

DELEGATION OF AUTHORITY

Section 85 (1) of the FOIP Act provides that "the head of a public body may delegate to any person any duty, power or function of the head under this Act, except the power to delegate under this section."

The Delegation Order is the instrument through which General Counsel and Corporate Secretary as 'head' for the purposes of the Act authorizes University officials to carry out specific tasks and obligations under the FOIP Act on her behalf. This is particularly important in regard to disclosure of information because an official or employee, who is delegated responsibility under a Delegation Order and carries out that responsibility in good faith, is making an authorized disclosure or decision under the Act.

It is important to remember that only the official, identified by title and office, in the delegation instrument can carry out the responsibilities or duties delegated to him or her. The Act does not permit sub-delegations.

It is also important to note that whether or not authority is delegated, the head remains accountable for all actions and decisions under the Act.

Delegation Order

The Delegation Order authorizes the following officers to perform decision-making duties or functions of the 'head' under the Act with respect to their areas of responsibility in accordance with the Delegation Authority Table:

Vice-Presidents
Associate Vice-Presidents
Deans
Registrar
Access and Privacy Coordinator
Chief Development Officer
Chief Information Officer
Director, Ancillary Services
Director, Information Resources
Director, Office of Institutional Analysis
Director, Teaching and Learning Centre
Special Advisor to the President on Student Life

Delegation Authority Table

TRANSACTION	SECTION(S)	DECISION-MAKING AUTHORITY	IMPLEMENTATION AUTHORITY
Right of Access			
Declare request abandoned	8(1)	Access & Privacy Coordinator	Access & Privacy Coordinator
Establish continuing requests	9(2)	Access & Privacy Coordinator	Access & Privacy Coordinator
Assist applicant	10(1)	Access & Privacy Coordinator	Access & Privacy Coordinator
Create record	10(2)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator
Grant or refuse access to records	11	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Receive and reply to requests	12	Access & Privacy Coordinator	Access & Privacy Coordinator
Provide access to records when approved	13	Access & Privacy Coordinator	Access & Privacy Coordinator
Approve a 30 day extension of the time limit	14(1), 14(3)	Access & Privacy Coordinator	Access & Privacy Coordinator
Request Commissioner's approval for extension of more than 30 days	14(1), 14(2)	Access & Privacy Coordinator	Access & Privacy Coordinator
Approve the transfer of the request to another public body	15, 37	Access & Privacy Coordinator	Access & Privacy Coordinator
Exceptions – Release and Refusal Decisions			
Business interests of a third party	16	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Personal privacy	17	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Protection of individual or public health and safety	18	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Confidential evaluations	19	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator

TRANSACTION	SECTION(S)	DECISION-MAKING AUTHORITY	IMPLEMENTATION AUTHORITY
Law enforcement	20	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Intergovernmental relations	21	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Local public body confidences	23	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Advice from officials	24	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Economic interests of a public body	25	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Testing procedures, tests and audits	26	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Privileged information	27(1) and (2)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator
Information already or soon to be available to the public	29	Access & Privacy Coordinator	Access & Privacy Coordinator
Third Party Intervention			
Provide written notice to third party	30	Access & Privacy Coordinator	Access & Privacy Coordinator
Provide notice of decision	31	Access & Privacy Coordinator	Access & Privacy Coordinator
Provide other notices	17(2)(b), 32	Access & Privacy Coordinator	Access & Privacy Coordinator
Public Interest			
Approve disclosure in the public interest	32	President, Vice-Presidents, Assoc. V.P.s	President, Vice-Presidents, Assoc. V.P.s
Collection, Protection and Retention of Personal Information			
Establish manner for controlling and protecting personal information	2(b)	Access & Privacy Coordinator	Program Managers
Ensure authorized purpose of collection	33	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Program Managers

TRANSACTION	SECTION(S)	DECISION-MAKING AUTHORITY	IMPLEMENTATION AUTHORITY
Ensure appropriate collection of personal information	34	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator, Program Managers	Access & Privacy Coordinator, Program Managers
Ensure that personal information is accurate and complete	35(a)	All staff	Access & Privacy Coordinator, Program Managers
Ensure that appropriate retention standards are applied	35(b)	All staff	Access & Privacy Coordinator, Program Managers
Approve or refuse correction of personal information	2(d), 36	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Registrar, Director of Human Resources, Access & Privacy Coordinator
Ensure personal information is protected	38	All staff	Access & Privacy Coordinator, Program Managers
Use and Disclosure of Personal Information			
Ensure appropriate use of personal information	39	All staff	Access & Privacy Coordinator, Program Managers
Approve disclosure in accordance with Part 1	40(1)(a)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure if not an unreasonable invasion of a third party's personal privacy	40(1)(b)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure for original or consistent purpose	40(1)(c)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure with the consent of the individual	40(1)(d)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to comply with Act of Alberta or Canada or treaty, or arrangement or agreement made under the Act	40(1)(e)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers

