

**SAWRIDGE FIRST NATION**

***AN ACT RESPECTING THE  
PROTECTION OF PERSONAL PRIVACY***

**Introduced at a General Assembly Held – May 14, 2016**

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**Comes in to Force – October 12, 2016**

## *An Act Respecting the Protection of Personal Privacy*

*An Act to further protect the privacy of individuals and that provide individuals with a right of access to personal information about themselves. In accordance with the Constitution and in keeping with the creator's teachings we will treat each other with respect and we will be honest with our words.*

### *Short Title*

1. This Act may be cited as the "*Sawridge Privacy Act.*"

### *Purpose*

2. The purpose of this Act is to extend present Sawridge laws that protect the privacy of individuals with respect to personal information about themselves held by a Sawridge government institution and that provide individuals with a right of access to that information, and to ensure there is provision

(a) to allow persons a right of access to the records in the custody or under the control of a Sawridge government institution subject to limited and specific exceptions as set out in this Act;

(b) to control the manner in which a Sawridge government institution may collect personal information from individuals, to control the use that a Sawridge government institution may make of that information and to control the disclosure by a Sawridge government institution of that information;

(c) to allow individuals, subject to limited and specific exceptions as set out in this Act, a right of access to personal information about themselves that is held by a Sawridge government institution;

(d) to allow individuals a right to request corrections to personal information about themselves that is held by a Sawridge government institution, and

(e) to provide for independent reviews of decisions made by a Sawridge government institution under this Act and the resolution of complaints under this Act.

### *Interpretation*

3. (1) In this Act, "individual" means a natural person.

(2) In this Act,

"administrative purpose"

"administrative purpose", in relation to the use of personal information about an individual, means the use of that information in a decision-making process that

directly affects that individual;

*“alternative format”*

*“alternative format”*, with respect to personal information, means a format that allows a person with a sensory disability to read or listen to the personal information;

*“Court”*

*“Court”* means a court of competent jurisdiction;

*“head”*

*“head”*, in respect of a Sawridge government institution, means a person designated by Council as the head of the institution for the purposes of this Act or, if no such person is designated, the chief executive officer of the institution, whatever their title;

*“personal information”*

*“personal information”* means information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing,

- (a) information relating to the race, national or ethnic origin, colour, religion, religious or political beliefs or associations, age or marital status of the individual,
- (b) the individual’s name, home or business address or home or business or mobile telephone number,
- (c) the individual’s age, sex, marital status or family status,
- (d) an identifying number, symbol or other particular assigned to the individual,
- (e) information relating to the education or the medical history or information about the individual’s health and health care history including information about a physical or mental disability, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved, including criminal records where a pardon has been given;
- (f) the address, fingerprints or blood type or inheritable characteristics of the individual,
- (g) the personal opinions or views of the individual except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual by a Sawridge government institution (in whole or in part),

(h) correspondence sent to a Sawridge government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to such correspondence that would reveal the contents of the original correspondence,

(i) the views or opinions of another individual about the individual,

(j) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual by a Sawridge institution (in whole or part) referred to in paragraph (g), but excluding the name of the other individual where it appears with the views or opinions of the other individual, and

(k) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual,

but, for the purposes of sections 7, 8 and 27 does not include

(l) information about an individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual including,

(i) the fact that the individual is or was an officer or employee of the Sawridge government institution,

(ii) the title, business address and telephone number of the individual,

(iii) the classification, salary range and responsibilities of the position held by the individual,

(iv) the name of the individual on a document prepared by the individual in the course of employment, and

(v) the personal opinions or views of the individual given in the course of employment,

(m) information about an individual who is or was performing services under contract for a Sawridge government institution that relates to the services performed, including the terms of the contract, the name of the individual and the opinions or views of the individual given in the course of the performance of those services,

(n) information relating to any discretionary benefit of a financial nature, including the granting of a license or permit, conferred on an individual, including the name of the individual and the exact nature of the benefit, and

(o) information about an individual who has been dead for more than twenty years;

*“Privacy Commissioner”*

“Privacy Commissioner” means the Commissioner appointed under section 50;

*“Record”*

“record” means a record of information in any form and includes record notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records;

*“Sawridge government institution”*

“Sawridge government institution” means

an agency, office, department, or other body which maintains records separately from the general records of the Sawridge First Nation;

and includes the Sawridge First Nation.

