



Personal Information Protection Policy

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1. Introduction

The Market Surveillance Administrator (MSA) has a mandate pursuant to the *Alberta Utilities Commission Act*, carrying out surveillance, investigation and enforcement in respect of electricity and retail natural gas markets in the Province.

From time to time this may require the MSA to collect personal information. To the extent that the MSA will collect, use or disclose personal information, the *Alberta Freedom of Information and Protection of Privacy Act (FOIP)* applies. Pursuant to *FOIP*, “personal information” means recorded information about an identifiable individual, and includes information such as name, home or business address, home or business telephone number, age, sex, marital status, family status, health and health care history, educational or financial or employment or criminal history, anyone else’s opinions about the individual. A complete list of the types of information captured by the term “Personal Information” can be found in Appendix A.

The purpose of this policy is to outline the principles and practices we follow in handling Personal Information. A Directory of Personal Information Banks is maintained by the MSA and is listed on the MSA website.

2. What kinds of Personal Information will this policy apply to?

Personal information obtained by the MSA pursuant to its mandate will typically relate to the retail electricity or natural gas markets in Alberta. Parties subject to review by the MSA in the wholesale markets are typically not individuals (although individuals may be considered market participants in their own right); instead they are corporations, partnerships and such.

Conversely, in the residential retail markets most customers are individuals. Accordingly, to the extent that Personal Information obtained by the MSA through its retail market inquiries is detailed in nature, it may relate to an individual. It thus may involve name, home or business address and home or business telephone number.

Secondly, from time to time the MSA may receive a complaint from an individual about a matter affecting the electricity or retail natural gas market, or some other matter. The provision of Personal Information is, of necessity, part of the communications around the complaint.

A third scenario wherein the MSA gets Personal Information is where an individual employee or representative communicates on behalf of a market participant. The Personal Information really relates to the fact that the individual works for the market participant, and thus can be viewed as similar in nature to ‘business card’ type information which is discussed below.

2.1 Business contact information is not covered by *FOIP* or this policy

FOIP makes an exception for an individual’s business contact information (‘business card’ type information) if the collection, use or disclosure of that Personal Information is for the purpose of enabling the individual to be contacted in relation to their business responsibilities and for no other purpose.

The MSA communicates regularly with market participants and other stakeholders in relation to its mandate, directly or through posting materials on the MSA website. Such communications may involve the collection, use or disclosure of the business contact information of individuals.

The MSA maintains and uses an email distribution list, using business contact information collected for the purpose of notifying interested stakeholders about various matters, including materials posted to the MSA website. Any person can request that their contact information be added to or removed from the distribution list, or updated or corrected, as applicable.

2.2 Personal employee information is covered by this policy

The provisions of the *FOIP Act* applicable to the collection, use and disclosure of Personal Information are equally applicable to the Personal Information of its employees. All the MSA policies and procedures related to the protection of Personal Information apply to employee Personal Information.

3. Why does the MSA require Personal Information in relation to its mandate?

The mandate of the MSA includes surveillance, investigation and enforcement. Collection, use and disclosure of information are integral to our ability to discharge this mandate. As mentioned above, from time to time this may involve Personal Information, particularly in relation to the retail electricity and natural gas markets.

The collection of Personal Information is authorized under section 33 of *FOIP*. *FOIP* allows for the collection, use and disclosure of Personal Information without consent where: the collection, use or disclosure is authorized or required by a statute or regulation of Alberta; or where reasonable for the purposes of an investigation or legal proceeding.

Accordingly, when collecting, using or disclosing Personal Information pursuant to its mandate, the MSA is not required under *FOIP* to obtain the consent of the individual to whom the Personal Information relates.

4. How might the MSA use or disclose Personal Information?

The MSA may use Personal Information as part of its inquiries. For example, when pursuing an issue in the retail market it may be necessary to use a customer's name and address. Such use for surveillance and investigation, including internal analysis, is generally done on a confidential basis.

Disclosure of information collected by the MSA pursuant to its mandate, including Personal Information, may occur in the context of a Court proceeding or a proceeding before the Alberta Utilities Commission (Commission). In such cases the rules of the adjudicative body govern whether the information will be held confidential inside the proceeding or made available to the public.

The practice of the MSA will be to alert the parties to the proceeding, including the Court or Commission as the case may be, that Personal Information is involved. In addition, notwithstanding that the MSA will not require consent for the disclosure of Personal Information, the MSA will make reasonable efforts to notify the individual whose Personal Information is involved in order to allow them to seek to maintain privacy around their information in the proceeding.

The MSA may also disclose information as part of its reporting functions. However, the practice of the MSA is to avoid disclosing Personal Information where reasonably possible.

