



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NUMBER: A1436

REFERENCE:

ADOPTED BY:

City Manager

SUPERSEDES:

PREPARED BY: Office of the City Clerk

DATE:

TITLE: Release of Personal Information to a Law Enforcement Agency

Directive Statement:

The *Freedom of Information and Protection of Privacy Act* regulates how the City of Edmonton uses and discloses personal information within its custody and control. Section 40(1)(q) of the *FOIP Act* states that a public body may disclose personal information only “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.”

The City of Edmonton should not disclose personal information to a law enforcement agency when the agency cannot provide definite and focused investigative information as to why the disclosure is needed. Personal information should not be disclosed merely on the basis that there is a suspicion, surmise or guess.

The purpose of this directive is to:

standardize how and when the City of Edmonton releases personal information in its custody and control to law enforcement agencies.



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1. DEFINITIONS

- 1.01 Act means the *Freedom of Information and Protection of Privacy Act*, S.A. 2000, C.F-25. All legislative references within this document are to this Act.
- 1.02 FOIP means the *Freedom of Information and Protection of Privacy Act*, S.A. 2000, C.F-25.
- 1.03 Public Body is defined in s.1(p) of the Act and includes the City of Edmonton.
- 1.04 Law Enforcement is defined in s.1(h) of the Act and means (i) policing, including criminal intelligence operations, (ii) a police, security or administrative investigation, including the complaint giving rise to the investigation that leads or could lead to a penalty or sanction including a penalty or sanction imposed by the body conducting the investigation or by another body to which the results of the investigation are referred, or (iii) proceedings that lead or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the proceedings or by another body to which the results of the proceedings are referred. Law Enforcement agencies include Alberta Justice, the RCMP, provincial, municipal and First Nations' police services, and Canada Customs and Revenue Agency (CCRA).
- 1.05 Personal Information is defined in s.1(n) of the Act and is recorded information about an identifiable individual, including, but not limited to, the individual's name, home or business address or home or business telephone number, the individual's race, national or ethnic origin, colour or religious or political beliefs or associations, the individual's age, sex, marital or family status, information about the individual's educational, financial, employment or criminal history, anyone else's opinions about the individual, etc. For a complete list, see s. 1(n) of the Act.

2. RESPONSIBILITIES:

- 2.01 City Manager shall:
- (a) Approve this policy and amendments.
 - (b) Ensure the City Auditor is apprised when personal information is released, or is requested to be released, because of suspected fraud or fraudulent activities, in accordance with Policy A1431, Conduct of Examinations into Allegations or Suspicions of Fraudulent Acts.



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2.02 General Managers of Departments shall:

- (a) Designate an individual to be the Department Contact Person regarding the release of information to law enforcement agencies.
- (b) Approve decisions to release personal information to law enforcement agencies.
- (c) Notify the City Manager, and the City Auditor when personal information is released, or is requested to be released, because of suspected fraud or fraudulent activities, in accordance with Policy A1431, Conduct of Examinations into Allegations or Suspicions of Fraudulent Acts.

2.03 FOIP Manager shall:

Approve decisions, as an alternative to department general managers, to release personal information to law enforcement agencies.

2.04 Departmental FOIP Coordinator shall:

Assist the Department Contact Person when the release of personal information is requested.

2.05 Department Contact Person shall:

- (a) Deal with representatives of law enforcement agencies when requests for personal information are made.
- (b) Ensure that all decisions to release personal information are approved by the General Manager or the FOIP Manager.
- (c) Ensure files of information released are maintained for a minimum of one year or according to departmental records retention schedules if they are longer than one year.
- (d) Notify his or her department General Manager when personal information is released, or is requested to be released, because of suspected fraud or fraudulent activities, in accordance with Policy A1431, Conduct of Examinations into Allegations or Suspicions of Fraudulent Acts.



