ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER ATIA2026-15

September 2, 2026

City of Medicine Hat

Case File Number 040960

Office URL: www.oipc.ab.ca

Summary: The Applicant made a request for records from the Public Body pertaining to their campaign. After settlement efforts, the only document at issue was a one-page email. The Public Body withheld information under section 20(1) of the *Access to Information Act*, S.A. 2024, c. A-1.4 (ATIA). Eleven lines or blocks of information were withheld.

The Adjudicator confirmed the decision to withhold identifying third party personal information in blocks 1-2, 7, 9-10 under section 20(1), and ordered the information withheld in blocks 3-6, 8 and 11 to be released as that information was not personally identifying information.

Statutes Cited: AB:
Access to Information Act, S.A. 2024, c. A-1.4, ss. 1, 20, 63, 64

Authorities Cited: AB: Orders F2004-09 and F2021-15

Cases Cited: *University of Alberta v. Pylypiuk***,** 2002 ABQB 22

I. BACKGROUND

[para 1] On September 5, 2025, the Applicant made a request under ATIA to the Public Body for the following information:

> Any and all communication, internal or external that mentions me or my campaign from September 1, 2025 – September 5, 2025.

[para 2] On September 23, 2025, the Public Body responded to the access request with 44 pages of responsive records. The Public Body granted access to part of the records but withheld some information under sections 20(1), 29(1) and 32(1) of ATIA.

[para 3] On November 11, 2025, the Applicant asked the Commissioner to review the Public Body's response disputing the decision of the Public Body to withhold the information requested.

[para 4] During the settlement process further information was provided to the Applicant by the Public Body on February 23, 2026, for pages 3, 4, 6, 7, 9, 10, and 15-19 of the responsive records.

[para 5] In an email dated March 27, 2026, the Applicant advised that they were interested in proceeding with a review of the redactions under section 20(1) of ATIA on page 38 of the responsive records.

II. RECORD AT ISSUE

[para 6] The record at issue is a one-page email (page 38 of the records package). The Public Body withheld information under section 20(1) of ATIA.

III. ISSUE

[para 7] The issue as set out in the Notice of Inquiry is:

1. Did the Public Body properly apply section 20(1) of ATIA (disclosure harmful to personal privacy) to page 38 of the records package?

IV. DISCUSSION OF ISSUES

[para 8] Section 1(r) defines personal information under ATIA:

> *1 In this Act,*
>
> *…*
>
> *(r) "personal information" means recorded information about an identifiable individual, including*

(i) the individual's name, home or business address, home or business telephone number, home or business email address or other contact information, except where the individual has provided the information on behalf of the individual's employer or principal, in the individual's capacity as an employee or agent,

…

(viii) anyone else's opinions about the individual, and

(ix) the individual's personal views or opinions, except if they are about someone else;

[para 9] Section 20(1) of ATIA is virtually identical to section 17(1) of its predecessor legislation, the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 (the FOIP Act).

[para 10] Section 20 of ATIA states:

20(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

[…]

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,

(c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,

(d) the personal information relates to employment or educational history,

(e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,

(f) the personal information consists of an individual's bank account information or credit card information,

(g) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,

(h) the personal information consists of the third party's name or a unique identifier with respect to the third party when

(i) the name or unique identifier appears with other personal information about the third party, or

(ii) the disclosure of the name or unique identifier itself would reveal personal information about the third party,

or

(i) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or the protection of the environment,

(c) the personal information is relevant to a fair determination of the applicant's rights,

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,

(e) the third party will be exposed unfairly to financial or other harm,

(f) the personal information has been supplied in confidence,

(g) the personal information is likely to be inaccurate or unreliable,

(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and

(i) the personal information was originally provided by the applicant.

[para 11] With respect to the burden of proof, section 63(2) states:

…if the record or part of the record that the applicant is refused access to contains personal information about a third party, it is up to the applicant to prove that disclosure of the information would not be an unreasonable invasion of the third party's personal privacy.

[para 12] The one-page email in question (page 38) was sent by an individual from their personal account to the Public Body, with a carbon copy (cc) to another individual's personal email. The email was a request for the Public Body to remove a link to a website belonging to a

candidate running in the municipal election. The email was released to the Applicant with 11 blocks of text redacted under section 20(1) of ATIA:

Block 1: sender's email
Block 2: cc'd party's email
Block 3: salutation
Block 4-6: body
Block 7: reference to cc'd party
Block 8: closing sign off
Block 9: name
Block 10: phone number
Block 11: confidentiality notice (partial)

I have numbered the blocks of text myself. Each line of text is a block.

[para 13] Section 20(1) is a mandatory exception. For this section to apply, the withheld information must be found to be personal information as defined in section 1(r), the disclosure of which would be an unreasonable invasion of the third party's privacy.

[para 14] I find that the information in blocks 3-6, 8 and 11 is not personal information and therefore section 20(1) of ATIA is not applicable. The information is generic and cannot identify an individual. I will focus my analysis on the third-party identifying information in blocks 1-2, 7, and 9-10.

[para 15] If third party personal information is contained in the requested records, then according to section 63(2) the burden is on the Applicant's "to prove that disclosure of the information would not be an unreasonable invasion of the third party's personal privacy."

[para 16] When individuals are acting in their own capacity names, email addresses and phone numbers are considered personal information as per the definition is section 1(r)(i) of ATIA. Section 20(4) sets out the presumption against disclosure when personal information such as unique identifiers whether on their own or in conjunction with other information would reveal personal information about a third party.

