
Privacy Impact Assessment: Full Questionnaire

Privacy impact assessments must be submitted to the Information and Privacy Commissioner with a covering letter from the Head of the FOIP public body or the CEO of the HIA custodian.

Project ¹ Information	
Project Name: Lobbyists Registration System (System)	Date: May 30/08
Organization²: The Office of The Ethics Commissioner (OEC)	

Contact Information:	
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¹ Throughout this questionnaire, the term 'project' is intended to subsume the words 'scheme', 'program', 'initiative', 'application' and 'system', as well as any other word or term that refers to a defined course of endeavour.

² Throughout this questionnaire, the term 'organization' is used to refer to a public body under the *Freedom of Information and Protection of Privacy Act* or a custodian under the *Health Information Act*. When appropriate, the term may also refer to an affiliate under the *Health Information Act*.

#	QUESTION	Yes	Yes and No (partial, incomplete, in preparation, etc.)	No	N/A	Encl. Ref.
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A: Organizational Privacy Management

PREVIOUS PIA SUBMISSIONS

A1a	Has organizational privacy management information for questions A2 through A7 previously been provided with another PIA?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

A1b	If so, has any of this information changed since the previous PIA was submitted? <i>If "No", please provide the title and date of the previous PIA and proceed to section B of the questionnaire.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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Note/Elaboration:

PRIVACY POLICIES AND CONTROLS

A2	Is there an organizational strategic plan or business plan that addresses privacy protection? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: OEC has a strong culture of privacy, as privacy protection is a fundamental and critical component of operations, although OEC does not have an "organizational strategic or business plan" that addresses privacy, per se. This is not to say that privacy is absolute at OEC. OEC's mandate entails achieving the right balance between the value of privacy with other competing values such as transparency, openness, integrity, accountability and access to or freedom of information. For example, OEC protects the highly sensitive personal information contained in the disclosure statements provided by public office holders from inappropriate disclosure, but some of the information obtained from disclosure statements is publicly posted.

A3	Does a written privacy charter or policy exist? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: Further to A2, privacy protection is a critical component of operations but privacy is balanced with other competing values such as transparency, although OEC does not have a written "privacy charter or policy", per se. The balance between privacy and transparency at OEC is described in a number of publications, which are available on the OEC website at www.ethicscommissioner.ab.ca. Attached, see for example: "Ethics Commissioner" in "Integrity, Accountability, Transparency" brochure, OEC (Tab 1); "Disclosure Process", "Provision of Advice" and "Conduct of Investigations" in Annual Report 2006-2007, OEC (Tab 2); "The Office of the Ethics Commissioner" in "Ethics" brochure, OEC (Tab 3). OEC also follows external guidelines such as the "Code of Conduct and Ethics for the Public Service of Alberta", Corporate Human Resources (Tab 4). The Position Description for the Lobbyists Registrar requires the individual to be a lawyer and a member in good standing of the Law Society, which means that the Registrar must satisfy legal professional confidentiality and privacy requirements as set out in the Legal Profession Act, the Law Society of Alberta Rules of Conduct and the Law Society of Alberta Code of Professional Conduct. See, for example, Chapter 7 "Confidentiality" of the Code of Professional Conduct (Tab 5).

A4	Have privacy guidelines been developed for various aspects of the organization's operations? <i>If so, please enclose.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: Further to A2 and A3, OEC privacy initiatives and guidelines are described in a number of OEC documents. Attached, see for example: "Records Management Policy and Procedures", OEC (Tab 6); "Employee Usage Policy", OEC (Tab 7); "Privacy Statement" for OEC website (Tab 8); "Privacy Statement" for Lobbyists Registration website (Tab 9); "Legislation, Policies and Guidelines" in "Conflict of Interest - Background and Role of the Ethics Commissioner" brochure, OEC (Tab 10); "Legislation, Policies and Guidelines" in "Conflict of Interest - Conflicts of Interest" brochure, OEC (Tab 11); "Legislation, Policies and Guidelines" in "Conflict of Interest - Members of Executive Council" brochure, OEC (Tab 12); "FAQs" in "Information for Candidates Seeking Election to the Legislative Assembly of Alberta" brochure, OEC (Tab 13); "Legislation, Policies and Guidelines" in "Conflict of Interest - Disclosure Statements" brochure, OEC (Tab 14) and "Legislation, Policies and Guidelines" in "Conflict of Interest - Investigations/Inquiries" brochure, OEC (Tab 15).