5. Measures taken to safeguard Personal Information

All records held by the MSA, including those containing Personal Information, are protected by system and access protocols designed to protect confidentiality. Records held in electronic form, which will be the case for the bulk of records held by the MSA, are protected to secure the information against unauthorized access or other external threats.

The transmittal and sharing of records containing Personal Information with outside parties is done on a password protected basis or through a secure portal, on terms and conditions also designed to safeguard information. The MSA uses service providers based in the United States in this regard.

6. How long does the MSA hold onto Personal Information?

Consistent with the standard set in *FOIP*, Personal Information is retained by the MSA for so long as reasonably needed in relation to the purpose for which the information was obtained. Where a matter ends up in an enforcement proceeding before the Court, Commission or other body, related Personal Information may be retained for use until the end of the proceeding and any related appeal proceeding, as applicable.

6.1 How is Personal Information deleted from our records?

When records containing Personal Information are no longer needed, they are approved for deletion and destruction in accordance with our Records Management Policy.

In the case of electronic records, this means that steps are taken to ensure that the Personal Information is identified and deleted from the MSA filing system and from the external portal, as applicable. In some cases the MSA may choose to render the Personal Information non-identifying, so that it can no longer be used to identify an individual (and thereby eliminate concerns associated to Personal Information). To the extent that electronic records have been backed up, the deletion/destruction of the backup copy is done in accordance with the retention/destruction policy and practices of the MSA's system service provider.

In the case of records held in paper form, deletion and destruction of the Personal Information is done on the same schedule as that of the matching electronic record, as applicable.

7. Can you access or correct MSA records containing your Personal Information?

The MSA seeks to ensure that the Personal Information it is using or disclosing about an individual is as accurate and complete as is reasonably required insofar as the purposes intended.

The MSA responds to request for access to Personal Information about an individual, according to the Access to Information sections of *FOIP*. Personal Information obtained by the MSA pursuant to its mandate may also be the subject of a request for correction according to the *FOIP Act*.

Individuals are entitled to make reasonable requests for access to and correction of their Personal Information held by MSA. As much as reasonably possible we will respond to those requests in a

complete and timely manner according to the applicable provisions in the *FOIP* Act. The MSA may sever Personal Information or render it non-identifying in order to facilitate disclosure while meeting its other obligations.

When an individual requests correction of an error or omission in their Personal Information the MSA will make the correction where appropriate and as applicable notify other organizations to which the incorrect information was disclosed about the correction, where reasonable to do so. If the MSA determines that no error or omission exists this will be communicated to the individual and noted in the related file.

No fee is requested or payable by the individual for a request to access or correct Personal Information, regardless of the outcome.

There are some legal limitations on the requests and the ability of the MSA to respond. A request for access must be refused if disclosure could reasonably be expected to threaten the life or security of another individual, if Personal Information belonging to another individual would be revealed, or if the identity of another individual who gave an opinion in confidence would be revealed against that person's wishes.

Further, a request for access may be refused if the Personal Information is protected by legal privilege, would reveal confidential commercial information which is reasonable to withhold, was collected by a mediator or arbitrator duly appointed, or in other limited circumstances.

Access to Information and Correction of Personal Information requests may be made by the subject individual or their authorized representative. Request forms and information about making a request to MSA is available on the "Privacy/Access" tab on the MSA website or from the MSA FOIP Coordinator directly.

8. Questions or other communications in respect of this policy

Questions or other communications in respect of this policy and the handling of Personal Information by the MSA should be directed to MSA FOIP Coordinator:

Amy Siciliano, FOIP Coordinator
#500, 400 – 5th Avenue S.W.
Calgary AB T2P 0L6
403-705-3181
foip@albertamsa

Appendix A

The *Freedom of Information and Protection of Privacy Act* section 1(n):

- (n) "Personal Information" means recorded information about an identifiable individual, including
- (i) the individual's name, home or business address or home or business telephone number,
 - (ii) the individual's race, national or ethnic origin, colour or religious or political beliefs or associations,
 - (iii) the individual's age, sex, marital status or family status,
 - (iv) an identifying number, symbol or other particular assigned to the individual,
 - (v) the individual's fingerprints, other biometric information, blood type, genetic information or inheritable characteristics,
 - (vi) information about the individual's health and health care history, including information about a physical or mental disability,
 - (vii) information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given,
 - (viii) anyone else's opinions about the individual, and
 - (ix) the individual's personal views or opinions, except if they are about someone



The Market Surveillance Administrator is an independent enforcement agency that protects and promotes the fair, efficient and openly competitive operation of Alberta's wholesale electricity markets and its retail electricity and natural gas markets. The MSA also works to ensure that market participants comply with the Alberta Reliability Standards and the Independent System Operator's rules.