

# Fact Sheet: *Access to Information Act* Table of Concordance

## Proclamation and supporting Regulations

*The Freedom of Information and Protection of Privacy* (FOIP) Act is repealed and has been replaced with the *Access to Information Act* (ATIA) and the *Protection of Privacy Act* (POPA).

The ATIA is the public sector's access legislation that provides any person a right of access to records in the custody or under the control of a public body, including a record containing personal information about the applicant. It establishes a process for Albertans to access information and supports public bodies in increasing openness, accountability, and transparency. The ATIA is in addition to and does not replace existing procedures for access to information or records.

There are two Access to Information Regulations that establish administrative and procedural requirements of the Act:

- Access to Information Regulation (ATIR), authorized by the Lieutenant Governor in Council, integrates access to information related provisions from the former FOIP Regulation and incorporates new and revised provisions to provide clarity and outline additional information to support the updated legislative requirements under the ATIA.
- The Designation of Public Bodies Regulation (DOPBR), under the authority of the Minister of Service Alberta and Red Tape Reduction, is a list of entities that may not definitively meet the requirements established in the ATIA definition of a "public body" and need to be explicitly designated (i.e., by name) as a public body in this Regulation.

## Explanatory Notes

This Table of Concordance was compiled to provide users with a guide regarding the changes in legislation due to the enactment of the ATIA. While every effort was made to achieve accuracy, only the statutes are authoritative. It is recommended that a legal opinion be sought if interpretation of the legislation is required.

This table is based on the table of contents for the ATIA. The left column lists each section of that Act in a separate row. The right column of that row indicates the source provision of the FOIP Act. The notes section also indicated where a section has additional requirements, guidance or interpretation in one of the accompanying regulations.

Please note small grammatical or word changes may not be reflected on this table. The intent of this table is to identify sections of the ATIA that are new or have been revised or added from the FOIP Act.

## Table of Contents

Access to Information Act A-1.4 2024		Freedom of Information and Protection of Privacy Act F-25 RSA 2000	Notes
Section		Section	
1	Definitions	1	<i>New definitions:</i> s.1(c), s.1(f), s.1(k) <i>Revised definitions:</i> s.1(j), s.1(r)(i), s.1(r)(iii), s.1(r)(vi), s.1(u)  <i>See also ATIR:</i> s.1
2	Purposes of this Act	2	<i>Revised:</i> s.2
3	Scope of this Act	3	<i>No change</i>
4	Records to which this Act applies	4, 6(4) to (8)	<i>New:</i> s.4(1)(n), s.4(1)(w), s.4(1)(cc), s.4(1)(dd), 4(7) <i>Revised:</i> s.4(1), s.4(1)(a), s.4(1)(m), s.4(1)(o), s.4(1)(u), s.4(1)(v), s.4(1)(bb), s.4(2) to (5), s.4(5)(b)
5	Relationship to other Acts	5	<i>No change</i>  <i>See also ATIR</i> s.17, s.18

## PART 1 – FREEDOM OF INFORMATION

Access to Information Act A-1.4 2024		Freedom of Information and Protection of Privacy Act F-25 RSA 2000	Notes
Section		Section	
<b>Division 1 – Obtaining Access to Records</b>			
6	Information rights	6	<i>Revised:</i> s.6
7	How to make a request	7, 14(a)	<i>New:</i> s.7(3) <i>Revised:</i> s.7(2)  <i>See also ATIR:</i> s.3, s.4
8	Requests by public bodies		<i>New</i>
9	Power to disregard requests	55	<i>New:</i> s.9(1)(c) to (e), s.9(2) to (4) <i>Revised:</i>