[para 17] Once a presumption under section 20(4) applies, then it is necessary to consider if any of the section 20(5) factors are applicable in favour of disclosure of third-party information.

[para 18] The Applicant has argued that they need the third party's information to hold the Public Body accountable for its actions and to pursue their legal rights and defend their reputation.

[para 19] In light of the Applicant's arguments the section 20(5) factors that should be considered are (a) and (c).

Section 20(5)(a): disclosure is desirable to subject a Public Body to public scrutiny

[para 20] The Court looked at the factors in section 20(5)(a) in *University of Alberta* v. *Pylypiuk*, 2002 ABQB 22:

> [46] In regards to s. 16(5)(a), the Commissioner concluded that disclosure of some of the personal information was desirable for the purpose of subjecting the activities of the public body to public scrutiny. In coming to this conclusion, he applied a test from his earlier decision (Order 97-002) in which he stated that to fulfill the requirements of s. 16(5)(a) there must be evidence that the activities of the Government of Alberta or a public body have been called into question which necessitates the disclosure of personal information. He also proposed a further three part test:
>
> 1. It is not sufficient for one person to decide that public scrutiny is necessary;
> 2. The applicant's concerns must be about the actions of more than one person within the public body, and
> 3. If the public body had previously disclosed a substantial amount of information, the release of further personal information would not likely be desirable. This is particularly so if the public body had already investigated the matter.
>
> [47] In coming to the conclusion that the public scrutiny factor weighed in favour of disclosing the personal information, the Commissioner conceded that only one person had decided that public scrutiny was necessary, but then went on to find that the other two elements of the test were met.
>
> [48] In my opinion, the Commissioner made two errors concerning this factor. First, having indicated that there must be evidence that the University's actions should be subject to public scrutiny, and that public scrutiny requires disclosure of the personal information, he provided no analysis of why the activities in question should be subject to public scrutiny. In this regard, I think it is helpful to consider the Commissioner's three part test within the context of s. 16(5)(a). In my opinion, the reference to public scrutiny of government or public body activities in s. 16(5)(a) speaks to the requirement of public accountability, public interest, and public fairness. In this case, we are not concerned with a public component. The Commissioner determined that Pylypiuk had no rights at stake that might raise an issue of fairness. The activities here were private, involving private correspondence, primarily concerned with individual educational programs.
>
> [49] In addition, having referred to no evidence or analysis regarding why the University's activities should be subject to public scrutiny, the Commissioner then moved on to his three part test. Pylypiuk did not meet the first part of that test. While it may not be necessary to meet all three parts of the test, the analysis should demonstrate some rationale as to why one person's decision that public scrutiny is necessary is sufficient to require disclosure, particularly where

> that person's rights are not affected by the disclosure under s. 16(5)(c). I find that the Commissioner erred in finding that this was a factor that weighed in favour of disclosure. He also failed to adequately show that he considered the effect of the word "clearly" in s. 31(1)(b), that the University has a duty to disclose to an applicant information that is clearly in the public interest, except as to the excluded portions of records 16 and 17.

[para 21] In Order F2021-15, the Adjudicator stated:

> [para 21] There is nothing in the evidence before me that indicates that releasing third party personal information is desirable for the purpose of submitting the actions of the Public Body to public scrutiny. The majority of the information in the Report has been provided to the Applicant, including the pertinent portions of the Acquaintance's statement to the Public Body concerning the Applicant's allegations. Even if the Public Body's actions warrant public scrutiny (I make no decision on that point here) releasing the withheld personal information will not substantially affect anyone's ability to do so. Thus, it is not desirable to release such information.

[para 22] Similarly in the case before me, there is no evidence that disclosing third-party information such as their email address, name and phone number would serve the public interest. The Applicant has the information that the Public Body acted on a complaint and made a decision with respect to candidate web sites. The Public Body's actions can be scrutinized without the third-party information being disclosed.

Section 20(5)(c): disclosure is relevant to a fair determination of legal rights

[para 23] In Order F2004-009, the Adjudicator stated:

> [para 21] In considering section 17(5)(c) (fair determination of the Applicant's rights), it is important to note that the Public Body takes information of the complaint and then does an independent assessment of the situation. Therefore the complaint letter itself is the trigger for the review, but it alone does not impact on the rights of the Applicant…Likewise there is no evidence that there are any potential legal proceedings faced by the Applicant in which his rights may be affected. Therefore, I find this factor is not relevant in this inquiry.

[para 24] From the foregoing, I find that the complaint triggered the actions of the Public Body. That is, there was a complaint about a candidate's website and the Public Body responded to the complaint and conducted its own review and made a decision to remove the links to all the candidate campaign websites. I am unable to find that the name of the complainant is necessary for a fair determination of the Applicant's legal rights.

[para 25] I find that the Applicant has not provided evidence that favours disclosure of third-party information in blocks 1-2, 7, and 9-10. This information is personal information and is correctly withheld under section 20(1).

V. ORDER

[para 26] I make this Order under section 64 of the Act.

[para 27] I order the Public Body to disclose the information withheld under section 20(1) in blocks 3-6, 8, and 11.

[para 28] For the information found to be personal information, blocks 1-2, 7, 9-10, I order the Public Body to refuse access to the information and continue withholding it under section 20(1).

[para 29] I further order the Public Body to notify me in writing, within 50 days of receiving a copy of this Order, that it has complied with the Order.

____

Pam Gill
Adjudicator