



PRIVACY MANAGEMENT PROGRAM:

- General Program Policy
- Privacy Policy
- **ACCESS POLICY**
- Security Policy

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RIGHT OF ACCESS AND CORRECTION OF INFORMATION POLICY

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TOWN OF TROCHU – POLICY

POLICY # 2026-07-13-03

**POLICY NAME: Trochu Privacy Management Program: Right of Access and
Correction of Information Policy**

I. PURPOSE

The Town of Trochu ("Trochu") is bound by the requirements of the *Protection of Privacy Act* ("POPA") and *Access to Information Act* ("ATIA"). Subject to limited and specific exceptions, individuals have a right of access to information that is in the custody or control of Trochu. Further, individuals have a right to request correction or amendment of information about themselves. This policy is intended to define a process for facilitating requests for access to personal information, or to correct or amend personal information.

This document should be read in conjunction with Trochu Privacy Management Program: General Program Policy and all the related policies and procedures referenced therein.

II. SCOPE

This policy applies to:

1. Trochu employees, including directors, officers, contractors, students, and volunteers providing services on behalf of Trochu;
2. All recorded information, in whatever form or medium (paper, digital, audio-visual, graphic) created or received in the course of carrying out Trochu's mandated functions and activities; and
3. All facilities and equipment required to collect, manipulate, transport, transmit, or keep Trochu information.

III. POLICY

A. RECEIVING AND FACILITATING REQUESTS

1. Requests for access to Trochu information can be made by any individual or organization (the applicant), regardless of location or status. A public body may not make a request to another public body.
2. Trochu responds to right of access requests openly, accurately and completely and will:
 - a) engage with applicants to allow them to clarify their request so it can be processed
 - b) respond to questions in plain language, and,
 - c) assist applicants in adjusting requests so they can be processed.

3. Trochu does not deny access to information based on the applicant's reason or purpose for the request.
4. Requests for information under ATIA may contain personal information of the applicant, which will be protected and managed in accordance with POPA.
5. Once the applicant has met the requirements to make a request, Trochu has 30 business days to respond, unless the request has been abandoned, disregarded or transferred, or if the time limit is extended in accordance with ATIA.

B. EXCLUDED RECORDS

1. Some records that are in the custody or control of Trochu are excluded from the ATIA and do not have to be considered relevant or released as part of a right of access request. However, Trochu may choose to release this information as part of a request under specified circumstances. Excluded records include:
 - a) Records designated by Trochu as available without a request;
 - b) Court and administrative support records created or received by the courts of Alberta, including justices of the peace;
 - c) Records created or received by officers of the Alberta Legislature, including the Office of the Information and Privacy Commissioner, Ethics Commissioner, Auditor General, and the Public Interest Commissioner;
 - d) Records and copies of records from a provincial or public body registry office, including the Personal Property Registry, Corporate Registry, Motor Vehicles Registry, Land Titles Office, and the Vital Statistics Registry;
 - e) Trochu records that have already been made public by other means;
 - f) Records in the custody or control of the federal, provincial or territorial government and their agencies;
 - g) Personal or constituency records of an elected or appointed member of the governing body of Trochu;
 - h) Health records created or received by a Trochu doctor or nurse;
 - i) A question used on an examination or test only if release does not jeopardize a standardized or continuing evaluative process.
2. These excluded records can only be used or disclosed with the consent or permission of the individual or organization:
 - a) Records from private sector donors that are preserved in Trochu archives for historical research purposes.
3. Data derived from personal information and non-personal data cannot be released in response to a right of access request.

C. DISREGARDING REQUESTS

1. Trochu disregards a right of access request only in exceptional circumstances when:
 - a) the information requested is already available to the applicant or to the public;
 - b) after initial requests from Trochu for clarification, the applicant has not provided enough detail to make it comprehensible or to locate the requested information;
 - c) the request has been made repeatedly, as part of a pattern of conduct that is systematic, regular and deliberate;
 - d) the applicant makes use of abusive, threatening, or harassing language or actions during the application or facilitation process; or
 - e) the request is abusive, threatening, frivolous or vexatious.
2. The applicant is informed of the reasons for disregarding the request and the right to ask the Commissioner to review Trochu's decision.