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3. PROCEDURES

3.01 Requests to the City of Edmonton from a law enforcement agency (s.40(1)(q))

- (a) must be in writing (a model **Law Enforcement Disclosure Form** is provided in Attachment I), and,
- (b) must be referred to the appropriate Department Contact Person.

3.02 When a request from a law enforcement agency is received, the Department Contact Person must:

- (a) ensure that the Law Enforcement Disclosure Form is complete and contains:
 - the name of the individual whose information is requested;
 - the exact nature of the information desired;
 - the authority for the investigation;
 - the purpose for which the requesting law enforcement agency will use the information; and
 - the name, title and address of the person authorized to make the request.
- (b) consent to or refuse the disclosure of personal information as per the Law Enforcement Disclosure Form.
- (c) if the request is granted, ensure that only the information necessary to answer the request is disclosed.
- (d) consult with the Departmental FOIP Coordinator when the release of personal information is requested to ensure that the provisions of the Act are met.
- (e) ensure that a record of when and to whom personal information was released is kept in a separate file. This record may qualify for exception under section 20 of the Act and must be kept for at least one year or according to an approved records retention schedule, whichever is longer.

3.03 When the City of Edmonton has requested the Edmonton Police Service, or another law enforcement agency, to investigate a suspected criminal activity, the City must be prepared to disclose the personal information that is pertinent to the investigation. (s.40(1)(q))



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In this situation, the Department Contact Person:

- (a) must ensure that the personal information released to the law enforcement agency relates to the incident being investigated and that only the information necessary for the investigation is released.
- (b) must ensure that a record of when and to whom personal information was released is kept in a separate file. This record may qualify for exception under section 20 of the Act and must be kept for at least one year or according to an approved records retention schedule, whichever is longer.
- (c) should work with the Departmental FOIP Coordinator when the release of personal information is requested to ensure that the provisions of the Act are met.

4. COLLECTION AND DISCLOSURE OF PERSONAL INFORMATION IN AN EMERGENCY SITUATION

4.01 The City may use or disclose information for the purpose of contacting a next of kin in the case of an emergency, whether or not the information was originally provided for that purpose (s.40(1)(s)). This information will consist of:

- name
- relationship
- address and phone numbers

4.02 The City may indirectly collect information about a person in the case of a health or safety emergency. (s. 34(1)(c))

5. ACCURACY AND RETENTION

The City of Edmonton must comply with the accuracy and retention provisions of s. 35 of the Act.

6. CORRECTION OF PERSONAL INFORMATION

The City of Edmonton must comply with the correction of personal information provisions of s.36 of the Act.



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7. REQUESTS FOR INFORMATION TO BE DISCLOSED IN THE PUBLIC INTEREST

Requests for information to be disclosed in the public interest must be dealt with according to the "FOIP Delegation Order" and s. 32 of the Act.



Law Enforcement Disclosure

Request for Disclosure under Section 40(1)(q) of the Freedom of Information and Protection of Privacy Act

Date: _____

In accordance with section 40(1)(q) of the *Freedom of Information and Protection of Privacy Act*, the

_____ Name of Public Body

requests disclosure of personal information pertaining to

_____ Name of Individual or Other Identifier

which may be generally described as:

_____ General Description of Information Requested

This information is required by this public body to assist in an investigation pursuant to:

_____ Reference to a Federal or Provincial Statute or Local Public Body Bylaw by Section or Description of Purpose

Requesting Official

_____ Name

_____ Title

_____ Signature

_____ Badge Number (if applicable)

I, _____ consent to refuse this disclosure
Name of Disclosing Official
of personal information.

If disclosure has been authorized, the personal information bank(s) is (are):

_____ Name(s) of Personal Information Bank(s)

Authorized Disclosing Official

_____ Name

_____ Title

_____ Signature

_____ Name of Public Body

NOTE: This completed record may qualify for exception to disclosure under section 20 of the *Freedom of Information and Protection of Privacy Act*.