*“sensory disability”*

“sensory disability” means a disability that relates to sight or hearing.

*For greater certainty*

(3) For greater certainty, any provision of this Act that applies to a Sawridge government institution and applies to any of its wholly-owned subsidiaries.

*Records to which this Act does not apply*

(4) This Act does not apply to the following:

(a) information in a court file or a record of a judge of a court of competent jurisdiction or a judicial administration record or a record relating to support services provided to a judge;

(b) a personal note, communication or draft decision created by or for a person who is acting in a judicial or quasi-judicial capacity;

- (c) a record that is created by or for or is in the custody or under the control of an officer of the Sawridge Assembly or Council and relates to the exercise of that officer's functions;
- (d) a record that is created by or for or is in the custody or under the control of any official dealing with matters relating to conflict of interest, including advice relating to conflicts of interest;
- (e) a question that is to be used on an examination or test;
- (f) material that has been deposited in the Sawridge Archives or the archives of a Sawridge government institution by or for a person or entity other than a Sawridge government institution;
- (g) a record relating to a prosecution if all proceedings in respect of the prosecution have not been completed;
- (h) a record made from information relating to personal property or vital statistics;
- (i) a personal record of an elected or appointed member of a Sawridge public body;
- (j) a personal record of a member of the Council;
- (k) a record created by or for the office of the Speaker of the Sawridge Assembly or a member of the Sawridge Assembly;
- (l) a record created by or for a member of Council, or a member of the Sawridge Assembly that has been sent or is to be sent to a member of the Council or a member of the Assembly.

*Regulations*

4. (1) The Council may make regulations
  - (a) prescribing the period of time for which any class of personal information is to be retained under subsection 6(1);
  - (b) prescribing the circumstances and the manner in which personal information under the control of a Sawridge government institution is to be disposed of under subsection 6(3);
  - (c) specifying investigative bodies for the purposes of paragraph 8(2)(e) and sections 20 and 21;
  - (d) prescribing the circumstances in which and the conditions under which personal information may be disclosed under subsection 8(3);
  - (e) prescribing the period of time for which copies of requests received under

paragraph 8(2)(e) and records of information disclosed pursuant to the requests are to be retained under subsection 8(4);

(f) specifying persons or bodies for the purpose of paragraph 8(2)(h);

(g) prescribing procedures to be followed in making and responding to a request for access to personal information under paragraph 9;

(h) prescribing procedures to be followed by an individual or a government institution where the individual requests a correction of personal information or a notation of a correction requested, including the period of time within which the correction or notation must be made;

(i) prescribing any fees, or the manner of calculating any fees, to be paid for being given access to personal information requested under subsection 9 or for the making of copies of such personal information;

(j) prescribing the procedures to be followed by the Privacy Commissioner and any person acting on behalf or under the direction of the Privacy Commissioner in examining or obtaining copies of records relevant to an investigation of a complaint in respect of a refusal to disclose personal information under paragraph 19(1)(a) or (b) or section 21;

(k) specifying classes of investigations for the purpose of paragraph 19(3)(c);

(l) prescribing the class of individuals who may act on behalf of minors, incompetents, deceased persons or any other individuals under this Act and regulating the manner in which any rights or actions of individuals under this Act may be exercised or performed on their behalf;

(m) authorizing the disclosure of information relating to the physical or mental health of individuals to duly qualified medical practitioners or psychologists in order to determine whether disclosure of the information would be contrary to the best interests of the individuals, and prescribing any procedures to be followed or restrictions deemed necessary with regard to the disclosure and examination of the information; and

(n) prescribing special procedures for giving individuals access under subsection 9 to personal information relating to their physical or mental health and regulating the way in which that access is given.

(2) The Council also may make regulations

(a) defining any word or expression used but not defined in this Act;

(b) further defining any word or expression defined in this Act;

(c) respecting any matter or thing the Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(3) A regulation may apply to all persons or bodies or to a class of persons or bodies to whom this Act applies and there may be different regulations for different classes of such persons or bodies.

