



Office of the Information and
Privacy Commissioner of Alberta

STRATEGIC BUSINESS PLAN

2024-27

Goal 1: Enhancing internal processes to support our legislative mandate and improve timelines

In our 2023-26 Business Plan, we identified two priorities associated with Goal 1 which will remain our priorities for 2024-27 as we continue our work to achieve this goal. Below is the progress made in 2023-24 in regard to both priorities.

Priority 1: Tackling backlogs meaningfully

Mediation and inquiry files

In May 2023, the office was restructured to create one case management stream by combining the intake function with informal case resolution and compliance support. There is now an Assistant Commissioner, Case Management who is responsible for overseeing the management of case files from the time a complaint or request for review (RFR) is made to our office to the time the file either closes or transitions to inquiry. As part of this work, we are establishing gatekeeping procedures at intake and for case file transfer to inquiry.

At the same time, the informal case resolution (ICR)¹ team was established to focus on informal settlement of complaints and RFRs. In early 2023, we launched a project to review the processes used by this team and designed a strategy to reduce the time it would take to settle a matter by changing the settlement process. We are moving away from a written submissions and findings style process toward use of verbal discussions between the parties, which is more in line with the mediation-style process that is anticipated by the legislation. As of November 2023, we are finalizing our new ICR processes and anticipate that we will be in a position to launch them in early 2024.

To free up more ICR resources to settle complaints and RFRs, this team will no longer handle request for time extension files, of which there are about 300 per year. Instead, another team in the office will take on these files. We anticipate this transition will be complete by March 31, 2024.

We received budget for one additional FTE for the ICR team in 2023-24 and in May 2023 we hired this FTE. We also received budget to hire consultants to assist with the work of this team. In October 2023, we retained two consultants to help us address the existing backlog. We are confident that with this additional help, together with

our new procedures, we will reduce our backlog considerably over the next one to two years. Our longer term goal is to eliminate the backlog altogether.

To address our backlog in inquiry files, we also received an additional FTE in 2023-24 that we filled in August 2023. In addition, we received budget to hire external adjudicators to assist with our backlog. We retained one in November 2023 and are confident that with this additional help, together with our revamped process in the case management stream and ICR, we will reduce the number of files that will go to inquiry and reduce the backlog. Our goal here too is to eliminate our backlog.

As of November 2023, the backlog is still approximately one year for ICR files and two to three years for inquiry files. Based on our statistics to date, we anticipate having a lower volume of cases in ICR for 2024-25. To align with our new procedures, we will establish performance metrics and will assess our ability to meet them throughout 2024-25. We plan to continue to utilize contracted resources to reduce our caseload as we implement our new procedures.

Privacy impact assessment and breach files

As part of our first priority to tackle backlogs, we also prioritized reviewing privacy impact assessments (PIAs) and breach reports in a timelier manner and eliminating that backlog as well.

As part of the restructuring that occurred, the compliance support (CS) team² was formed. Its focus will be on supporting public bodies, organizations and custodians to comply with the *Freedom of Information and Protection of Privacy Act* (FOIP Act), the *Health Information Act* (HIA), or the *Personal Information Protection Act* (PIPA), as applicable. Prior to the restructuring, this team was also responsible for investigations initiated by the Commissioner including offence investigations. This work has been moved to a new investigations stream, thereby freeing up this team to focus on the compliance support work.

¹ In the past, this team was called Mediation and Investigation.

² Previously, this team was known as the compliance support and investigations team.

In 2022-23, we established a project team to review how we are processing breach reports. As of November 2023, the project work is nearly complete and we have developed a new procedure that will significantly reduce our workload associated with breach reports. We plan to launch our new procedures early next year.

In October 2023, the CS team also reviewed our work associated with PIAs and developed a plan that we will continue to work on in 2024, with the goal of finalizing it around mid-2024. As part of our review, we are looking to create efficiencies in this work without affecting quality.

In 2024-25, we will establish performance measures for PIA and breach files which will position us to better assess our workload and resources, and ensure we are closing these files in a timelier manner.

