

Consultation

A consultation is when one public body or government entity seeks information from another regarding an access request they have received. These records either originated from or are of interest to the body being consulted. The body being consulted is given the opportunity to

provide context or weigh in so that the body that is requesting the consult can make an informed decision. Consultations from another body are processed in a similar way as other access requests to GoA departments but are managed on a shorter timeframe under the umbrella of the other body's access legislation and processes. The FOIP Operations Branch supports the department with the consultation and prepares a recommended response to the other body for approval by the decision-maker or DDM. No search for records is required.

Proactive Disclosure

In general, FOIP requests should be the last resort for individuals to obtain information from a public body. When a general request is processed, consideration may be given as to whether the requested records can be made available outside the FOIP process (e.g. proactively disclosing to the requester or via the data portal). Consultation between the decision-maker/DDM and the respective ADMs who are responsible for the program area records should take place prior to a decision to proactively release. The decision to proactively disclose resides with the department owning the records. This can be a relatively simple way to promote a more open and transparent government, as the records have already been severed of all sensitive information and approved for disclosure. It is also usually much faster and less labour-intensive for the department.

Likewise, when someone expresses interest in records that have already been disclosed in response to a general FOIP request, it is strongly recommended to try and satisfy the requestor with a copy of the previously released package. This promotes openness and transparency, while saving the government the cost and effort of processing the same records again. Where it is determined that the final FOIP approval package can be more widely distributed, the Office of the Information and Privacy Commissioner strongly recommends that the applicant be given 24 hours exclusivity before the FOIP approval package is published.

Compliance

Consequences of non-compliance with this guidance could result in the loss of information, damage to GoA's reputation, exposure of Albertans to harm and/or incurrence of unnecessary costs. Depending on the severity of non-compliance:

- either informal or formal requests and/or follow-ups may be made by the Data, Privacy and Innovation Division, Corporate Internal Audit Services, Cybersecurity, Office of the Information Privacy Commissioner, and/or Public Service Commission; and
- legislated disciplinary action (i.e., [Public Service Act](#)) may be taken.

References and Supporting Resources

- [Freedom of Information and Protection of Privacy Act](#)
- [Service Alberta and Red Tape Reduction, FOIP website](#)
- [Alberta Office of the Information and Privacy Commissioner website](#)

Appendix A: Definitions

Applicant: The person making a FOIP access request.

Consultation: Engaging key contributors, based on request scope, so that the public body has all the necessary information to fully respond to the access request completely, transparently and openly.

Cross-Department Request: A FOIP access request, which has been received, in substantially the same format with the same information requested, by two departments or more within the GoA.

Custody or Control of Records:

- **Custody:** Generally, means in the physical possession.
- **Control:** The authority to manage the record, including restricting, regulating and administering its use, disclosure or disposition.

Decision-Maker: Means individuals authorized to make a decision under the Act or the Freedom of Information and Protection of Privacy Regulation. The decision-maker will be the head of the public body (i.e., the Minister/DM) unless that authority has been delegated in accordance with the Act (for example, to an ADM).

Delegation: The formal process whereby the head of a public body authorizes an employee or officer to perform certain duties or to exercise certain powers or functions of the head of the public body under the Act.

Department: For the purposes of this document, a department may be taken to mean a ministry without the inclusion of agencies, boards, and commissions or the office of the member of Executive Council presiding over the ministry in its own right (i.e. for matters not related to the department).

Disclosure: The act of making known or revealing. Disclosure can also mean providing access to records or information.

Exception: An “exception” means a record or information in a record is excepted from access in response to a FOIP access request. The exceptions to disclosure are identified in sections 16-29 of the Act.

Exemption: A record or information in a record that all or part of the FOIP Act does not apply to. A record may be exempt from the right of access under Part 1 of the Act, but still be subject to the protection of personal information provisions in Part 2 of the Act. The terms “exemption” or “exclusion” are sometimes used interchangeably to describe records that cannot be obtained under the FOIP access request provisions. Whether the terms “exemption” or “exclusion” is used, it is important to remember that these words indicate that the information is fully or partially outside of the Act in some manner. Exemptions are listed in section 4 and 6 of the Act and some may exist within other legislation that prevails despite the Act.