*Review or appeal in court of competent jurisdiction*

(4) Unless otherwise provided by the regulations, review or appeal of the application of the powers and duties set out in the regulations may be conducted by a court of competent jurisdiction.

*Power to designate head*

(5) The Council may, by order, designate a person to be the head of a Sawridge government institution for the purposes of this Act.

*Collection, Retention and Disposal of Personal Information*

*Collection of personal information*

5. (1) No personal information shall be collected by a Sawridge government institution unless it relates directly to an operating program or activity of the institution.

*Personal information to be collected directly*

(2) A Sawridge government institution shall, wherever possible, collect personal information that is intended to be used for an administrative purpose directly from the individual to whom it relates except where the individual authorizes otherwise or where personal information may be disclosed to the institution under subsection 8(2).

*Individual to be informed of purpose*

(3) A Sawridge government institution shall inform any individual from whom the institution collects personal information about the individual of the purpose for which the information is being collected.

*Exception*

(4) Subsections (2) and (3) do not apply where compliance therewith might

(a) result in the collection of inaccurate information; or

(b) defeat the purpose or prejudice the use for which information is collected.

*Retention of personal information used for an administrative purpose*

6. (1) Personal information that has been used by a government institution for an



administrative purpose shall be retained by the institution for such period of time after it is so used as may be prescribed by regulation in order to ensure that the individual to whom it relates has a reasonable opportunity to obtain access to the information.

*Accuracy of personal information*

(2) A Sawridge government institution shall take all reasonable steps to ensure that personal information that is used for an administrative purpose by the institution is as accurate, up-to-date and complete as possible.

*Disposal of personal information*

(3) A Sawridge government institution shall dispose of personal information under the control of the institution in accordance with the regulations and in accordance with any directives or guidelines issued by the designated head in relation to the disposal of that information.

***Protection of Personal Information***

*Use of personal information*

7. Personal information under the control of a Sawridge government institution shall not, without the consent of the individual to whom it relates, be used by the institution except

- (a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose; or
- (b) for a purpose for which the information may be disclosed to the institution under subsection 8(2).

*Disclosure of personal information*

8.(1) Personal information under the control of a Sawridge government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.

*Where personal information may be disclosed*

(2) Subject to any other Act of the Sawridge Assembly, personal information under the control of a Sawridge government institution may be disclosed

- (a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose;
- (b) for any purpose in accordance with any Act of the Sawridge Assembly or any regulation made thereunder that authorizes its disclosure;
- (c) for the purpose of complying with a subpoena or warrant issued or order made by a court of competent jurisdiction, person or body with jurisdiction to compel the production of information or for the purpose of complying with rules of court relating to the production of information;
- (d) to the Sawridge Council and legal Counsel of the Sawridge First Nation for use in legal proceedings involving the Sawridge First Nation;
- (e) to an investigative body specified in the Regulations, on the written request of the body, for the purpose of enforcing any Sawridge law or law of Canada or a province or carrying out a lawful investigation, if the request specifies the purpose and describes the information to be disclosed;
- (f) under an agreement or arrangement between the Council of the Sawridge First Nation for the purpose of administering or enforcing any law or carrying out a lawful investigation;
- (g) to a member of Council for the purpose of assisting the individual to whom the information relates in resolving a problem;
- (h) to an official of the institution for internal audit purposes, or any other person or body specified in the regulations for audit purposes;
- (i) to the Sawridge Archives for archival purposes;
- (j) to any person or body for research or statistical purposes if the head of the government institution
  - (i) is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates, and
  - (ii) obtains from the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates;
- (k) to any Sawridge government institution for the purpose of locating an individual

in order to collect a debt owing to the Sawridge First Nation by that individual or make a payment owing to that individual by the Sawridge First Nation, and

(l) for any purpose where, in the opinion of the head of the institution,

(i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or

(ii) disclosure would clearly benefit the individual to whom the information relates.

*Personal information disclosed by the Sawridge Archives*

(3) Subject to any other Act of the Sawridge Assembly, personal information under the custody or control of the Sawridge Archives that has been transferred there by a government institution for historical or archival purposes may be disclosed in accordance with the regulations to any person or body for research or statistical purposes.