D. SEARCHES FOR RELEVANT RECORDS

1. Trochu makes every effort to identify and retrieve for review all records in its custody or control that are relevant to an applicant's request. This will include information in any location and format and on any devices, accounts and platforms not owned by Trochu, that was created or received by employees and contractors to support their functions as Trochu officials.
2. The search for records relevant to an applicant's request includes all electronic records that can be accessed or produced using normal computer hardware, software and technical expertise and would not unreasonably interfere with its operations. This includes:
 - a) reports or extracted data sets from existing databases that can be constructed and generated using existing software and expertise, but does not include the creation of information that is an analog summary, analysis, consolidation or digest of existing information that did not exist prior to the request;
 - b) emails, text messages, and social media posts sent or received on any account or platform that were created or received to support functions and activities of Trochu.
3. Trochu Privacy and Access officials responsible for responding to a request are authorized to access and retrieve for review any personal or general information on any device or platform that is required to identify, retrieve records relevant to a request.

E. REVIEWING AND WITHHOLDING INFORMATION

1. Trochu only withholds information relevant to the request when it is determined that mandatory or discretionary or exceptions to the right of access apply to the records requested.
2. Trochu must refuse to disclose information in response to a right of access request if the release would be:
 - a) harmful to business interests of a third-party business;

- b) an unreasonable invasion of a third party's personal privacy; or
 - c) harmful to provincial Cabinet and Treasury Board confidences, as long as the information is in a record for less than 15 years or result in the release of a record that was submitted to or prepared for submission to the Executive Council, the Treasury Board or one of their committees, or was created on or on behalf of any of the above.
3. Trochu may refuse to disclose information in response to a right of access request if the disclosure could reasonably be expected to:
- a) threaten anyone's safety or mental or physical health; interfere with public safety; or cause an applicant to do immediate and grave harm to themselves or others;
 - b) reveal confidential evaluations conducted pre-hire or pre-contract award;
 - c) harm a law enforcement matter;
 - d) harm a workplace investigation;
 - e) harm inter-governmental relations;
 - f) reveal local public body confidences, including drafts of bylaws, resolutions, legal instruments and the substance of deliberations of in-camera meetings;
 - g) reveal advice, proposals, recommendation, analyses or policy options developed by or for Trochu;
 - h) cause harm to the economic interests of Trochu or the Alberta Government;
 - i) reveal information relating to testing or auditing procedures;
 - j) reveal legally privileged information;
 - k) cause harm to conservation of heritage sites; or
 - l) reveal information that is already or will be made available to the public within 60 business days.

F. PUBLIC HEALTH AND SAFETY OVERRIDE

1. Trochu discloses without delay, to the public, a group of people, an individual, or an applicant, any information that Trochu has about a risk of significant harm to the environment or to the health and safety of the public, a group of people, an individual or an applicant.
2. Before disclosing the information Trochu must, where practicable, notify any third party to whom the information relates, give the third party an opportunity to make representations relating to the disclosure and notify the Commissioner.

G. THIRD PARTY REVIEWS

1. Trochu notifies and requests advice from affected third parties when it is unclear whether the relevant records hold information that, if released, would be:
 - a) harmful to business interests of a third-party business;
 - b) an unreasonable invasion of a third party's personal privacy.

H. REQUESTS FOR CORRECTION OR AMENDMENT OF PERSONAL INFORMATION

1. Individuals may request correction or amendment of their own personal information in the custody or control of Trochu.
2. Trochu will not amend professional opinions that are made by employees that have the competency to make them.