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FOIP Access Request: A formal request from an applicant to access records under Part 1 of the Act. The request must be made in writing, must provide enough detail to enable the public body to identify the record and must be accompanied by the requisite fee (where applicable).

FOIP Operations and King's Printer Branch: The branch or group of FOIP staff assigned to provide FOIP services to a department. The FOIP Operations and King's Printer Branch includes two FOIP Directors for general requests and a FOIP Director for personal requests. Each of these Directors is supported by FOIP Coordinators and FOIP staff.

General Request: A FOIP access request for a record that is not a record of the applicant's personal information.

Harm: Damage or detriment. Within the context of the Act's exceptions to disclosure, "harm" is the term used to refer to the injury to a particular public or private interest that could occur as the result of the disclosure of certain types of information in records in the custody or under the control of a public body.

Personal Request: A FOIP access request for a record of the applicant's personal information.

Privacy Compliance: in the context of FOIP access requests primarily requires that personal information including applicants' names not be shared unless doing so is necessary for the processing of the request. It is acceptable to identify the category of applicant such as "general public", "business", "elected official", "media", etc.

Responsive Records: Any records that are reasonably related to an applicant's access request. Responsiveness may be determined by analyzing the wording of the access request and examining the records. If the request wording is clarified, responsiveness is determined based on the finalized request wording as agreed to by the applicant and the content in the records.

Right of Access: Right of access is a fundamental precept of the Act and is one of five purposes provided for in the Act, elaborated in section 2(a). It is only limited by certain provisions, including exceptions to the right of access set out in sections 16-29.

Sensitivity: Applied to the topic of the request, or the targeted information, sensitivity relates to the risk of harm to the GoA or a department posed by the release of information.

Severing: To redact information from a record prior to publication or release so that the information is removed from the record.

Time Limit: The 30-day time limit for responding to a request is based on calendar days, not working days. The time limit begins on the day after the request is received and any initial fee is paid. The 20-day time limit for a third party response begins on the day after the third party notice is given; and an applicant has 60 days from the day after being notified of a decision to request a review of that decision by the Commissioner. If a time limit expires on a Sunday or other holiday, the time limit falls on the next working day.

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Weekly FOIP Report: This report contains high-level information of new and existing open general requests made to the department. These reports are prepared by the FOIP Operations Branch for the departments they support in compliance with the privacy provisions of the Act by not including any unnecessary personal information or the identity of the applicant.

Appendix B: Standard Delegation Instrument Template

MINISTERIAL ORDER No. _____ / _____

DEPARTMENT OF [DEPARTMENT NAME]
PROVINCE OF ALBERTA

Freedom of Information and Protection of Privacy Act (s. 85(1))
Interpretation Act (ss. 21(1) and 21(1.1))

DELEGATION OF AUTHORITY

I, [NAME], Deputy Minister of [DEPARTMENT NAME], make the following Order:

1. Ministerial Order [NUMBER] is rescinded.

Terminology

2. In this Order, the terms used have the same meanings as those used in the *Freedom of Information and Protection of Privacy Act* (“FOIP”), unless otherwise noted.
3. In this Order:
 - a. “general FOIP access request” means an access request under FOIP that is not for records containing the personal information of the applicant;
 - b. “personal FOIP access request” means an access request under FOIP for records containing the personal information of the applicant.
4. In this Order, all section references are to FOIP.
5. In this Order, any reference to a position includes any person holding that position or any person designated as acting for that person.