Priority 2: Transforming our office to a digital environment

In 2023-24 we made progress on our continuing work to transition our records from paper to digital. We will continue to facilitate this transition and make digital records the default. Our goal is to have this work complete in 2024-25.

We also established the information technology foundation necessary to transform our office to a digital environment by setting up our Microsoft 365 and Azure tenant for the OIPC. We are now able to implement Microsoft Teams for all staff and eliminate our office's landlines and use of many mobile phones. We are in the process of acquiring secure file transfer services, which will allow us to move away from the use of paper, mail, and couriers.

We are also in a position to begin to automate our intake forms and aspects of our intake function, which will facilitate the receipt of information required to manage cases and reduce our workload. By March 31, 2024, we expect to complete the work on two forms (for breaches and requests for time extensions) and implement the infrastructure necessary for the operation of our website workflow forms.

In 2023, we undertook a security assessment of our infrastructure and acquired additional security software to continue to ensure we have adequate security to protect against breaches. We anticipate that the costs of this technology will be offset, to some degree, by the reduction of our current manual operating costs.

To build on the progress achieved during 2023, we have identified the following four projects for 2024-25.

- 1) Finalize the implementation of our secure file transfer service.
- 2) Add additional website forms for requests for review and complaints.
- 3) Utilize our new Azure environment to manage virtual machines and increase storage capacity and platform services.
- 4) Create an engagement platform, develop an App providing support for private sector organizations, and explore the use of AI technology for some business processes.

The engagement platform and App noted above would be part of our engagement strategy and will help us interact with external stakeholders.

The platform would host training-related materials on specific subject matters including but not limited to PowerPoints, advisories, podcasts, animated videos and video clips. Such a tool can go a long way to support our educational mandate and help us to engage and communicate with stakeholders more broadly.

The App would help small and medium-sized enterprises (SMEs) establish privacy management programs. It would also enable us to develop a communication channel with SMEs to provide guidance on the use of innovative technology, as well as other guidance to better support privacy protection within SMEs working in the digital economy. This is part of our goal to establish a trusted network for the use of innovative technology in the province.

Our exploration of AI technology would enhance internal processes within the office. Specific tools could be Robotic Process Automation (RPA), Chatbots and Virtual Assistants, as well as Workflow Automation Platforms.

Goal 2: Providing information and support to improve the protection of personal and health information

In our 2023-26 Business Plan, we identified two priorities associated with this goal, which will remain our priorities for 2024-27. Below is the progress made in 2023-24 in regard to both priorities.

Priority 1: Support stakeholders in implementing proactive measures to protect personal information and facilitate access to information

As indicated in our previous business plan, engaging with stakeholders to help them improve access to information and the protection of personal and health information for Albertans is essential to our mandate and is a necessary component of protecting the public, particularly in the age of technology innovation. Our approach is to proactively support stakeholders in meeting their obligations under the Acts, which is emphasized by our commitment to support stakeholders in protecting personal and health information and facilitating access to information.

In 2023-24 we were given budget for one FTE to support this work.

In May 2023, we established the engagement function within our office. The engagement function will focus on two objectives.

Objective One: Support innovation in the public, health and private sectors through the use of technology.

Objective Two: Help shift the office from working primarily in a reactive manner to adopting a service delivery model that more proactively supports compliance.

In July 2023, we recruited a Manager, Innovation and Technology Engagement.

In October 2023, we developed an engagement strategy to deliver on Objective One. This strategy was based on a number of factors, including:

- ❖ The Ministry of Technology and Innovation was established in October 2022.
- ❖ Significant government investments in innovative technology.
- ❖ Government of Alberta's data strategy.

- ❖ The Alberta government's plan to increase the development and use of machine learning and AI for use in the health and public sectors.
- ❖ Risks to the public, including harm, from the use of AI without proper guardrails.
- ❖ Risks to children from the increased use of AI and other innovative technology in the education sector without proper guardrails.
- ❖ A ripe foundation of research and development of AI in the province, including government funding, research and development in AI undertaken by several institutions that are equipped to do so, and a highly trained workforce.
- ❖ Government and custodian plans to use AI and other digital healthcare technology in the health sector to relieve the pressures on the health system and to improve outcomes.
- ❖ Outdated legislation that has not kept pace with innovation.