*Copies of requests under paragraph (2)(e) to be retained*

(4) The head of a Sawridge government institution shall retain a copy of every request received by the government institution under paragraph (2)(e) for such period of time as may be prescribed by regulation, shall keep a record of any information disclosed pursuant to the request for such period of time as may be prescribed by regulation and shall, on the request of the Privacy Commissioner, make those copies and records available to the Privacy Commissioner.

*Access to Personal Information:  
Right of Access*

*Right of Access*

9. (1) Subject to this Act, every individual who is a member of the Sawridge First Nation has a right to and shall, on request, be given access to any personal information about the individual under the control of a Sawridge government institution with respect to which the individual is able to provide sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution.

*Extension of right of access by order*

(2) The Council may, by order, extend the right to be given access to personal

information under subsection (1) to include individuals not referred to in that subsection and may set such conditions as the Council deems appropriate.

*Requests for Access*

10. A request for access to personal information under paragraph 9 (1) shall be made in writing to the Sawridge government institution that has control of the information and shall provide sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution.

*Notice where access requested*

11. Where access to personal information is requested under subsection 9(1), the head of the Sawridge government institution to which the request is made shall, subject to section 12, within thirty days after the request is received,

- (a) give written notice to the individual who made the request as to whether or not access to the information or a part thereof will be given; and
- (b) if access is to be given, give the individual who made the request access to the information or the part thereof.

*Extension of time limits*

12. The head of a Sawridge government institution may extend the time limit set out in section 11 in respect of a request for

- (1) a maximum of thirty days if
  - (a) meeting the original time limit would unreasonably interfere with the operations of the Sawridge government institution, or
  - (b) consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit, or
- (2) such period of time as is reasonable, if additional time is necessary for translation purposes or for the purposes of converting the personal information into an alternative format,

by giving notice of the extension and the length of the extension to the individual who made the request within thirty days after the request is received, which notice shall contain a statement that the individual has a right to make a complaint to the Privacy Commissioner about the extension.

*Where access is refused*

13. (1) Where the head of a Sawridge government institution refuses to give access to any personal information requested under subsection 9(1), the head of the institution shall state in the notice given under paragraph 11(a)

(a) that the personal information does not exist, or

(b) the specific provision of this Act on which the refusal was based or the provision on which a refusal could reasonably be expected to be based if the information existed,

and shall state in the notice that the individual who made the request has a right to make a complaint to the Privacy Commissioner about the refusal.

*Existence not required to be disclosed*

(2) The head of a Sawridge government institution may but is not required to indicate under subsection (1) whether personal information exists.

*Deemed refusal to give access*

(3) Where the head of a Sawridge government institution fails to give access to any personal information requested under subsection 9(1) within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.

*Access*

*Form of access*

14. (1) Subject to any regulations, where an individual is to be given access to personal information requested under subsection 9(1), the Sawridge government institution shall

- (a) permit the individual to examine the information in accordance with the regulations; or
- (b) provide the individual with a copy thereof.

*Language of access*

(2) Where access to personal information is to be given under this Act, the information shall be provided in the English language, and if the personal information does not exist in the English language, the head of the Sawridge government institution that has control of the personal information shall cause it to be translated or interpreted for the individual if the head of the institution considers a translation or interpretation to be necessary to enable the individual to understand the information.

*Access to personal information in alternative format*

(3) Where access to personal information is to be given under this Act and the individual to whom access is to be given has a sensory disability and requests that

access be given in an alternative format, access shall be given in an alternative format if

- (a) the personal information already exists under the control of a government institution in an alternative format that is acceptable to the individual; or
- (b) the head of the government institution that has control of the personal information considers the giving of access in an alternative format to be necessary to enable the individual to exercise the individual's right of access under this Act and considers it reasonable to cause the personal information to be converted.

### *Exemptions*

#### *Council may designate exempt information*

15. (1) The Council may, by order, designate as exempt certain personal information that contain files all of which consist predominantly of personal information described in section 17 or 18.

#### *Disclosure may be refused*

(2) The head of a Sawridge government institution may refuse to disclose any personal information requested under subsection 9(1) that is contained in personal information designated as exempt under subsection (1).

