



FOIP Division
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August 20, 2021

Jonathan Olfert
Director of Research and Advocacy
U OF A STUDENTS' UNION
2-900 SUB, 8900 - 114th St.
Edmonton, CA-AB T6G 2J7

Dear Jonathan Olfert:

Freedom of Information and Protection of Privacy Request #: AE000-2021-G-22

On June 14, 2021, Advanced Education received your request under the Freedom of Information and Protection of Privacy Act (FOIP Act) for a copy of:

Any emails about “exceptional” or “extraordinary” tuition planning and discussions for the University of Alberta for Fall 2021 and Fall 2022, in the email accounts (both inbox and sent) belonging to:

- Demetrios Nicolaidis, Minister of Advanced Education
- Jesse Robertson, Chief of Staff, Office of the Minister
- Curtis Clarke, Deputy Minister
- Peter Leclaire, Assistant Deputy Minister (Insight, Transformation and Innovation)
- Mike Fernandez, Assistant Deputy Minister (Operations and Client Service Delivery)
- Carmen Baldwin-Dery, Assistant Deputy Minister (Post-secondary Policy and Strategy)
- Brad Smith, Assistant Deputy Minister (Financial Services)

Time Period: January 1, 2020 to June 14, 2021

This request excludes: duplicate records, drafts, email records which are duplicated in the final/longest string, records subject to solicitor/client privilege, third party business and personal information.

Advanced Education has decided to grant you access to part of the records you requested. The records contain some information that was withheld from disclosure in accordance with the following sections:

Section 24(1)(a)(b)(i) of the *Freedom of Information and Protection of Privacy (FOIP) Act* was applied to remove information that could reasonably be expected to reveal advice, analysis, consultation and deliberation of public bodies, as indicated in the records.

Section 25(1)(c)(i) of the *Freedom of Information and Protection of Privacy (FOIP) Act* provides that a public body may refuse to disclose information if the disclosure could reasonably be expected to harm the economic interests of a public body or the Government of Alberta. This includes financial or commercial information that a public body or the Government of Alberta has the right of use; the disclosure of which could reasonably be expected to result in financial loss to the public body or Government of Alberta.

We have removed the information that is withheld from disclosure and/or that is non-responsive in order to provide you with access to the remainder of the records (attached).

You may ask for a review under Part 5 of the FOIP Act by the Information and Privacy Commissioner (Commissioner) of the decision to not give access to part of the record. To request a review, you must submit a completed Request for Review form within 60 days from the date of this letter to the Commissioner at Suite 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8. The form is available under 'Resources' on the Commissioner's website, www.oipc.ab.ca, or you can call 1-888-878-4044 to request a copy.

If you have any questions, please contact me at (780) 415-2633 or email helen.chow@gov.ab.ca.

Sincerely,

8/20/2021

X Nichole Olenek

Nichole Olenek on behalf of Helen Chow

Senior FOIP Advisor

Signed by: Nichole.Olenek

Serving Advanced Education
Government of Alberta

Enclosure

Section 24 of the FOIP Act
Advice from officials

- 24(1)** The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal
- (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council,
 - (b) consultations or deliberations involving
 - (i) officers or employees of a public body,
 - (ii) a member of the Executive Council, or
 - (iii) the staff of a member of the Executive Council,
 - (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Alberta or a public body, or considerations that relate to those negotiations,
 - (d) plans relating to the management of personnel or the administration of a public body that have not yet been implemented,
 - (e) the contents of draft legislation, regulations and orders of members of the Executive Council or the Lieutenant Governor in Council,
 - (f) the contents of agendas or minutes of meetings
 - (i) of the governing body of an agency, board, commission, corporation, office or other body that is designated as a public body in the regulations, or
 - (ii) of a committee of a governing body referred to in subclause (i),
 - (g) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision, or
 - (h) the contents of a formal research or audit report that in the opinion of the head of the public body is incomplete unless no progress has been made on the report for at least 3 years.
- (2)** This section does not apply to information that
- (a) has been in existence for 15 years or more,
 - (b) is a statement of the reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function,
 - (c) is the result of product or environmental testing carried out by or for a public body, that is complete or on which no progress has been made for at least 3 years, unless the testing was done
 - (i) for a fee as a service to a person other than a public body, or

- (ii) for the purpose of developing methods of testing or testing products for possible purchase,
 - (d) is a statistical survey,
 - (e) is the result of background research of a scientific or technical nature undertaken in connection with the formulation of a policy proposal, that is complete or on which no progress has been made for at least 3 years,
 - (f) is an instruction or guideline issued to the officers or employees of a public body, or
 - (g) is a substantive rule or statement of policy that has been adopted by a public body for the purpose of interpreting an Act or regulation or administering a program or activity of the public body.
- (2.1)** The head of a public body must refuse to disclose to an applicant
- (a) a record relating to an audit by the Chief Internal Auditor of Alberta that is created by or for the Chief Internal Auditor of Alberta, or
 - (b) information that would reveal information about an audit by the Chief Internal Auditor of Alberta.
- (2.2)** Subsection (2.1) does not apply to a record or information described in that subsection
- (a) if 15 years or more has elapsed since the audit to which the record or information relates was completed, or
 - (b) if the audit to which the record or information relates was discontinued or if no progress has been made on the audit for 15 years or more.
- (3)** In this section, “audit” means a financial or other formal and systematic examination or review of a program, portion of a program or activity.

RSA 2000 cF-25 s24;2006 c17 s5

Section 25 of the FOIP Act

Disclosure harmful to economic and other interests of a public body

25(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm the economic interest of a public body or the Government of Alberta or the ability of the Government to manage the economy, including the following information:

- (a) trade secrets of a public body or the Government of Alberta;
- (b) financial, commercial, scientific, technical or other information in which a public body or the Government of Alberta has a proprietary interest or a right of use and that has, or is reasonably likely to have, monetary value;
- (c) information the disclosure of which could reasonably be expected to
 - (i) result in financial loss to,
 - (ii) prejudice the competitive position of, or
 - (iii) interfere with contractual or other negotiations of,the Government of Alberta or a public body;
- (d) information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee or the public body of priority of publication.

(2) The head of a public body must not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for a public body, unless the testing was done

- (a) for a fee as a service to a person, other than the public body, or
- (b) for the purpose of developing methods of testing or testing products for possible purchase.

1994 cF-18.5 s24;1999 c23 s15

Section 65 of the FOIP Act
Right to ask for a review

65(1) A person who makes a request to the head of a public body for access to a record or for correction of personal information may ask the Commissioner to review any decision, act or failure to act of the head that relates to the request.

(2) A third party notified under section 31 of a decision by the head of a public body to give access may ask the Commissioner to review that decision.

(3) A person who believes that the person's own personal information has been collected, used or disclosed in contravention of Part 2 may ask the Commissioner to review that matter.

(4) The surviving spouse or adult interdependent partner or a relative of a deceased individual may ask the Commissioner to review a decision of a head of a public body under section 40(1)(cc) not to disclose personal information.

(5) This section does not apply

(a) to a decision, act or failure to act of the Commissioner when acting as the head of the Office of the Information and Privacy Commissioner,

(b) to a decision by the Speaker of the Legislative Assembly that a record is subject to parliamentary privilege, or

(c) if the person who is appointed as the Commissioner is, at the same time, appointed as any other officer of the Legislature, to a decision, act or failure to act of that person when acting as the head of that office.

RSA 2000 cF-25 s65;2002 cA-4.5 s38