IV. PROCESSES

A. RIGHT OF ACCESS INTAKE

1. Requests to access information where there is clearly no requirement or allowance to withhold or sever any of the requested information are provided as soon as possible outside of the right of access process.
2. Requests for access to information from an individual applicant that may involve review and severing must be in writing to the Trochu Privacy and Access Officer or designate. Oral applications are accepted if the applicant has a physical disability or if their command of English is limited. These special applications must be completed through the Privacy and Access Officer.
3. All requests for access to information or correction that require the formal process are directed to the Privacy and Access Officer for response, who formally acknowledges receipt of request.
4. Applicants making requests for information may be required to provide sufficient information to verify their identity and authorize access to the information. Any such information provided is used for these purposes only.
5. The Privacy and Access Officer acknowledges receipt of the request to the applicant and informs them of the process and the 30 business day timeline involved in responding to the request.
6. The Privacy and Access Officer will engage with applicants to ensure that the request provides enough clarity and detail to identify and locate the requested records within a reasonable amount of time and effort. If the Privacy and Access Officer requests further detail and clarification, the applicant must respond within 30 business days or the request will be considered abandoned.
7. Within 15 business days after Trochu receives a request, the Privacy and Access Officer may transfer the request and if necessary, the record to another public body if the record was produced by or for the other public body, the other public body was the first to obtain the record or the record is in the custody or control of the other public body. The Privacy and Access Officer will notify the applicant of the transfer.

B. FEES

1. Information requested is identified as either “personal information” or “general information.” Fees for these services based on these designations are charged according to the most current rates and fees bylaw.

2. The Privacy and Access Officer creates an estimate of the fees, in accordance with the current rates and fees bylaw and provides it to the applicant. The applicant must decide to either accept the estimated cost, to revise or cancel their application, or to request a waiver of all or part of the fees. The applicant must respond within 30 business days or the request will be considered abandoned.
3. If the applicant requests a waiver of fees, the Privacy and Access Officer may waive all or part of the fees if a) the applicant cannot afford the payment, b) the records relate to a matter of public interest, or c) for any other reason by which it is deemed fair and reasonable in this particular case. The Privacy and Access Officer responds to a request for waiver of fees within 30 business days.
4. The applicant is required to pay, if applicable, the administrative fee and/or a deposit of 50% of the estimated fees before the records are processed. The request will not be processed until the initial required fees are paid.
5. Regardless of the fee estimate, Trochu only charges fees beyond the initial administrative fee that reflect the actual costs incurred.

C. RETRIEVAL AND REVIEW OF RELEVANT RECORDS

1. After the request intake fee requirements have been met, the Privacy and Access Officer or designate identifies, retrieves and reviews the requested records to determine where mandatory or discretionary exceptions to the right of access apply.
2. The Privacy and Access Officer or designate identifies and initiates searches functions, business units, employees, and information repositories that may hold records relevant to the request.
3. The Privacy and Access Officer or designate reviews on a line-by-line basis and severs words or portions of the record according to the mandatory or discretionary exceptions to the right of access. The reviewer may consult with appropriate employees to determine the application of severing.

D. THIRD PARTY REVIEWS

1. If the Privacy and Access Officer decides that affected third parties need to be consulted to determine the application of mandatory exceptions, the third parties are identified and contacted as soon as practicable.
2. The notification to the third party provides:
 - a) a notice that a request has been made for information that would affect them as a third party;
 - b) a copy of the information;
 - c) a request to advise the Privacy and Access Officer to either disclose the information or explain why the information should not be disclosed.
3. The third party must respond to the notification and request within 20 business days.

4. The Privacy and Access Officer also notifies the applicant that a third party has been notified and that a decision about the application of exceptions will be made within 30 business days from the date of notice to the third party.
5. When the Privacy and Access Officer decides on whether or not to disclose the information after consultation with a third party, both the applicant and third party are notified.
6. The third party may ask the Commissioner to review the decision to disclose the information within 20 business days after the notice of decision is submitted to the third party.