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A5	Is the organization subject to statutory provisions regarding privacy and confidentiality, other than those provided by the Freedom of Information and Protection of Privacy Act and the Health Information Act? <i>Please enclose details.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The Conflicts of Interest Act, c. 23, R.S.A. 2000, is the main legislation that establishes and governs OEC (Tab 16). Examples of privacy and confidentiality provisions in the Conflicts of Interest Act include section 40(7) that requires all persons employed by OEC to take an oath of confidentiality "not to disclose any information received by that person under this Act except as provided in this Act" and section 40(8) that creates an offence and fine up to \$20,000 for when a person "discloses information that is confidential under section 14(8), 26(1) or 43(3)".

The Lobbyists Act, c. L-20.5, S.A. 2007, is the specific legislation that governs lobbyists registration including the lobbyists registry system (Tab 17). For examples of privacy and confidentiality provisions in the Lobbyists Act, see for example, section 11 that allows the Ethics Commissioner to authorize an individual within OEC to be the Registrar. Section 12 requires the Registrar to establish a public registry. Schedules 1 and 2 prescribe the personal and other information about lobbyists that is to be collected, used and disclosed (CUD) in the registry. Sections 15 and 17 provide rules for the CUD of information by the Registrar when conducting investigations and issuing reports and by appeal panels. Section 19 addresses the information that can be disclosed by the Registrar for persons convicted of an offence and when a prohibition is imposed on lobbying. It is anticipated that the regulations under the Lobbyists Act and the Lobbyists Act will come into force at the same time.

A6	Are organizational policies or procedures in place to ensure that: <ul style="list-style-type: none"> ▪ There is a business purpose for all personal information collected ▪ There is statutory authority for the collection of all personal information ▪ Individual consent is obtained whenever possible ▪ Individuals are duly informed of the purpose and authority for collection ▪ Information about personal information collected is readily available to individuals ▪ Personal information correction and annotation are available when required ▪ Physical records are appropriately stored and managed to maintain privacy <i>Please enclose copies.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Note/Elaboration: Refer to the responses to A2 through A5 above for how these matters are addressed at OEC.

A7	Are privacy controls in place in the organization? <ul style="list-style-type: none"> ▪ Need-to-know policies and procedures for personal information access ▪ Physical security and access controls ▪ IT security and access controls ▪ Waste management controls for personal information ▪ Records management & disposition schedules ▪ Others <i>Please enclose copies of related documents.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Note/Elaboration: Refer to the responses above for examples of the privacy controls that are in place at OEC. For example, the Records Management Policy and Procedures (Tab 6) includes a Records Retention and Disposition Schedule and off site storage of back up tapes is part of the disaster recovery plan. Examples of other privacy controls include the Oath of Confidentiality, which is administered to every employee. Confidential files are locked in filing cabinets in the secure file room

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that has a bolt lock and an alarm. Servers are locked in a secure room with a cipher lock. Sensitive information is encrypted at the workstation level. Sensitive records pertaining to public office holders are shredded in accordance with the disposition schedule. All OEC contracts are reviewed for confidentiality, security and privacy provisions. For example, the contract for managed IT services for OEC operating systems has detailed confidentiality, privacy and security controls that include no remote access.

PRIVACY STRUCTURE AND ORGANIZATION						
A8	Is there an appointed privacy director or champion within the organization? <i>If so, please identify the position.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Note/Elaboration: Senior Administrator

A9	Does a management reporting process exist to ensure that management is informed of any privacy compliance issues?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The small size of the office (4 staff positions) means that the Ethics Commissioner and the Senior Administrator are informed of all privacy compliance issues.