Delegation

6. With respect to the duties, powers, and functions of the head of the Department of [DEPARTMENT NAME] (the “Public Body”) for the purposes of FOIP, I make the following delegation:

General FOIP Access Requests

- (1) TO the Assistant Deputy Minister, [DIVISION NAME] (the “Assistant Deputy Minister”) decisions of the head of the Public Body in relation to:
 - (a) responding to general FOIP access requests, including sections 12, 16-29;
 - (b) requests for correction to a record of the personal information of the applicant, namely section 36;
 - (c) sections: 31, 42, 88, 89, 93; and
 - (d) sections 6 and 7 of the *Freedom of Information and Protection of Privacy Regulation*, A.R. 186/2008.
- (2) TO the individuals designated as FOIP Coordinator, Access Services, decisions of the head of the Public body in regard to:
 - (a) the general administrative processing of general FOIP access requests, including sections 8, 9, 14, and 15;
 - (b) allowing a guardian to exercise the rights or powers of a minor, namely section 84; and
 - (c) section 4 of the *Freedom of Information and Protection of Privacy Regulation*, A.R. 186/2008.
- (3) TO the individuals designated as Director, Access Services, the duties, powers, and functions listed in subsection (2) where the Director determines that it is appropriate for the Director to exercise those duties, powers, and functions in place of the FOIP Coordinator.
- (4) TO the Assistant Deputy Minister, the delegated duties, powers, and functions listed in subsection (2) where the Assistant Deputy Minister determines that it is appropriate for the Assistant Deputy Minister to exercise those duties, powers, and functions in place of the FOIP Coordinator.

Personal FOIP Access Requests

- (5) TO the individuals designated as FOIP Coordinator, Personal Request Services, decisions of the head of the Public body in regard to:
 - (a) the general administrative processing of personal FOIP access requests, including sections 8, 9, 14, and 15;
 - (b) responding to personal FOIP access requests, including sections 12, 16-29;
 - (c) transferring requests for correction of personal information, namely section 37;
 - (d) allowing a guardian to exercise the rights or powers of a minor, namely section 84; and
 - (e) section 4 of the *Freedom of Information and Protection of Privacy Regulation*, A.R. 186/2008.
- (6) TO the Director, Personal Request Services, the delegated duties, powers, and functions listed in subsection (5) where the Director determines that it is appropriate for the Director to exercise those duties, powers, and functions in place of the FOIP Coordinator.
- (7) TO the Assistant Deputy Minister, the delegated duties, powers, and functions listed in subsection (5) where the Assistant Deputy Minister determines that it is appropriate for the Assistant Deputy Minister to exercise those duties, powers, and functions in place of the FOIP Coordinator.

Privacy Services

- (8) TO the Manager, Privacy Services, decisions of the head of the Public Body in regard to:
 - (a) allowing a guardian to exercise the rights or powers of a minor, namely section 84.
- (9) TO the Director, Privacy Services, the delegated duties, powers, and functions listed in subsection (8) where the Director determines that it is appropriate for the Director to exercise those duties, powers, and functions in place of the Manager, Privacy Services.

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Miscellaneous

7. The above-noted delegations are subject to the following restrictions:
- (1) when exercising their authority, the delegates are expected to seek advice from me in relation to a particularly sensitive or complex matter;
 - (2) Alberta Justice legal counsel shall be consulted where a particular request raises a novel or unusual interpretative question;
 - (3) where a particular request does or is likely to have an impact on other departments of the Government of Alberta, delegates are expected to seek advice from designated representatives from the departments of Executive Council and Service Alberta and Red Tape Reduction; and
 - (4) decisions made by the delegates are expected to be in accordance with the *Interpretive Guide for FOIP Decision-Makers*.
8. While the above delegations remain in effect, the Minister of [DEPARTMENT NAME] (the “Minister”) and I concurrently retain the full powers of the head of the Public Body.
9. Upon notice, either the Minister or I may exercise any of the powers, duties, or functions given to a delegate in regard to a particular matter, provided no decision has yet been made in relation to that matter.
10. The delegates shall consult me if any of the delegated powers in this instrument require clarification generally, or with respect to a particular matter.

DATED this ____ day of _____, 2022.

[NAME]
Deputy Minister of [DEPARTMENT NAME]