

Developing a FOIP Collection Notice

FOIP and Information Management Division, FOIP Strategic Services

Version: 1.0

Approved by: Stacy Shenfield, A/Assistant Deputy Minister, FOIP and Information Management, Service Alberta	Owner: Veronica Chodak, Executive Director, FOIP Strategic Services	
Approval date: August 3, 2021	Last Reviewed: August 3, 2021	Review Date: August 3, 2023
Contact: SA.FOIP-PolicyInstruments@gov.ab.ca	Policy Instrument type: Standard	

Standard Statement

The *Freedom of Information and Protection of Privacy (FOIP) Act* specifies the manner in which Government of Alberta departments, and agencies, boards and commissions (ABCs) may collect personal information from individuals.¹

A Collection Notice is mandatory when personal information is collected directly from the individual it is about, and it provides an opportunity for that individual to ask questions and make an informed decision about providing their personal information to the public body. Personal information must be collected directly from the individual unless the indirect collection is specifically permitted under the FOIP Act.²

Authority

- [Freedom of Information and Protection of Privacy Act](#)

Scope

This standard applies to all Government of Alberta departments, and ABCs designated under the FOIP Regulations where the delivery of FOIP services are the responsibility of a Service Alberta FOIP office.

It is recommended that department/ABC program and business areas develop Collection Notices in consultation with their designated [FOIP office](#).

Standard Description

There is a legal obligation under the FOIP Act for departments/ABCs to inform an individual of three things when they directly collect their personal information:

- the purpose for the collection of the information;
- the legal authority for the collection; and
- the contact information for questions.

There are several methods that may be used to provide a Collection Notice to an individual, including (but not limited to):

- verbally, when information is collected in person or by phone; or
- written, be it on a form (e.g. a section or textbox) or website (e.g. section at top of page or as a pop-up window).

No matter the method, the Collection Notice must be apparent to the individual whose information is being collected.

¹ The [Health Information Act](#) (HIA) establishes the rules for the collection of health information that is in the custody or under the control of a custodian, including Alberta Health. As a result, if both personal and health information is collected by a departments/ABC who is also a custodian (i.e. Alberta Health) or by a custodian and a departments/ABC, the collection requirements set out in both FOIP Act and the HIA apply.

² Section 34 of the FOIP Act allows a department/ABC to collect personal information about an individual from other sources in particular circumstances – see 34(1)(a) to (o). Section 34(3) provides an exception to the collection notification requirement if information collected in accordance with subsections (1) or (2) would be inaccurate.

Standard Specifications

There are three elements that must be included in a Collection Notice:

Element 1: Purpose Statement

A Collection Notice must clearly state the purpose(s) for collecting the personal information. The purpose statement enables an individual to decide whether or not to provide a department/ABC with their personal information being asked for. When developing a purpose statement, the following key considerations should be taken into account:

- Be specific in describing the collection purpose.

Example

“The personal information being collected is for the purpose of the Alberta Seniors’ Benefit Program.”

- Avoid restrictive language.

Example(s)

“The information will only be used for the purpose of...”

“The information will not be used for any other purpose without your consent”

Element 2: Legal Authority for Collection

In the collection notice, cite the specific legal authority which permits the department/ABC to collect the personal information. Section 33 of the FOIP Act is the legal authority that enables the collection of personal information for one or more of the following three reasons:

- 33(a) - the collection of the personal information is expressly authorized by an enactment of Alberta or Canada,
- 33(b) - that information is collected for the purposes of law enforcement, or
- 33(c) - that information relates directly to and is necessary for an operating program or activity of the department/ABC.

If more than one of the three clauses in section 33 applies, each clause should be listed (e.g., 33(a) and (c)). Additionally, if section 33(a) is the applicable legal authority, the name of the relevant enactment and sections that explicitly authorizes collection should also be listed.

[See “Sample Collection Notice Template” provided below].

Element 3: Contact Information

A Collection Notice must include contact information, including business title, business address and business telephone number of the department/ABC that can answer questions about the collection; an email address should also be provided when possible. The following should **not** be included or used in contact information:

- The name and/or email address of a specific individual, so as to avoid having to update a Collection Notice in response to any staffing changes which may occur.
- References to FOIP staff or FOIP contacts. FOIP staff are available to program or business areas to provide advice on the administration and operation of the FOIP Act; however, questions about the collection (e.g., why information is being collected, how it is being used) must be answered directly by the relevant program or business area.

Sample Collection Notice Template

The personal information collected through (name of form/website/program) is for (Purpose Statement). This collection is authorized by section 33 of the *Freedom of Information and Protection of Privacy Act* (cite the applicable subsection(s) of section 33) and* (any other enactment that expressly authorizes the collection include the name of the enactment and relevant sections). For questions about the collection of personal information, contact (Contact Information: business title/organization at [telephone number], by email at [email address], or mail to [mailing address]).

**Add additional legislation if it applies, as per Element 2 of the standard.*

Compliance

Consequences of non-compliance with this standard could result in privacy complaints, failure to comply with FOIP Act requirements, damage to Government of Alberta's reputation, 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 FOIP and Information Management Division, Corporate Internal Audit Services, Cybersecurity Services, Office of the Information Privacy Commissioner, and/or Public Service Commission; and/or
- legislated disciplinary action (i.e., FOIP Act, [Public Service Act](#)) may be taken.

Version History				
Rev	Section	Type	Date	Remarks
1.0	All	Final	TBD, 2021	V 1.0 approved