The engagement strategy will be launched in 2024. We have identified four deliverables related to Objective One. The following two deliverables are designed to achieve Priority 1 of Goal 2.

DELIVERABLE: Create alliances for technology engagement.

We have identified a five-phased approach to achieving this deliverable:

- 1) Identify the key players in the tech sector.
- 2) Meet with key/core/leading organizations to build and transfer knowledge.
- 3) Work with organizations to target high risk systems.
- 4) Assess privacy risks associated with these systems.
- 5) Help embed controls in the design of innovative technology to facilitate compliance through the development and use of risk mitigation tools.

DELIVERABLE: Facilitate the broad adoption of privacy management programs by private sector organizations to establish a foundation for a trusted network to facilitate development and use of innovative technologies in this sector.

We will focus initially on the private sector because it will be involved in the research and development of innovative technologies and their deployment. Also, SMEs will likely be users of emerging technologies and there are numerous SMEs that have little or no privacy management. This sector is identified as being at the highest risk for violating privacy law associated with their activities. This includes the development and distribution of foundational technology models by technology companies that, as a result of their design, risk non-compliance with Alberta's privacy laws by the SMEs that make use of these systems when processing personal or health information. If these risks are not addressed, harm to the public will occur and the trust of citizens in digital technology will be eroded.

We have identified three phases to achieving this deliverable:

- 1) Work with private sector organizations to design the App referenced on page three of this business plan.
- 2) Work with organizations that routinely intersect with SMEs to assist in deployment of the App.
- 3) Use the App to share guidance and facilitate communication to support responsible use of innovative technology.

Priority 2: Identify, facilitate and support opportunities to enhance access and privacy education and protections for children and youth

In our 2023-26 Business Plan, we identified the following as necessary to achieve Priority 2 of Goal 2.

- Increase efforts to help students in Alberta learn about access to information and privacy rights.
- Liaise with Alberta educators to help them develop a coordinated vetting process to acquire education Apps and e-learning platforms that will maximize privacy for students.
- Engage with the Digital Education Working Group of the Global Privacy Assembly to support the development of privacy enhancing educational tools.

In our engagement strategy, we identified the following deliverable to achieve Priority 2 of Goal 2.

DELIVERABLE: Work with education partners in the province who are using or intend to use digital technology in the education of children, in order to prevent harm that may occur from the use of this technology.

Innovative technologies, such as AI, have created a shift toward increased use of technology in education, which has led to children spending an increased amount of time on online platforms or interacting with connected devices. As a result, children are now more exposed to the influence of technology, which can have harmful effects. These harms are recognized both in Canada³ and globally and have drawn the attention of governments and regulators with calls to take action to protect children from this harm.⁴ Many of these harms stem from violation of children's privacy.

As a result of these risks, we are committed to engaging with educational institutions in the province on their use of educational technology to increase the protection of children including their privacy. We plan to provide relevant guidance and training about how to better protect the privacy of children. It is our highest priority to ensure that Alberta's children are protected from harm that may occur as a result of the use of harmful technology in the course of their public education.

We have identified six phases to achieving this deliverable:

- 1) Establish communication channels to educate about how to mitigate the risks of harm from the use of educational technology (EdTech).
- 2) Identify the EdTech being used and work with educators to develop guidance on its responsible use.
- 3) Provide continuous support through these channels.
- 4) Work with EdTech providers to help them build in safeguards to protect children from harm and to promote privacy compliance.
- 5) Work with our colleagues and the education technology industry to establish codes of conduct related to the development and use of EdTech.
- 6) Recommend amendments required in law to better protect children concerning the use of EdTech.

³ In October of 2023, Canada's privacy commissioners issued a joint resolution, [Putting best interests of young people at the forefront of privacy and access to personal information](https://www.priv.gc.ca/en/privacy-topics/privacy-protection/putting-best-interests-of-young-people-at-the-forefront-of-privacy-and-access-to-personal-information/).

