



Todd Loewen, Central Peace – Notley

Jill Clayton,
Information and Privacy Commissioner
#410, 9925 - 109 Street
Edmonton, Alberta
T5K 2J8

May 10, 2022

Dear Jill Clayton,

I am writing to you today, as a Member of Alberta's Legislative Assembly, to formally request a review of how all FOIP subjected staff, the Premier, and Cabinet Ministers are currently managing emails and other government records and if the processes they are using are in line with current legislation and regulations.

My concern stems from a recent media investigation into this matter, conducted by longtime journalists Charles Rusnell and Jennie Russell, published online here:
<https://thetyee.ca/News/2022/05/09/Inside-Kenney-Government-System-Secrecy/>

The report outlines concerns raised by three former and current senior UCP political staff members, who describe a centrally controlled and enforced system designed to evade FOIP requests. According to the allegations, staff members are encouraged to delete emails, use personal cell phones, and employ alternate online communication methods.

I have two major concerns:

- First, personal cell phones and unsecured online messaging apps for government business represent a real and immediate security concern.

There is a significant threat of such information being intercepted. The government must ensure Cabinet confidence can be maintained and that the private itineraries of members can be protected. I know that our Legislative Assembly allocates significant taxpayer-funded resources to this end. Security is a matter that the Speaker's Office and the Legislature's Department of Information Technology Services take seriously. Whether it's to guard against nefarious foreign

or domestic interests, the fact is that markets can rise and fall on leaked and stolen information along with other undesirable consequences.

- Secondly, Albertans deserve to know of any government-directed efforts to avoid transparency or undermine the spirit of the FOIP Act.

Under your leadership, the OIPC has worked to reduce delays in access to information responses. I also understand that this is not an easy task. According to the most recent FOIP annual report, in the 2020-21 fiscal year, more than 3,300 general and personal access requests were received. By department, the highest number of general requests concerned Environment and Parks, Health, and Executive Council. The 2020-21 data shows that in 23 percent of general requests, records did not exist to satisfy the requests. If the Rusnell-Russell report is accurate, it appears the government is actively seeking to ensure such records are deleted or never created in the first place.

As an Officer of the Legislature, independent from the government, I hope Albertans can count on your balanced perspective regarding these troubling allegations.

I leave this request in your hands,

Sincerely,



Todd Loewen, MLA, Central Peace-Notley

CC: Nathan Cooper, Speaker of the Legislative Assembly of Alberta