



Province of Alberta

ACCESS TO INFORMATION ACT

# **ACCESS TO INFORMATION ACT REGULATION**

**Alberta Regulation 133/2025**

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Extract

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**ALBERTA REGULATION 133/2025**

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Schedules

**Interpretation**

- 1** For the purposes of the Act,
  - (a) “enactment of Alberta” means an Act or regulation or a portion of an Act or regulation and includes a directive issued by the Treasury Board;
  - (b) “meeting” means a meeting in its entirety or a portion of a meeting;

- (c) “political staff” means an employee, other than an employee appointed under the *Public Service Act*, who holds a position in the Office of the Premier or an office of a member of the Executive Council.

#### **Criteria for designating public bodies**

**2** The Minister may designate an agency, board, commission, corporation, office or other body as a public body

- (a) where the Government of Alberta
  - (i) appoints a majority of the members of that body or of the governing board of that body,
  - (ii) provides the majority of that body’s continuing funding, or
  - (iii) holds a controlling interest in the share capital of that body,
- or
- (b) where that body performs an activity or duty required by an enactment and the Minister responsible for the enactment recommends that the Minister make the designation.

#### **Making requests**

**3(1)** Public bodies must make public in reasonable ways

- (a) the addresses of all offices authorized to receive requests made to the public body, and
- (b) the various methods by which those offices can receive requests.

**(2)** A request may be delivered to any office of the public body during normal business hours of that office, but a request is not considered to be submitted to the public body under section 7(2)(b) of the Act until the request is received by an office authorized to receive requests made to the public body.

**(3)** When a request is received in an office not authorized to accept it, that office must forward it to an authorized office as soon as practicable.

#### **Oral requests**

**4** An applicant may make an oral request for access to a record if

- (a) the applicant's ability to read or write English is limited, or
- (b) the applicant has a physical disability or condition that impairs the applicant's ability to make a written request.

**Duty to assist**

**5(1)** For the purposes of section 12(1) of the Act, the duty to make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely includes a duty to

- (a) engage with an applicant in a way that provides an applicant with every reasonable opportunity to
  - (i) provide additional information to enable the public body to locate and identify a requested record within a reasonable time with reasonable effort,
  - (ii) narrow a request that is overly broad, or
  - (iii) make an incomprehensible request comprehensible,
- (b) respond to an applicant's questions in plain language, and
- (c) provide information to an applicant on the kinds of records the public body has in its custody or under its control and offer suggestions on how an applicant may adjust a request to enable the request to be processed.

**(2)** For the purposes of section 12(1) of the Act, the following factors must be considered when assessing whether the head of a public body has made every reasonable effort to assist an applicant and to respond to each applicant openly, accurately and completely:

- (a) the size of the public body;
- (b) the number of hours required to assist or respond to the applicant;
- (c) the number of staff required to assist or respond to the applicant;
- (d) the impact on the regular operations of the public body.

**(3)** For the purposes of section 12(2) of the Act, the following factors must be considered when assessing whether providing access to a record would unreasonably interfere with the operations of a public body:

- (a) the size of the public body;

- (b) the number of hours required to provide the applicant with access to a record;
- (c) the number of staff required to provide the applicant with access to a record;
- (d) the regular duties of the staff whose involvement is required to provide the applicant with access to a record;
- (e) the impact of providing access to a record on the operations and resources of the public body.

**(4)** A public body must create and maintain accurate records that document the public body's decisions and actions, including the public body's communications with applicants, respecting each request for access to a record.

#### **Responding to requests**

**6** Where a person is given access to a record, the head of the public body may require that the person be given a copy of the record, rather than the opportunity to examine it on site, if the head is of the opinion that

- (a) allowing examination of the record would unreasonably interfere with the operations of the public body,
- (b) allowing examination of the record might result in the disclosure of information that the head must refuse to disclose or has exercised discretion to refuse to disclose under the Act, or
- (c) allowing examination of the record might result in the disclosure of information where that disclosure is restricted or prohibited by an enactment or a provision of an enactment that prevails despite the Act.

#### **Consent of third party**

**7(1)** The consent of a third party under section 20(2)(a) of the Act must

- (a) be in writing or be provided electronically,
- (b) identify the third party who is consenting to the disclosure,
- (c) identify the information the third party is consenting to the disclosure of, and
- (d) be signed by the third party.

- (2) For a consent provided electronically to be valid, the consent must be
- (a) provided in a manner consistent with the electronic signature requirements in section 16(2) of the *Electronic Transactions Act*, and
  - (b) retained in a manner consistent with section 17(2) of the *Electronic Transactions Act*.

