



Office of the Information and
Privacy Commissioner of Alberta

April 6, 2017

Mr. Don MacIntyre
MLA (W), Innisfail - Sylvan Lake
5th Floor, Federal Building, 9820 - 107 Street
Edmonton, AB T5K 1E7

Dear Mr. MacIntyre:

Re: Investigation File #: 004383

On November 24, 2016, I received your complaint against Balancing Pool regarding your concerns with the instruction to destroy records as discussed in an email chain between the CEO for Balancing Pool and the Assistant Deputy Minister for Energy. It also appears from my review of the complaint that information may have been inappropriately withheld in response to access requests made under the FOIP Act to Balancing Pool.

I have decided to initiate an investigation of this matter on my own motion under section 53(1)(a) of the *Freedom of Information and Protection of Privacy Act* (FOIP Act). Section 53(1)(a) allows me to conduct investigations to ensure compliance with any provision of the FOIP Act, including compliance with rules relating to the destruction of records.

I have authorized Elaine LeBuke Senior Information and Privacy Manager to investigate this matter and report back to me. The file number for this case is 004383.

Investigation into the "Culture of Secrecy"

In your November 24, 2016 letter you also request that I investigate the broader issue of the "culture of secrecy" within the public service and with its senior officials.

My general powers to investigate are identified in section 53 of the FOIP Act. I am not certain as to what you mean by the phrase "culture of secrecy" and therefore I am unable to confirm whether I have authority to investigate your concerns under the Act. I would appreciate receiving additional explanation or information about your specific concerns in order that I may confirm my jurisdiction.

If you have any questions, please contact our Office at 780 422-6860 or toll free at 1 888 878-4044. Thank you for bringing this matter to our attention.

Sincerely,

Jill Clayton
Information and Privacy Commissioner