E. RESPONSE TO APPLICANT

1. Having completed a review of the records, the Privacy and Access Officer ensures that information subject to any of the exceptions to access in the Act is severed from the record prior to the record being disclosed to the applicant, with annotations or explanations identifying which exception has been applied to the specific information severed.
2. The final response will include the requested records, an explanation for all information severed, and that the applicant has a right to review the decision to withhold information with the Information and Privacy Commissioner.
3. Requested information will be provided in a form that is generally understandable. Trochu will endeavor to explain the meaning of the content, codes and abbreviations included in the applicant's record to the extent that it is reasonably practical.
4. The final response with relevant records will not be released to the applicant until all outstanding fees are received, including the remaining 50% of the fee estimate adjusted to the actual costs incurred.
5. If applicants request to view original records in person, to preserve the integrity of the record and ensure that documents are not removed from Trochu, a designated Privacy and Access official will be present to supervise during the entire period of consultation.

F. TIME LIMITS FOR RESPONDING TO A REQUEST

1. Trochu responds to right of access requests within 30 business days of the receipt of the request.
2. The 30 business day timeline is suspended for the time between submission of a fee estimate to the applicant and the applicant's acceptance of the estimate, amendment or Trochu decision to waive of fees.
3. The response time may be extended for an additional 30 business days, if:
 - a) the applicant agrees to the extension; or
 - b) the volume of records is large and more time is needed to process the request; or
 - c) more time is needed to consult with a third party, another public body or another entity;

4. If the response time is extended, the Privacy and Access Officer notifies the applicant of the reasons for the extension, when a response can be expected, and that the applicant may make a complaint to the Commissioner about the extension.
5. The timelines are automatically extended in:
 - a) third party reviews to accommodate time required to complete the process;
 - b) an emergency, disaster or other unforeseen event that results in unplanned operation closure or interruption. In this case, the Privacy and Access Officer notifies the Commissioner as soon as possible of the operational closure, the anticipated re-opening, and when the re-opening occurs.
6. The Privacy and Access Officer may extend the date of response for an additional period of time, as required, for the same reasons.

G. CORRECTION OR AMENDMENT REQUEST PROCESSES

1. Requests from individuals to correct / amend basic information about themselves (e.g. change of name or address) are handled as a routine correction of information, so long as the information is clearly limited to factual corrections that can be verified immediately.
2. Trochu employees take reasonable steps to verify the identity of the individual or authorized representative before processing the request. This may involve reviewing a driver's license or other identification.
3. Formal requests to correct or amend information subject to review must be in writing to the Trochu Privacy and Access Officer. An individual may request the correction of another person's information only if they have that person's signed consent or they can prove they are the person's legal representative.
4. All formal requests for correction are directed to the Privacy and Access Officer for response, who formally acknowledges receipt of request.
5. Trochu responds to formal requests for correction of personal information within thirty (30) business days of receipt of the request.
6. If corrections or amendments are made, the original information is not deleted but retained and marked as incorrect, for example, by crossing out.
7. Trochu informs the applicant in writing of the refusal or acceptance of the request, the reason(s) for the refusal, and any recourse the individual may have to challenge Trochu's decision.
8. If the request for correction or amendment is refused, Trochu annotates the record with reference to the requested correction or amendment. This may be done by linking the record electronically to the annotation information.
9. The Privacy and Access Officer notifies other organizations or agencies to whom the information was disclosed that a correction has been made, or that an annotation has been filed, unless the correction is not reasonably expected to impact on the ongoing provision of services.

H. INDIVIDUAL CHALLENGES TO REQUEST RESPONSES

1. Individuals are encouraged to bring any concerns or issues concerning responses to requests and compliance with this policy to the Privacy and Access Officer for discussion and mediation. Formal complaints regarding a request will be handled in accordance with the Complaint Resolution policy. For all requests, applicants will be advised of their right to request a formal review of the access process and the records by the Office of the Information and Privacy Commissioner of Alberta. Requests for review by the regulator must be made within 60 business days of the release of the records.