<b>Access to Information Act A-1.4 2024</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
			s.9, 9(1)(a), s.9(1)(b)
10	Abandoned request	8	<i>Revised:</i> s.10(1)(a)
11	Continuing request	9	<i>No change</i>
12	Duty to assist applicants	10	<i>New:</i> s.12(2)(c) <i>Revised:</i> s.12(1), s.12(2)(a), s.12(2)(b)  <i>See also ATIR s.5</i>
13	Time limit for responding	11	<i>New:</i> s.13(1)(a) <i>Revised:</i> s.13(1)
14	Contents of response	12	<i>Revised:</i> s.14(1)(c)(ii)
15	How access will be given	13	<i>No change</i>  <i>See also ATIR s.6</i>
16	Extending time limit for responding	14	<i>New:</i> s.16(1)(a), s.16(2), s.16(4)(a), s.16(4)(b), s.16(6), s.16(8) to (10) <i>Revised:</i> s.16, s.16(1)(b), s.16(1)(c), s.16(3), to (5), s.16(5)(c), s.16(7)
17	Transferring a request	15	<i>No change</i>
18	Request under section 7 deemed to be a request under HIA	15.1	<i>No change</i>
<b>Division 2 – Exceptions to Disclosure</b>			
19	Disclosure harmful to business interests of a third party	16	<i>No change</i>
20	Disclosure harmful to personal privacy	17	<i>Revised:</i> s.20(4)(h)  <i>See also ATIR s.7</i>
21	Disclosure harmful to individual or public safety	18	<i>No change</i>  <i>See also ATIR s.8</i>
22	Confidential evaluations	19	<i>No change</i>
23	Disclosure harmful to law enforcement	20	<i>No change</i>

<b>Access to Information Act A-1.4 2024</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
24	Workplace investigations		<i>New</i>
25	Disclosure and complaints	6(9), 6(10)	<i>Revised: s.25</i>
26	Disclosure harmful to intergovernmental relations	21	<i>No change</i>
27	Cabinet and Treasury Board confidences	22	<i>New: s.27(1) Revised: s. 27(2), s.27(3)  See also ATIR s.11</i>
28	Local public body confidences	23	<i>No change  See also ATIR s.9</i>
29	Advice from officials	24	<i>Revised: s.29(1)(a)</i>
30	Disclosure harmful to economic and other interests of a public body	25	<i>New: s.30(1)(e)</i>
31	Testing procedures, tests and audits	26	<i>No change</i>
32	Privileged information	27	<i>Revised: s.32(1)(a), s.32(3)</i>
33	Disclosure harmful to conservation of heritage sites, etc.	28	<i>No change</i>
34	Information that is or will be available to the public	29	<i>No change</i>
<b>Division 3 – Third Party Intervention</b>			
35	Notifying third parties	30	<i>No change</i>
36	Time limit and notice of decision	31	<i>New: s.36(2), s.36(3), s.36(7)</i>
<b>Division 4 – Public Health and Safety</b>			
37	Information must be disclosed if in the public interest	32	<i>No change  See also ATIR s.10, Schedule 2</i>

## PART 2 – OFFICE AND POWERS OF INFORMATION AND PRIVACY COMMISSIONER

<b>Access to Information Act A-1.4 2024</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
38	Definition	44	<i>No change</i>
39	Appointment of Commissioner	45	<i>No change</i>
40	Term of office	46	<i>No change</i>
41	Resignation, removal or suspension of Commissioner	47	<i>No change</i>
42	Acting Commissioner	48	<i>No change</i>
43	Remuneration	49	<i>No change</i>
44	Oath	50	<i>No change</i>
45	Office of the Commissioner	51	<i>No change</i>
46	Financing of operations	52	<i>No change</i>
47	Records management	64	<i>No change</i>
48	General powers of Commissioner	53	<i>Revised:</i> s.48, s.48(1)(f)
49	Advice and recommendations	54	<i>No change</i>
50	Powers of Commissioner in conducting investigations or inquiries	56	<i>New:</i> s.50(6), s.50(7) <i>Revised</i> s.50(3), s.50(5)  <i>See also ATIR s.11</i>
51	Statements made to Commissioner not admissible in evidence	57	<i>No change</i>
52	Privileged information	58	<i>No change</i>
53	Restrictions on disclosure of information by Commissioner and staff	59	<i>No change</i>
54	Protection of Commissioner and staff	60	<i>No change</i>
55	Delegation by Commissioner	61	<i>No change</i>
56	Role of Ombudsman	62	<i>No change</i>
57	Annual report of Commissioner	63	<i>Revised:</i> s.57(1)(b), s.57(1)(c)

