



## PROBUS Club of Central Edmonton Newsletter

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### *Oct 18 - Jill Clayton*

Jill Clayton, former Alberta Information and Privacy Commissioner (IPC) spoke (via Zoom) on "Reflections of a former Information and Privacy Commissioner".

She started by stating IPC is an Officer of legislature, that is it has no political affiliation. She received unanimous support for her appointment. She was appointed for 5 years. She was the first woman appointed as an Officer. In 2017, she was reappointed for a further 5 years. Her second term was up in early 2022, Jill had advised government that she would not stand for a third appointment. The Act stated that she could continue after end of term for 6 months, she did so.

The IPC oversees the information and privacy laws of Alberta. These are:

- Freedom of information and Protection of Privacy Act (FOIP)
- Health Information Act (HIA)
- Personal Information Protection Act (PIPA)

FOIP applies to Alberta public sector organizations, such as department, post secondary institutions and other government organizations. HIA applies the health sector and is designed to protect an individual's health information. PIPA applies to Alberta provincially regulated organizations (Private Sector companies). While each Act differs, they all provide for protection of person information. Another common element is that Acts provide for receipt of complaints and the ability to conduct investigations. Also, FOIP provides for the creation of the Office of Information and Privacy Commissioner (OIPC).

Complaints normally cover use of collected data and in the case of the privates sector the need for collecting some data. Much of what IPCO does is conduct informal mediation of issues. Jill reported that some matters may go forward to a formal adjudicative process. The Commission may then issue a binding ruling. The individual receiving the order has a right to appeal the ruling to a court, this happens about 10% of the times.

The Office reviews hundreds of privacy impact assessments (PIA) of various system, mostly in the health sector. The HIA is requires a PIA to be filed for any significant system change in the heath sector. It should be note that they also could be receive from the private sector. The Office will review the PIA and determine if the system in question meet the requirement of the relevant legislation. The number reviewed are in the 1,000.

Another area is receiving and responding to mandatory breach reports. Acts require certain breaches to be reported to IPC for review. Based on the review, the IPC may order that notification of the breach be given to affected individuals, The IPC also has a research mandate. They commissioned research studies, held conferences and events to share insights.

The idea of consent of data collection and use by, say, computer-based application is on important issue. Only the private sector Act is consent based. So, an individual is asked to consent to the collecting of the information. To illustrate this, she referred to the Tim Horton's App. Here the app collected data on users' travels, though people only consented to to collect location data when inside Tim buildings.

She noted that in her view it is virtually impossible for a person to provide informed consent when agreeing to the Apps privacy document, due to complexity of terms and laws. Commissioners throughout the world are now looking at idea of legitimate interest.

In response to a question, Jill noted that while there are Officers at the Federal level and in various provinces. Each has a separate independent mandate; however, the community works together. An example, of collaboration is the Tim Hortons investigation. These different Offices make sure there is collaboration. The Offices are concerned that if similar complaints are examined in different provinces their similar responses be issues e.g., published common advise, conduct joint investigation, and reach joint resolutions.

She reflected on her legacy as IPC. The legacy is built within the context of Alberta legislation. It is further impacted by budget and staff sizes (these vary significantly between jurisdictions). She has found some departments to be respectful and other not so. When she looks back on her decade she thought of it through 3 guiding principles, these were:

1. She wanted to ensure that she exercised all aspect of the Act. As a result, she deliberately took steps to implement her research mandate, this included surveys and research. Also, established proactive reviews of systemic issues such as, disclosure of expenses, and issued reports on public interest disclosure, amongst other examples. She also employed the enforcement provisions of an Act. The HIA stated she could turn over results of an investigation to the Crown for enforcement action.
  2. She was also interested in being most efficient and effective with what money she was provided. For example, she reorganized the Office. The Office initiated process reviews to see if they could find better ways of doing things. She also issued guidance which allowed her and those she oversaw to be more successful.
  3. Finally, she was interested in areas of records and information management. This reflected her personal background. Thus, resulted in reports on recorded management, and email deletion.
- She presentation was fascinating, and we appreciated the time she gave us. She clearly retains and keen interest in the subject area. We were privileged to hear from her.

### *Oct 25 Partake Cannabis*

We toured Partake Cannabis, this included a presentation on cannabis cultivating, and wholesaling. Partake is a south Edmonton based craft cannabis grower. Are tour guides where Remi (CEO), and Mero (Director of Marketing). Two very helpful individuals.

The cannabis business is regulated by a province; thus, the regulatory regime varies from one province to the others. Operating in Alberta, partake requires a license to build and operate a growing facility. It also needed a license to sell its products. Most sales are to the AGLC. It also ships to 5 different jurisdictions; in each case they need to follow the rules of the relevant jurisdiction. Locally, AGLC sends Partake's product to retail outlets. Marketing by Partake is tightly controlled by AGLC. The regulations are quite limiting.

Partake started in the latter part of the 2010's with building its facility. It started growing a couple of years later. With its selling license in hand, it was able to ship it first crop. It is responsible for packaging the product before shipping. It has grown 2 types of cannabis – GMO and Punch Mint. It has plans to add to product line.

It follows strict standards accepted for "Craft Growers"; these are a very disciplined approach. Their business is based on an individual plant based "Home Grown approach". E.G., they trim stems by hand and hand package product.

Pricing is controlled. About 40% to 45% of the commercial prices goes to a government. They noted the "Bud Tender" (person working the counter at a store) has significant influence on the customer choice (about 80%). The challenge for the Director of marketing, is learning which store has their product on site and then, without braking laws, getting the Bud Tender to recommend Partake Cannabis. The following photograph are of the operation:



Staff trimming stems after drying.



Nursery and our group in costume.



The larger plants are used to provide clones for growth. The crop in the growing room.



Plant in growing room.



Drying racks and storage bins for dried product.

We thank Partake for a very interesting and informative experience. If you wish more information on Partake, check out its website <https://www.partakecannabis.ca>

Here we are at the start of fall – next snow (sorry had to be said)  
Stay Safe