

**Administrative Procedure 355 – APPENDIX A**

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**FREEDOM OF INFORMATION AND  
PROTECTION OF PRIVACY ACT****SECTION 40****Disclosure of personal information**

40(1) A public body may disclose personal information only

- (a) in accordance with Part 1,
- (b) if the disclosure would not be an unreasonable invasion of a third party's personal privacy under section 17,
- (c) for the purpose for which the information was collected or compiled or for a use consistent with that purpose,
- (d) if the individual the information is about has identified the information and consented, in the prescribed manner, to the disclosure,
- (e) for the purpose of complying with an enactment of Alberta or Canada or with a treaty, arrangement or agreement made under an enactment of Alberta or Canada,
- (f) for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure,
- (g) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction in Alberta to compel the production of information or with a rule of court binding in Alberta that relates to the production of information,
- (h) to an officer or employee of the public body or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer, employee or member,
- (i) to an officer or employee of a public body or to a member of the Executive Council, if the disclosure is necessary for the delivery of a common or integrated program or service and for the performance of the duties of the officer or employee or member to whom the information is disclosed,
- (j) for the purpose of enforcing a legal right that the Government of Alberta or a public body has against any person,
- (k) for the purpose of
  - (i) collecting a fine or debt owing by an individual to the Government of Alberta or to a public body, or to an assignee of either of them, or
  - (ii) making a payment owing by the Government of Alberta or by a public body to an individual,
- (l) for the purpose of determining or verifying an individual's suitability or eligibility for a program or benefit,

- (m) to the Auditor General or any other prescribed person or body for audit purposes,
- (n) to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem,
- (o) to a representative of a bargaining agent who has been authorized in writing by the employee the information is about to make an inquiry,
- (p) to the Provincial Archives of Alberta or to the archives of a public body for permanent preservation,
- (q) to a public body or a law enforcement agency in Canada to assist in an investigation
  - (i) undertaken with a view to a law enforcement proceeding, or
  - (ii) from which a law enforcement proceeding is likely to result,
- (r) if the public body is a law enforcement agency and the information is disclosed
  - (i) to another law enforcement agency in Canada, or
  - (ii) to a law enforcement agency in a foreign country under an arrangement, written agreement, treaty or legislative authority,
- (s) so that the spouse or adult interdependent partner, relative or friend of an injured, ill or deceased individual may be contacted,
- (t) in accordance with section 42 or 43,
- (u) to an expert for the purposes of section 18(2),
- (v) for use in a proceeding before a court or quasi-judicial body to which the Government of Alberta or a public body is a party,
- (w) when disclosure is by the Minister of Justice and Attorney General or an agent or lawyer of the Minister of Justice and Attorney General to a place of lawful detention,
- (x) for the purpose of managing or administering personnel of the Government of Alberta or the public body,
- (y) to the Director of Maintenance Enforcement for the purpose of enforcing a maintenance order under the Maintenance Enforcement Act,
- (z) to an officer of the Legislature, if the information is necessary for the performance of the duties of that officer,
- (aa) for the purpose of supervising an individual under the control or supervision of a correctional authority,
- (bb) when the information is available to the public,
- (bb.1) if the personal information is information of a type routinely disclosed in a business or professional context and the disclosure
  - (i) is limited to an individual's name and business contact information, including business title, address, telephone number, facsimile number and e-mail address, and
  - (ii) does not reveal other personal information about the individual or personal information about another individual,

- (cc) to the surviving spouse or adult interdependent partner or a relative of a deceased individual if, in the opinion of the head of the public body, the disclosure is not an unreasonable invasion of the deceased's personal privacy,
- (dd) to a lawyer or student-at-law acting for an inmate under the control or supervision of a correctional authority,
- (ee) if the head of the public body believes, on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person, or
- (ff) to the Administrator of the Motor Vehicle Accident Claims Act or to an agent or lawyer of the Administrator for the purpose of dealing with claims under that Act.

**(2)** Notwithstanding subsection (1), a post-secondary educational body may disclose personal information in its alumni records for the purpose of fund-raising activities of the post-secondary educational body if the post-secondary educational body and the person to whom the information is disclosed have entered into a written agreement

- (a) that allows individuals a right of access to personal information that is disclosed about them under this subsection, and
- (b) that provides that the person to whom the information is disclosed must discontinue using the personal information of any individual who so requests.

**(3)** Notwithstanding subsection (1), a post-secondary educational body may, for the purpose of assisting students in selecting courses, disclose teaching and course evaluations that were completed by students.

**(4)** A public body may disclose personal information only to the extent necessary to enable the public body to carry out the purposes described in subsections (1), (2) and (3) in a reasonable manner.

RSA 2000 cF-25 s40;2002 cA-4.5 s38;2003 c21 s11;  
2006 c17 s6