## PART 3 – REVIEWS AND COMPLAINTS

<b>Access to Information Act A-1.4 2024</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
<b>Division 1 – Reviews and Inquiries by the Commissioner</b>			
58	Right to ask for a review by Commissioner	65	<i>Revised:</i> s.58, 58(1)
59	How to ask for review by Commissioner	66	<i>Revised:</i> s.59(1), s.59(2)
60	Notifying others of review by Commissioner	67	<i>New:</i> s.60(2)
61	Mediation may be authorized	68	<i>No change</i>
62	Inquiry by Commissioner	69, 70	<i>New:</i> s.62(2)(b), s.62(3), s.62(4), s.62(9)(a) to (c), s.62(10) to (12) <i>Revised:</i> s.62(2), s.62(9)
63	Burden of proof	71	<i>No change</i>
64	Commissioner's orders	72	<i>New:</i> s.64(2)(d) <i>Revised:</i> s. 64(3)
65	No appeal	73	<i>No change</i>
66	Duty to comply with orders	74	<i>Revised:</i> s.66(4)
<b>Division 2 – Reviews of Decisions of the Registrar of Motor Vehicle Services</b>			
67	Definitions	74.1	<i>No change</i>
68	Right to ask for a review by Commissioner	74.2	<i>No change</i>
69	How to ask for review by Commissioner	74.3	<i>No change</i>
70	Notifying others of review by Commissioner	74.4	<i>No change</i>
71	Inquiry by Commissioner	74.5	<i>No change</i>
72	Refusal to conduct inquiry	74.6	<i>No change</i>
73	Commissioner's orders	74.7	<i>No change</i>
74	No appeal	74.8	<i>No change</i>
75	Duty to comply with orders	74.9	<i>No change</i>
76	Application of other sections	74.91	<i>No change</i>

<b>Access to Information Act A-1.4 2024</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
<b>Division 3 – Investigations and Reviews by Independent Adjudicator</b>			
77	Independent adjudicator to investigate complaints and review decisions	75	<i>Revised:</i> s.77(1), s.77(1)(c), s.77(1)(f)
78	Powers, duties, functions and protections of independent adjudicator	76	<i>Revised:</i> s.78(1)
79	Right to ask for review by independent adjudicator	77	<i>Revised:</i> s.79, s.79(2)
80	Review where Commissioner in conflict	78	<i>Revised:</i> s.80, s.80(1), s.80(2)
81	How to ask for review by independent adjudicator	79	<i>New:</i> s.81(3) <i>Revised:</i> s.81(1), s.81(2)
82	Notifying others of review by independent adjudicator	80	<i>New:</i> s.82(2), s.82(3)
83	Conduct and outcome of review	81	<i>Revised:</i> s.83(1)
<b>Division 4 – Disclosure to Commissioner</b>			
84	Disclosure to Commissioner	82	<i>Revised:</i> s.84(1)

#### Part 4 – GENERAL PROVISIONS

<b>Access to Information Act A-1.4 2024</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
85	Manner of giving notice	83	<i>Revised:</i> s.85(d), s.85(e)
86	Exercise of rights by other persons	84	<i>No change</i>
87	Delegation by head of public body	85	<i>No change</i>
88	Annual report of Minister	86	<i>No change</i>
89	Directory of public bodies	87	<i>Revised:</i> s.89(2)(a)
90	Records available without request	88	<i>New:</i> s.90(2), s.90(5)

<b>Access to Information Act A-1.4 2024</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
91	Access to manuals, handbooks and guidelines	89	<i>New:</i> s.91(3), s.91(4) <i>Revised:</i> s.91(1), s.91(2)
92	No right to request publicly available records		<i>New</i>
93	Protection of public body from legal suit	90	<i>No change</i>
94	Protection of employee	91	<i>No change</i>
95	Offences and penalties	92	<i>Revised:</i> s.95, s.95(1) s.95(2), s.95(3)
96	Fees	93	<i>No change</i>  <i>See also ATIR s.12 to s.16, Schedule 1</i>
97	Power to make regulations	94	<i>New:</i> s.97(1)(a), s.97(1)(k) <i>Revised:</i> s.97, s.97(1)(e), s.97(1)(f), s.97(2), s.97(3)  <i>See also ATIR s.2, DOPBR s.1, Schedule</i>
97.1	Consequential amendments		<i>New</i>
98	Power to make bylaws	95	<i>No change</i>
99	Application of this Act	96	<i>No change</i>
100	Review of Act	97	<i>Revised:</i> s.100

#### **Part 5 – REPEAL, TRANSITIONAL PROVISIONS AND COMING INTO FORCE**

<b>Access to Information Act A-1.4 2024</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
101	Repeal		<i>New</i>  <i>See also ATIR s.19</i>
102	Transitional		<i>New</i>
103	Coming into force		<i>New</i>