**Disclosure to expert for an opinion  
under section 21(2) of the Act**

**8(1)** The head of a public body may disclose information relating to the mental or physical health of an individual to a physician, a regulated member of the College of Alberta Psychologists, a psychiatrist or another appropriate expert for an opinion on whether disclosure of the information could reasonably be expected to result in immediate and grave harm to the individual's health or safety.

(2) An expert to whom information is disclosed under subsection (1) must not use the information except for the purposes described in that subsection.

(3) The head of the public body must require an expert to whom information will be disclosed under subsection (1) to enter into an agreement relating to the confidentiality of the information, which must address the return of or disposal of a copy of any record given to the expert that contains the information.

(4) If a copy of a record containing information relating to the mental or physical health of an individual is given to an expert for examination, the expert must, after giving the opinion referred to in subsection (1), return the copy of the record to the head of the public body or dispose of it in accordance with an agreement under subsection (3).

(5) The head of the public body that has custody or control of the record may require an applicant who makes a request for access to a record containing information relating to the applicant's mental or physical health to examine the information in person, and may preclude the applicant from examining the record until an expert, a member of the applicant's family or another person approved by the head is present to clarify the nature of the record and to assist the applicant in understanding the information in the record.

**Meeting in absence of the public**

**9(1)** A meeting of a local public body's elected officials, governing body or committee of its governing body may be held in the absence of the public only if the subject-matter being

considered concerns one or more of the following and no other subject-matter is considered in the absence of the public:

- (a) the security of the property of the local public body;
- (b) the personal information of an individual, including an employee of a public body;
- (c) a proposed or pending acquisition or disposition of property by or for a public body;
- (d) labour relations or employee negotiations;
- (e) a law enforcement matter, litigation or potential litigation, including matters before administrative tribunals affecting the local public body;
- (f) the consideration of a request for access to information under the Act if the governing body or committee of the governing body is itself designated as the head of the local public body for the purposes of the Act.

**(2)** Subsection (1) does not apply to a local public body if another Act

- (a) expressly authorizes the local public body to hold meetings in the absence of the public, and
- (b) specifies the matters that may be discussed at those meetings.

#### **Notice of disclosure**

**10** For the purposes of section 37(4)(a) of the Act, the notice of disclosure must be in the form set out in Schedule 2.

#### **Attestation process**

**11** For the purposes of section 50(7) of the Act, a public body may attest that a record or information is a record or information described in section 27 of the Act by submitting a letter of confirmation to the Commissioner

- (a) signed or approved by the head of the public body, and
- (b) containing a description of the record or information and how section 27 of the Act applies to the record or information.



**Fees**

**12** Where an applicant is required to pay a fee for services, the fee is payable in accordance with sections 13 to 16.

**Fees for non-personal information**

**13(1)** This section applies to a request for access to a record that does not contain personal information of the applicant.

**(2)** An applicant is required to pay

(a) an initial fee of \$25 when a non-continuing request is made, or

(b) an initial fee of \$50 when a continuing request is made.

**(3)** An applicant must pay the initial fee before a public body begins processing the applicant's request.

**(4)** In addition to the initial fee, fees in accordance with Schedule 1 may be charged if the amount of the fees, as estimated by the public body responsible for responding to the request, exceeds \$150.

**(5)** Where the amount of the fees estimated by the public body exceeds \$150, the amount determined in accordance with Schedule 1 is to be charged by the public body.

**(6)** A fee may not be charged for the time spent in reviewing a record.

**Fees for personal information**

**14(1)** This section applies to a request for access to a record that contains the personal information of the applicant.

**(2)** Only fees for producing a copy of a record in accordance with items 3 to 6 of Schedule 1 may be charged by a public body and only if the amount of the fees, as estimated by the public body responsible for responding to the request, exceeds \$10.

**(3)** Where the amount of the fees estimated by the public body exceeds \$10, the amount determined in accordance with Schedule 1 is to be charged by the public body.

**Estimate of fees**

**15(1)** An estimate provided under section 96(3) of the Act must set out, as applicable,

- (a) the time and cost to search for, locate and retrieve a record,
  - (b) the cost of converting a record into a redactable format,
  - (c) the cost of reformatting audiovisual files into a redactable format,
  - (d) the cost to produce a copy of the record,
  - (e) the time and cost for preparing and handling the record for disclosure,
  - (f) the time and cost to supervise an applicant who wishes to examine the original record, and
  - (g) the cost of shipping the record or a copy of the record.
- (2) An estimate for access to a record of the personal information of the applicant must only include the cost of producing a copy of the record in accordance with section 14(2).
- (3) In the case of a continuing request, the estimate is to include the total fees payable over the course of the continuing request.
- (4) An applicant has up to 30 business days to accept the fee estimate or to modify the request to change the amount of fees assessed.