⁴ See for example recent legislation and new oversight authorities as summarized by the OECD <https://www.oecd.org/education/protecting-children-online-9e0e49a9-en.htm>

Goal 3: Modernizing regulatory mechanisms

In our 2023-26 Business Plan, we identified that modernizing Alberta’s access and privacy laws remains a leading issue. The same is true now, as many jurisdictions in Canada and globally are enhancing regulatory frameworks to facilitate innovation and ensure that privacy rights and other human rights are protected. This is a pressing issue as the rise of innovative technology, such as artificial intelligence, is having an impact on privacy locally, nationally and internationally.

The opportunity to modernize exists through the PIPA Review, spearheaded by the Resource Stewardship Committee.⁵ We stated in our previous business plan that we are seeking modernization of the FOIP Act and HIA to address the requirement that these laws must work together in order to facilitate innovation across sectors and adequately protect the access and privacy rights of Albertans. We also stated that organizations in all sectors continue to amplify the use of technology to improve processes and create innovative products. Options considered to enhance these efforts include greater cross-sectoral information-sharing and use of artificial intelligence and machine learning to deliver public and health services. Overall, we must ensure that our laws balance the privacy rights of Albertans with the need to use personal and health information to develop innovative technologies to deliver services to Albertans, including public and health services.

This goal will remain for 2024-27, as will the following priorities.

Priority 1: Update Alberta’s access to information and privacy laws

In regard to Priority 1, we have called 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 the risks to Albertans from the use of artificial intelligence and digital healthcare; creating algorithmic transparency; regulating automated decision-making; and de-identification or anonymization of personal and health information. It also involves securing public trust in the system through such measures as ensuring effective oversight and demonstrable accountability, and improving the freedom of information system to facilitate democracy. It also includes developing ethical frameworks to guide responsible technological innovation.

Priority 2: Work with stakeholders to evaluate how to modernize the legal framework in Alberta to facilitate innovation that will best serve Albertans

In regard to Priority 2, we identified that we would:

- Work with stakeholders to understand their opportunities and challenges with respect to the

Acts, and make recommendations for amendments to Alberta’s laws that will facilitate innovation and uphold the access to information and privacy rights of Albertans.

- Work with government to inform amendments required to access to information and privacy laws to create an ecosystem that will facilitate digital innovation in the delivery of services across the sectors in Alberta while preserving and enhancing the access and privacy rights of Albertans.

As part of our engagement strategy, we identified a fourth deliverable to achieve the priorities for this goal.

DELIVERABLE: Work with government and relevant stakeholders to design privacy and access to information legislation that will facilitate innovation while adequately protecting privacy and access rights.

Currently, there is a patchwork of privacy laws that restrict the sharing of personal or health information within and across sectors. This patchwork is unfavourable when organizations need to collaborate, for example when trying to use personal or health information in research and development of innovative technology. Government has indicated that there is a need to break down the silos to facilitate innovation between all three sectors.

⁵ Prior to the election in May 2023, the PIPA Review was assigned to the Standing Committee on Alberta’s Economic Future. On November 1, 2023, a motion was made for the PIPA Review be referred to the Standing Committee on Resource Stewardship.

To create a clear path of responsible innovation in the province involving the use of personal and health information, there must be a harmonized approach to establishing privacy rights in all three laws. To do so, the various Acts and regulations need to be both modernized and work well enough together to enable the development and use of this innovative technology by public bodies, custodians and organizations. These changes are necessary to foster responsible innovation, prevent harm to individuals or the public, and foster public trust. There is also a need to establish guardrails and transparency requirements in our privacy laws around the use of data and data sharing within and across sectors to improve public and health services. The Alberta government has announced that it will be rolling out a unified data strategy in 2024.

We have identified five phases to achieving this fourth deliverable:

- 1) Identify the impact of innovative technologies.
- 2) Identify and engage with key stakeholders.
- 3) Engage with ministries responsible for the laws.
- 4) Work with stakeholders to develop a framework to promote responsible innovation and adequate privacy protection.
- 5) Recommend amendments to harmonize the laws so innovation opportunities in Alberta are optimized while ensuring an enhanced level of privacy protection for Albertans.

We have already started work on this deliverable. The PIPA Review is underway and we are working on finalizing our recommendations.