#### *Contents of order*

(3) An order made under subsection (1) shall specify the section on the basis of which the order is made.

### *Responsibilities of Government*

#### *Personal information obtained in confidence*

16. (1) Subject to subsection (2), the head of a Sawridge government institution shall refuse to disclose any personal information requested under subsection 9(1) that was obtained in confidence from

- (a) the government of Canada, a province of Canada, a foreign state, an international organization of states, or an institution thereof;
- (b) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government;
- (c) the council of another First Nation;
- (d) a person, organization or corporation;

*Where disclosure authorized*

(2) The head of a Sawridge government institution may disclose any personal information requested under subsection 9(1) that was obtained from any government, organization or institution described in subsection (1) if the government, organization or institution from which the information was obtained

- (a) consents to the disclosure; or
- (b) makes the information public.

*Inter-Governmental affairs*

17. The head of a Sawridge government institution may refuse to disclose any personal information requested under subsection 9(1) the disclosure of which could reasonably be expected to be injurious to the conduct by the Sawridge Government of its affairs with other governments.

*External affairs and security*

18. The head of a Sawridge government institution may refuse to disclose any personal information requested under subsection 9(1) the disclosure of which could reasonably be expected to be injurious to the conduct of Sawridge external affairs, the security of the Sawridge First Nation or the efforts of the Sawridge First Nation toward detecting, preventing or suppressing subversive or hostile activities.

*Law enforcement and investigation*

19. (1) The head of a Sawridge government institution may refuse to disclose any personal information requested under subsection 9(1)

(a) that was obtained or prepared by any Sawridge government institution (in whole or in part) that is an investigative body specified in the regulations in the course of lawful investigations pertaining to

- (i) the detection, prevention or suppression of crime,
- (ii) the enforcement of any Sawridge law,
- (iii) activities suspected of constituting threats to the security of the Sawridge First Nation;

if the information came into existence less than twenty years prior to the request;

(b) the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of the Sawridge First Nation or the conduct of lawful investigations, including, without restricting the generality of the foregoing, any such information

- (i) relating to the existence or nature of a particular investigation,
- (ii) that would reveal the identity of a confidential source of information, or
- (iii) that was obtained or prepared in the course of an investigation; or

(c) the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.

*Policing services for provinces or municipalities*

(2) The head of a Sawridge government institution shall refuse to disclose any personal information requested under subsection 9(1) that was obtained or prepared by any police force while performing policing services for the Sawridge First Nation pursuant to an agreement between the Sawridge First Nation and the police force, where the Sawridge First Nation has, on the request of police force, agreed not to disclose such information.

*Definition of "investigation"*

- (3) For the purposes of subparagraph (1)(b), "investigation" means an investigation that
- (a) pertains to the administration or enforcement of an Act of the Sawridge Assembly;
  - (b) is authorized by or pursuant to an Act of the Sawridge Assembly,
  - (c) is within a class of investigations specified in the regulations.

*Information obtained by Privacy Commissioner*

20.(1) The Privacy Commissioner shall refuse to disclose any personal information requested under this Act that was obtained or created by the Commissioner or on the Commissioner's behalf in the course of an investigation conducted by, or under the authority of, the Commissioner.

*Exception*

(2) However, the Commissioner shall not refuse under subsection (1) to disclose any personal information that was created by the Commissioner or on the Commissioner's behalf in the course of an investigation conducted by, or under the authority of, the Commissioner once the investigation and all related proceedings, if any, are finally concluded.



*Protection of Sawridge Employees' Disclosures*

(3) The head of a Sawridge government institution shall refuse to disclose personal information requested under subsection 9(1) that was created for the purpose of making a disclosure made by a Sawridge employee in the interests intended to protect the interests of the Sawridge First Nation or in the course of an investigation into such a disclosure.

*Security clearances*

21. The head of a Sawridge government institution may refuse to disclose any personal information requested under subsection 9(1) that was obtained or prepared by an investigative body specified in the regulations for the purpose of determining whether to grant security clearances

(a) required by a Sawridge government institution in respect of individuals employed by or performing services for the institution, individuals employed by or performing services for a person or body performing services for a Sawridge government institution, individuals seeking to be so employed or seeking to perform those services, or

(b) required by an external government or an institution thereof,

if disclosure of the information could reasonably be expected to reveal the identity of the individual who furnished the investigative body with the information.

