



Office of the Information and
Privacy Commissioner of Alberta

STRATEGIC BUSINESS PLAN

2021-24

Introduction

No matter the type of organization, the COVID-19 pandemic has brought tremendous change to operations. The Office of the Information and Privacy Commissioner (OIPC) is no different. While we remain steadfastly committed to our legislative mandate, how we perform our functions has changed and we are continuing to adapt.

At the same time, workplace digitization, ecommerce, virtual healthcare, online learning, and other factors have accelerated discussions around regulatory change. Each of these external forces promises exciting innovation but also come with practical privacy and security challenges.

And finally, as a steward of public funds dedicated to the access and privacy rights of Albertans, we must also recognize the fiscal challenges facing the province, and the goals of economic diversification to which the Government of Alberta has committed.

In light of these environmental factors, our caseload is changing. More than 75% of our office's work now consists of reviewing privacy impact assessments (PIAs) and reported privacy breaches. In 2012-13, these types of files made up only 43% of our caseload.

Sweeping regulatory reforms in Canada and across the globe also affect where we need to focus our attention and resources, and will inevitably progress in the years ahead.

These realities, combined with the ever-increasing complexity and sophistication of information systems, cyberattacks and new technologies, also affect the technical and policy expertise we require in the office.

Many of these shifts in the privacy landscape are accelerated by the COVID-19 pandemic. However, we must not lose sight of the important legislative mandate we have with respect to overseeing the freedom of information system in Alberta.

There has not been a time in recent history where the focus on open, transparent and accountable government has been more pronounced. Governments at all levels are grappling with literal life and death decisions that affect the day to day lives of citizens. The right to access information held by government entities is in the spotlight as people try to understand why and how decisions are made that affect their lives and livelihoods. Without transparency, a breakdown in trust can occur potentially undermining democratic institutions. Access to information as a cornerstone of democracy and good governance has never been more necessary.

Given these realities, our office is in a unique position. Like other organizations, we must respond to the accelerated "new normal" of a fully digitized workplace while also contending with external forces that are shifting of our work and potentially the legislative mandate within which we perform our functions. This business plan, therefore, attempts to balance these realities by focusing on the following three priorities:

- **Priority 1:** Modernizing regulatory mechanisms to support economic diversification and improve healthcare delivery and outcomes
- **Priority 2:** Enhancing internal processes to support our legislative mandate
- **Priority 3:** Providing guidance to improve access to information and the protection of personal and health information

Priority 1: Modernizing regulatory mechanisms to support economic diversification and improve healthcare delivery and outcomes

The global access and privacy landscape fundamentally changed in 2018 with the coming into force of the European Union's *General Data Protection Regulation* (GDPR). Since then, we have seen California - one of the world's technology hubs - and many countries follow the EU's lead by introducing new or enhanced privacy laws.

Canadian jurisdictions are taking similar steps, most notably federally (Bill C-11) and in Quebec (Bill 64), but we are also seeing change afoot in Ontario and British Columbia. These developments follow the October 2019 joint resolution of Canadian Commissioners calling on governments to update access and privacy laws that have not fundamentally changed in decades.

Given these developments, the business case is building to modernize Alberta's access and privacy laws. This includes ensuring that our laws balance the access and privacy rights of Albertans with the need to use personal and health information to develop innovations and effectively provide services and deliver healthcare, with robust oversight and accountability mechanisms.

Outcome 1: Update Alberta's access to information and privacy laws

- We will continue calling for the modernization of Alberta's laws with respect to freedom of information and the protection of personal and health information. Modernization includes recognizing and addressing artificial intelligence, algorithmic transparency, automated decision-making, de-identification and data trusts, effective oversight, the importance of demonstrable accountability, and digitizing the freedom of information system.

Recent changes in Canada and globally have focused on private sector privacy law reform. Updates to public and health sector laws must also be considered given cross-sector information sharing to develop innovations, improve healthcare outcomes and deliver public services.

With respect to freedom of information, the COVID-19 pandemic has reinforced systemic issues. Changes must focus on making information available proactively and improving response times to build public trust in accountable and transparent government.

Outcome 2: Support mechanisms for privacy enhancing technologies and ethical assessments for big data initiatives

- We want to enable development of Alberta-based innovations by working with organizations to help ensure privacy and ethics are built into new technologies at the outset.

We have had the opportunity to present to or collaborate with leaders in privacy, ethics, data science and tech development to discuss privacy enhancing technologies and ethical assessments, including Alberta's A100 network of tech entrepreneurs, the University of Alberta's Kule Institute and UNESCO.