#### **Payment of fees**

- 16(1)** Processing of a request ceases once a notice of estimate has been forwarded to the applicant by the public body responsible for responding to the request and recommences immediately on the receipt by the public body of an agreement by the applicant to pay the fee and
- (a) at least 50% of an estimated fee that exceeds \$150, and
  - (b) in the case of a continuing request if the estimated fee for the entire request exceeds \$150, at least 50% of the portion of the estimate applicable to the delivery of the first instalment of the request.
- (2) Processing of a subsequent instalment of a continuing request may be commenced by a public body only on the receipt of at least 50% of the portion of the estimate applicable to the delivery of that instalment.
- (3) The balance of a fee owing is payable at the time the information is delivered to the applicant.

(4) Fees, other than an initial fee, or any part of those fees will be refunded if the amount paid is higher than the actual fees required to be paid.

**Maintenance Enforcement Act to prevail**

**17** In accordance with section 5 of the Act, section 15(1) of the *Maintenance Enforcement Act* prevails despite the Act.

**Regulations to prevail**

**18(1)** Subject to subsection (2), the following provisions prevail despite the Act:

- (a) *Metallic and Industrial Minerals Exploration Regulation* (AR 213/98), section 42(1);
- (b) *Metallic and Industrial Minerals Tenure Regulation* (AR 265/2022), section 37(1);
- (c) *Metis Settlements Land Registry Regulation* (AR 361/91), sections 68(3) and 92(3).

(2) Subsection (1)(a) does not prevail with respect to information contained in a preliminary plan, final plan or assessment work report after one year has expired from the date that the plan or report was received by the Government of Alberta.

**Repeal**

**19** The *Freedom of Information and Protection of Privacy Regulation* (AR 186/2008) is repealed.

**Expiry**

**20** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on May 30, 2035.

**Coming into force**

**21** This Regulation comes into force on the coming into force of the *Access to Information Act*.

**Schedule 1**

**Access to Information Act: Fees Schedule**

The amounts of the fees set out in this Schedule are the maximum amounts that a public body can charge to applicants.

<b>1</b>	For searching for, locating and retrieving a record	\$6.75 per 1/4 hr
<b>2</b>	For converting or reformatting records:	
	(a) converting a record into a redactable format	\$0.25 per page
	(b) reformatting audiovisual files into a redactable format	\$6.75 per 1/4 hr
<b>3</b>	For producing a paper copy of a record:	
	(a) photocopies and computer printouts:	
	(i) black and white up to 8 1/2" x 14"	\$0.25 per page
	(ii) other formats	\$0.50 per page
	(b) from microfiche or microfilm	\$0.50 per page
	(c) plans and blueprints	Actual cost to public body
<b>4</b>	For producing a copy of a record by duplication of the following media:	
	(a) microfiche and microfilm	Actual cost to public body
	(b) computer disks	\$5.00 per disk
	(c) computer tapes	Actual cost to public body
	(d) slides	\$2.00 per slide
	(e) audio and video tapes	Actual cost to public body
<b>5</b>	For producing a photographic copy (colour or black and white) printed on photographic paper from a negative, slide or digital image:	
	(a) 4" x 6"	\$3.00
	(b) 5" x 7"	\$6.00
	(c) 8" x 10"	\$10.00
	(d) 11" x 14"	\$20.00
	(e) 16" x 20"	\$30.00
<b>6</b>	For producing a copy of a record by any process or in a medium or format	Actual cost to

	not listed in items 2 to 5 above	public body
7	For preparing and handling a record for disclosure	\$6.75 per 1/4 hr
8	For supervising the examination of a record	\$6.75 per 1/4 hr
9	For shipping a record or a copy of a record	Actual cost to public body

### Schedule 2

\_\_\_\_ (date) \_\_\_\_\_

\_\_\_\_ (third party's name and address) \_\_\_\_\_

#### Notice of Disclosure of Information under the Access to Information Act, section 37(4)(a)

\_\_\_\_ (name of public body) has disclosed information that relates to you in compliance with the requirements of section 37(1) of the *Access to Information Act*. This Act requires a public body to disclose

- (a) information about a risk of significant harm to the environment, to the health or safety of the public, of a group of people, or of a person, or
- (b) information the disclosure of which is, for any other reason, clearly in the public interest.

The information disclosed is (Explain the information. Provide a copy of the record if a record exists. Explain why section 37 applies to the information.). This decision was made by (name, job title).

Signed: (name)

\_\_\_\_ (phone number, address) \_\_\_\_\_







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