A10	Is senior management actively involved in the development, implementation and/or promotion of privacy measures within the organization?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: Refer to A8 and A9.

A11	Are employees with access to personal information provided training related to privacy protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: In addition to pre-employment privacy training, all OEC employees receive ongoing on the job training. Privacy protective processes and practices are enforced on a day to day basis.

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B: Project Privacy Management

PROJECT DESCRIPTION

B1	Has a summary of the proposed project been prepared, including a description of the needs behind the development of project, and how the proposed project will meet those needs? <i>If so, please enclose.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The proposed project for the System and the needs behind the development of the project are summarized in "A Guide to the Lobbyists Act", OEC (Tab 18). The System and the needs behind the development of the System are also set out in a draft Request for Proposal (RFP).

B2	Has a listing of all personal information or data elements to be collected, used or disclosed in the project been prepared? <i>If so, please enclose.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The personal information (PI) to be collected, used and disclosed (CUD) in the lobbyists registry and hence in the System is prescribed by statute and is listed in Schedules 1 and 2 in the Lobbyists Act (Tab 17). A minimal amount of PI (FOIP, section 1(n)(i)) is collected, which is the individual lobbyists' name, business address and business telephone number. The PI to be CUD in the System is also listed in draft registration forms for the collection of information from consultant lobbyists and organizational lobbyists (Tabs 19 and 20, respectively).

B3	Have diagrams been prepared depicting the flow of personal information for this project? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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Note/Elaboration: The PI flows from the lobbyist to the Registrar to the System. A Chart for determining whether someone is a lobbyist has been prepared (Tab 21).

B4	Have documents been prepared showing which persons, positions, or employee categories will have access to which personal information? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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Note/Elaboration: Currently only one individual at OEC who is the Registrar, Lobbyists Act, will have access to the PI. The contractors who maintain and host the System in the future will have limited access to the PI, as determined by contract.

AUTHORITY FOR COLLECTION, USE AND DISCLOSURE

B5	Has the legal authority for the collection, use and disclosure of all personal information for this project been established? <i>Please enclose relevant documentation.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: As in A5 above, the key pieces of legislation pertaining to the CUD of PI in the System are the Lobbyists Act (Tab 17) and the Conflicts of Interest Act (Tab 16). FOIP may apply to some aspects of CUD of PI, as OEC is a public body under section 1(p)(vi) of FOIP (Tab 22). However, most OEC records are excluded from the application of FOIP under sections 4(1)(d), 4(1)(e) and 4(1)(f) of FOIP. Records in public registries are also excluded under section 4(1)(1)(vii) of FOIP.

B6	Does individual consent provide the primary basis for the collection, use and disclosure of personal information for this project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: CUD of PI is required by law under the Lobbyists Act, rather than pursuant to consent.

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B7	Have arrangements been made to provide full disclosure of all purposes for which personal information is collected? <i>Please elaborate.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The online prompts in the registry for lobbyists who are completing registration forms will provide full disclosure of the purposes for collection at the time PI is being collected. The purposes for collection of PI and other information is also described in the preamble to the Lobbyists Act (Tab 17) that is displayed on every page of the Lobbyists Act website (for example, Tab 23), as well as in the "Guide to the Lobbyists Act" (Tab 18).

B8	Have the purposes for which the personal information is collected been documented? <i>If so, please enclose.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: In addition to B7, the purposes for which PI is being collected is documented in "Am I a Lobbyist", OEC brochure (Tab 24) and "What is Lobbying", OEC brochure (Tab 25).

B9	Is personal Information used exclusively for the identified purposes and for uses that an individual would reasonably consider consistent with those purposes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The PI is used exclusively for purposes of establishing, operating and maintaining the lobbyists registry and for reasonably consistent purposes which include administering the Lobbyists Act. Examples of the identified purposes include for a lobbyist to register, renew, update or terminate a registration and for the Registrar to establish, operate and maintain the lobbyists registry and to discharge the obligations imposed on the Registrar under the Lobbyists Act.