We want to assist organizations in understanding that privacy enhancing technologies and ethical assessments can enable innovation, and that it is not an either/or proposition. Building privacy, security and ethics into new projects is a necessary condition of innovation.

Priority 2: Enhancing internal processes to support our legislative mandate

The COVID-19 pandemic has exponentially increased the need for organizations to become more nimble in terms of alternative work arrangements. This has led to an incredible acceleration of workplace digitization efforts, with some reports saying five years of anticipated digital progress was made in eight weeks.¹

We are also seeing many organizations decide to have some staff work from home permanently on a go forward basis. Even if organizations are not necessarily moving in the direction of permanent work from home arrangements, it is now easier for staff to work from home.

Our office is no different, and the COVID-19 pandemic has required us to move digital projects forward more quickly.

Outcome 1: Make digital records the default

- One of the goals in updating our records management program is to reduce reliance on paper records. For certain case types, the OIPC has deemed electronic records as the official record. We are also moving to official electronic records for administration files.

This opportunity comes with many challenges, however, such as the need to continuously upgrade and improve systems. Information systems are often replaced or vendors

stop providing security updates after a certain period time. These realities of digital environments require resources to maintain integrity and security of systems while ensuring continuity in operations for staff and stakeholders alike.

Outcome 2: Improve the ability to securely work from anywhere

- We were not alone in having to rapidly respond to new work from home arrangements as a result of the COVID-19 pandemic. Within three weeks of the global pandemic being declared, we had a majority of staff working from home continuing to serve Albertans.

Since that time, however, we have undertaken efforts to survey staff to see how we can improve our work from home arrangements in the interests of maintaining a safe work environment and ensuring continuity of operations. Based on those survey results, we have introduced more digital ways to complete tasks while maintaining the integrity and security of systems necessary given the nature of our work.

We are taking the thoughtful steps we ask or require of regulated stakeholders in completing privacy and security risk assessments of new projects to ensure we have reasonable protections to limit network vulnerabilities.

¹ Baig, Aymer, et al, "[The COVID-19 recovery will be digital: A plan for the first 90 days](#)", McKinsey Digital, May 14, 2020.

Priority 3: Providing guidance to improve access to information and the protection of personal and health information

The COVID-19 pandemic and the various access and privacy issues, like disclosing an employee's diagnosis or creating and keeping customer lists, highlighted the importance of our regulatory and education mandates to Albertans.

At the outset of the pandemic, we updated or issued several resources and received many questions about access and privacy issues from employers and the public. To illustrate this point, our website visits increased by nearly 40% at the beginning of the pandemic and certain resources we issued became the most viewed publications on our website – ever.

We remain committed to our legislative mandate, and recognize that providing guidance to improve access to information and the protection of personal and health information for Albertans is essential to fulfilling it.

Outcome 1: Reinforce the importance of privacy impact assessments and privacy management programs to help reduce the number of privacy breaches and security incidents occurring

- Global regulatory shifts in privacy law have raised the bar for ensuring organizations undertake privacy or data protection impact assessments. These shifts are meeting a standard set since 2001 in Alberta's *Health Information Act*.

Ensuring privacy and security risk assessments are done at the outset of a project is one of the most proactive measures any public body, custodian or private sector organization can take to limit privacy and security incidents from occurring. We review PIAs to assist regulated stakeholders in understanding the steps required to ensure reasonable safeguards are in

place to protect personal or health information.

- Canadian Commissioners were leaders in developing guidance on privacy management programs and demonstrating accountability. These concepts are now embedded in the EU's GDPR.

In addition to privacy management programs, we continue to advocate for enhanced security measures by publishing guidance to organizations in all sectors, including a self-assessment tool for securing personal information, and advisories on phishing, ransomware and securing web buckets.

Outcome 2: Enhance open, transparent and accountable government through regulatory work

- We will continue to advocate for the duty to document decisions, the proactive release of certain records in the public interest and the importance of records management programs to ensure the proper functioning of Alberta's freedom of information system. The COVID-19 pandemic has increased public expectations of their right to know why decisions affecting their daily lives are being made. This work is often done through our education mandate and public investigation reports.
- We will continue to educate regulated stakeholders and the public through our mediation and investigation processes about what we can and cannot do in overseeing the laws.
- We will continue to issue binding orders that help regulated stakeholders determine how to properly respond to access to information requests.