TRANSACTION	SECTION(S)	DECISION-MAKING AUTHORITY	IMPLEMENTATION AUTHORITY
Approve disclosure in accordance with an enactment of Alberta or Canada that authorizes or requires disclosure	40(1)(f)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure in accordance with subpoena, warrant or court order	40(1)(g)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure if necessary for employee of public body to perform duties	40(1)(h)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure necessary for delivery of common or integrated program or service	40(1)(i)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to enforce a legal right of the public body	40(1)(j)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to collect a debt, fine or make a payment	40(1)(k)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to determine eligibility for program or benefit	40(1)(l)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to prescribed persons for audit purposes	40(1)(m)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to Member of Legislative Assembly to aid individual	40(1)(n)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to bargaining agent acting on behalf of employee	40(1)(o)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers

TRANSACTION	SECTION(S)	DECISION-MAKING AUTHORITY	IMPLEMENTATION AUTHORITY
Approve disclosure for archival purposes	40(1)(p)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to assist an investigation	40(1)(q)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure so that next of kin or a friend of an injured, ill or deceased individual may be contacted	40(1)(s)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to an expert under s.18(2) to protect individual or public safety	40(1)(u)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure for legal proceedings to which public body is a party	40(1)(v)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure for the purpose of managing or administering personnel of the public body	40(1)(x)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure when information is available to the public	40(1)(bb)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to a relative of a deceased individual	40(1)(cc)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Approve disclosure to avert or minimize danger to the health or safety of any person	40(1)(ee)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar	Access & Privacy Coordinator, Program Managers
Approve disclosure for research or statistical purposes and administration of agreements	42, 43	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator

TRANSACTION	SECTION(S)	DECISION-MAKING AUTHORITY	IMPLEMENTATION AUTHORITY
Approve disclosure to guardian of a minor	84(1)(e)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator, Program Managers
Information & Privacy Commissioner			
Ask for advice and recommendations from the Commissioner	54(1)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator
Request Commissioner to authorize Public Body to disregard access request	55	President, Vice-Presidents, Assoc. V.P.s, Access & Privacy Coordinator	Access & Privacy Coordinator
Reviews and Complaints			
Produce a record required for the Commissioner's investigation or inquiry	56(3)	Access & Privacy Coordinator	Access & Privacy Coordinator
Request Commissioner to examine original record on site	56(4)	Access & Privacy Coordinator	Access & Privacy Coordinator
Make representations to the Commissioner	69(3), (5), and (6)	President, Vice-Presidents, Assoc. V.P.s, Access & Privacy Coordinator	Access & Privacy Coordinator
Assert burden of proof	71	Access & Privacy Coordinator	Access & Privacy Coordinator
Disclose information on the order of the Commissioner	72	President, Vice-Presidents, Assoc. V.P.s	Access & Privacy Coordinator
General Provisions			
Create and make available a directory that lists personal information banks	87.1(1)	Access & Privacy Coordinator	Access & Privacy Coordinator
Provide facilities where the public may inspect handbooks, manuals and guidelines	89	Access & Privacy Coordinator	Access & Privacy Coordinator

Fees			
Estimate fees/assess fees; collect fees	93	Access & Privacy Coordinator	Access & Privacy Coordinator
Approve waiver of fees	93(4)	President, Vice-Presidents, Assoc. V.P.s, Deans, Directors*, Registrar, Access & Privacy Coordinator	Access & Privacy Coordinator

Notes

a) The term 'Directors' refers only to the following officers:

- Chief Development Officer
- Chief Information Officer
- Director, Ancillary Services
- Director, Information Resources
- Director, Office of Institutional Analysis
- Director, Teaching and Learning Centre
- Special Advisor to the President on Student Life

b) There is a substantial difference between delegations relating to freedom of information and those relating to protection of privacy. In the case of freedom of information, the delegations relate mostly to the processing of an access request and the decision of whether or not to release all or part of a record. Delegated authority empowers certain officials and employees to make decisions or take action in regard to this process.

In the case of privacy protection, the responsibilities centre on the collection, handling and protection of personal information. The privacy delegation is essentially an assignment of responsibility and accountability for assuring that a wide range of management activities in regard to the collection, accuracy, protection, use, disclosure and retention of personal information are carried out in accordance with the requirements set out in Part 2 of the Act. This is a more general responsibility and one which is, therefore, properly assigned to the program areas.