PRIVACY RISK ASSESSMENT						
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B10	Will personal information collected or used in this project be disclosed to any persons who are not employees of the responsible organization?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The PI is collected and used for the purpose of compiling a public registry where the intention is for PI to be disclosed to persons outside of OEC, as the registry is designed to be open and available to the public.

B11	Will this project involve the collection, use or disclosure of any personal information beyond Alberta's borders? <i>If so, please provide details.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The PI in the System will be CUD from lobbyists who register from out of province. The PI in the System will be CUD by the general public over the Internet, and therefore, will be CUD beyond Alberta's borders.

B12	Have this project's potential risks to privacy been assessed? <i>If so, please provide documentation.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The base of the System will be an application from another provincial lobbyists registry, where the potential risks to privacy have been identified and where detailed privacy protection measures have been built in over the past ten years. For example, privacy protection is built into the source code that will form the basis of the architecture of the System design. The System is not yet designed or operationalized, but is to be customized to Alberta legislative requirements for lobbyists registration, including privacy protection. The draft RFP requires the successful Vendor to address potential risks to privacy as part of designing, building and testing the System.

B13	If potential risks to privacy have been identified, have means to avert or mitigate those risks been incorporated into the project design?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: Refer to B12.

B14	Have key stakeholders been provided with an opportunity to comment on the privacy protection implications of the proposed project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: Policy and operational aspects of a lobbyists registry including privacy protection, have been the subject of broad public consultation and debate that included oral and written submissions and oral hearings involving potential stakeholders and lobbyists, an all-party policy field committee and discussion in the Legislature. An indication of the extent of the opportunity for stakeholder involvement is in the "Report on Bill 1: Lobbyists Act", Standing Committee on Government Services, Legislative Assembly, November 2007 (Tab 26). Some stakeholder lobbyists will be involved in testing the System.

B15	Are project staff trained in the requirements for protecting personal information and aware of the relevant policies regarding breaches of security or confidentiality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The project/System staff is not yet identified as the Vendor has not yet been selected. However, the draft RFP contains a contract that imposes confidentiality, security and privacy obligations on the successful Vendor. The Vendor's duty to provide staff training and instruction manuals for the System is in the draft RFP.

B16	Are personal identifiers used to link or cross-reference multiple databases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: Personal identifiers such as lobbyists' registration numbers, contact information and names are used to link or cross reference multiple databases (6 databases are anticipated), for example active and inactive registry databases, system design, testing and updating databases and a remote disaster recovery database.

PRIVACY CONTROLS AND SECURITY						
B17	Have security procedures for the collection, transmission, storage, and disposal of personal information, and access to it, been documented? <i>If so, please enclose.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Note/Elaboration: Refer to above. The draft RFP requires the successful Vendor to design, build and test security procedures for the System.

B18	Are privacy controls in place for the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	▪ Need-to-know policies and procedures for personal information access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	▪ Physical security and access controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	▪ IT security and access controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	▪ Others	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<i>Please enclose related documentation.</i>					

Note/Elaboration: Refer to above. The draft RFP requires the successful vendor to design, build and test privacy controls for the System. Additionally, the System involves the collection of a minimal amount of PI, which is provided for the purpose of compiling a public registry.

B19	If personal information will be used in the electronic delivery of services, have technological tools and system design techniques been considered which may enhance both privacy and security (e.g. encryption, technologies of anonymity or pseudo-anonymity, or digital signatures)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration: The draft RFP for this electronic System requires the successful Vendor to provide technological tools and system design techniques that enhance privacy and security, for example password protection, user ID and user authentication. However, it should be noted that ease of use is also an important design requirement for the System.

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AUDIT AND ENFORCEMENT						
B20	Have arrangements been made for audit, compliance and enforcement mechanisms for the proposed project, including fulfillment of the commitments made in the PIA?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Note/Elaboration: Refer to above. Additionally, the draft RFP includes a testing period, a 90 day warranty period wherein any design flaws in the System must be remedied, audit, compliance and enforcement mechanisms.

General Notes: