



Overview of Access & Privacy Processing Timelines

Date

2024-05-06

Commission Role

- Information only Approval

Type of Meeting

- Full Commission meeting
 Governance and Personnel (G&P) Sub-Committee
 Finance and Audit (F&A) Sub-Committee
 Complaint Oversight (COC) Sub-Committee
 Anti-Racism Committee

Purpose

This report provides an overview of CPS' Access & Privacy Section. More specifically, it discusses timelines for processing requests under the *Freedom of Information and Protection of Privacy Act* ("FOIP Requests"), challenges that continue to impact timelines, and the approach to reducing processing timelines.

- Obligation under the *Police Act*
 Update on progress
 Other

Background / Issue

The Access & Privacy Section is part of the Legal & Regulatory Services Division at CPS. Its mandate is to provide privacy guidance to CPS and process FOIP requests, apart from some routine requests (e.g., traffic collision reports) that are handled elsewhere. Access & Privacy also responds to production orders for litigation and fatality inquiry records and investigates privacy breaches.

The authorized full strength of the Access & Privacy Section is:

- One Director
- One Intake Coordinator
- One Administrative Assistant (currently vacant)
- Two Senior Disclosure Analysts
- Eight Disclosure Analysts (three vacant)

Included in the above staff complement are three new, incremental positions recently funded through repurposing existing funds in the Legal & Regulatory Services Division (Administrative

Assistant), the most recent four-year budget (Senior Disclosure Analyst), and a Government of Alberta grant (Disclosure Analyst).

The total number of FOIP requests received by the Access & Privacy Section in 2023 was approximately 4,100. In 2024, we are on track to exceed 2023 numbers, with approximately 1,450 requests received year to date (trending towards approximately 4,350 for 2024).

Requests have grown significantly since 2020, when they sat at approximately 3,500 per year.

Currently, there are 76 requests with a statutory timeline (30 days) outstanding from 2023 (i.e., aged four months), or 2% of all requests. Up to approximately 45% of requests in 2024 are experiencing lesser delays. Delayed files remain the priority to complete.

Discussion / Analysis

Although the primary reason for the delayed processing of FOIP Requests is staffing challenges (explained further below), there are several other contributing factors:

- **Volume of Requests and Technology Challenges:** Access & Privacy is one of the busiest FOIP offices in the Province of Alberta, tracking at a 17% increase in requests since 2020. With the advent and expansion of Body Worn Camera (beginning in 2019), a growing number of FOIP requests require video and audio review, which is an advanced and specialized skill set. Approximately 200 requests year to date have required Access & Privacy to download video. Further, in 2022, the province took offline its system which all FOIP departments used to manage requests. As a result, CPS designed its own system. The transition of systems, despite best efforts, resulted in temporary delays and inefficiencies while bugs are worked out and the new system is refined to meet Access & Privacy's needs.
- **Mental Health and Wellness:** The documentary, video, and audio material that Access & Privacy members review largely consists of police files, which can be graphic and traumatic (e.g., motor vehicle accidents, homicides, sexual assaults). Mental health leaves have not been uncommon despite the excellent mental health supports offered to CPS employees. Although mental health leaves are not a factor currently, they have since 2021 resulted in long-term encumbered vacancies and contributed to staffing challenges and delays that are still being felt.
- **Requirement for Extensive Training:** Access & Privacy members have access to, vet, and appropriately redact extremely sensitive and high-risk material (examples being victim personal information, confidential informant information, etc.). Implications of a mistake and the inadvertent release of this type of information would be significant. Accordingly, training is extensive, with a timeline of 12 to 24 months before new members can manage timed files unsupervised. This makes it challenging to hire on a short-term basis, or to use temporary supports from elsewhere in CPS or the City of Calgary, as they lack the requisite training.

Processing delays have developed slowly since approximately 2021 due to several unexpected staff departures or absences, including retirements and medical-related leaves. Since mid-2022, a concerted staffing effort began (four competitions for Disclosure Analysts, two competitions for Senior Disclosure Analysts, and one competition for an Administrative Assistant). Although staffing has been successful, there have been some additional leaves (most recently, two departures for different opportunities, a retirement, a maternity leave, and a medical-related leave).

Currently, there are four fully trained Analysts who can process timed FOIP requests unsupervised (including the Director), four partially trained Analysts, and three vacant Analyst roles (permanent and temporary leaves). Access & Privacy also retains a temporary contractor with prior CPS experience on an intermittent basis, as staffing rules allow, to help address particularly acute gaps.

Several strategies are in place to help improve timeliness of processing FOIP requests.


- The three vacant Disclosure Analyst positions are in the process of being filled through a successful competition that closed in April 2024; with the one remaining vacancy (Administrative Assistant) to be filled this quarter. Although this will bring the Section to full authorized strength, it will not reach full operating potential for at least 18 months due to the training runway.
- Although the training runway remains necessarily long, a more structured in-house training program was developed as part of Access & Privacy's 2023 work plan. Detailed Standard Operating Procedures were developed, and employees' progress through their training is closely monitored. When hiring, material prior privacy knowledge is a job requirement, as CPS is not an entry level privacy position.
- Employees are regularly encouraged to utilize CPS' wellness supports, including health checks quarterly. In 2023, the Section also undertook a group wellness session. When hiring, attention is paid to stress tolerance skills, and to prior experience successfully handling high volumes of sensitive material, including law enforcement material.
- While the fully trained employees do have a relatively high rate of overtime, it is not mandatory and is generally discouraged for Analysts and particularly those still in training, so as not to contribute to stress levels or take away from a focus on mental wellness.
- The Section is monitoring technological developments, and as they become available (e.g., advanced automation), will consider options for improving efficiency through technology.

The Access & Privacy Section is in regular communication with the Office of the Information and Privacy Commission (OIPC), keeping the OIPC apprised of delays in processing requests and the reasons for same. The OIPC also communicates with Access & Privacy in relation to applicants who have lodged a complaint with the OIPC in relation to timelines.

We recognize the impact of delayed requests on applicants, who are entitled to timely access to their personal information. We remain committed to taking all reasonable steps to reduce processing delays through the strategies outlined in this memorandum.

Approval signatures

AUTHOR signature:


Jill Merrett, Director

2024-05-06

Date

Access & Privacy

Legal & Regulatory Services

EXECUTIVE SPONSOR signature:  _____ 2024-05-06
Katherine Murphy, Executive Director Date
Legal & Regulatory Services

CHIEF OF POLICE signature: _____ (YYYY MM DD)
Mark Neufeld, Chief of Police Date
Office of the Chief