*Individuals sentenced for an offence*

22. The head of a Sawridge government institution may refuse to disclose any personal information requested under subsection 9(1) that was collected or obtained by an external agency while the individual who made the request was under sentence for an offence, if the disclosure could reasonably be expected

(a) to interfere with the individual's rehabilitation or well-being;

(b) reveal information about the individual originally obtained on a promise of confidentiality, express or implied.

*Safety of individuals*

23. The head of a Sawridge government institution may refuse to disclose any personal information requested under subsection 9(1) the disclosure of which could reasonably be expected to threaten the safety of individuals.

*Personal Information*

*Information about another individual*

24. The head of a Sawridge government institution may refuse to disclose any personal information requested under subsection 9(1) about an individual other than the individual who made the request, and shall refuse to disclose such information where the disclosure is prohibited under section 8.

*Solicitor-Client Privilege*

*Solicitor-client privilege*

25. The head of a Sawridge government institution may refuse to disclose any personal information requested under subsection 9(1) that is subject to solicitor-client privilege.

*Medical Records*

*Medical record*

26. The head of a Sawridge government institution may refuse to disclose any personal information requested under subsection 9(1) that relates to the physical or mental health of the individual who requested it where the examination of the information by the individual would be contrary to the best interests of the individual.

*Complaints*

*Receipt and investigation of complaints*

27.(1) Subject to this Act, the Privacy Commissioner shall receive and investigate complaints

(a) from individuals who allege that personal information about themselves held by a Sawridge government institution has been used or disclosed otherwise than in accordance with section 7 or 8;

(b) from individuals who have been refused access to personal information requested under subsection 9(1);

(c) from individuals who have requested access to personal information in respect of which a time limit has been extended pursuant to section 12 where they consider the extension unreasonable;

(d) from individuals who have not been given access to personal information in the official language requested by the individuals under subsection 14(2);

(e) from individuals who have not been given access to personal information in an alternative format pursuant to a request made under subsection 14(3);

(f) from individuals who have been required to pay a fee that they consider inappropriate;

(g) in respect of any other matter relating to

(i) the collection, retention or disposal of personal information by a Sawridge government institution,

(ii) the use or disclosure of personal information under the control of a Sawridge government institution, or

(iii) requesting or obtaining access under subsection 9(1) to personal information.

*Complaints submitted on behalf of complainants*

(2) Nothing in this Act precludes the Privacy Commissioner from receiving and investigating complaints of a nature described in subsection (1) that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized.

*Privacy Commissioner may initiate complaint*

(3) Where the Privacy Commissioner is satisfied that there are reasonable grounds to investigate a matter under this Act, the Commissioner may initiate a complaint in respect thereof.

*Written complaint*

28. A complaint under this Act shall be made to the Privacy Commissioner in writing unless the Commissioner authorizes otherwise.

*Investigations*

*Notice of intention to investigate*

29. Before commencing an investigation of a complaint under this Act, the Privacy Commissioner shall notify the head of the Sawridge government institution concerned

of the intention to carry out the investigation and shall inform the head of the institution of the substance of the complaint.

*Regulation of procedure*

30. Subject to this Act, the Privacy Commissioner may determine the procedure to be followed in the performance of any duty or function of the Commissioner under this Act.

*Investigations in private*

31. (1) Every investigation of a complaint under this Act by the Privacy Commissioner shall be conducted in private.

*Right to make representation*

(2) In the course of an investigation of a complaint under this Act by the Privacy Commissioner, the person who made the complaint and the head of the government institution concerned shall be given an opportunity to make representations to the Commissioner, but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Commissioner by any other person.

*Powers of Privacy Commissioner in carrying out investigations*

32. (1) The Privacy Commissioner has, in relation to the carrying out of the investigation of any complaint under this Act, power

- (a) to summon and enforce the appearance of persons before the Privacy Commissioner and compel them to give oral or written evidence on oath and to produce such documents and things as the Commissioner deems requisite to the full investigation and consideration of the complaint, in the same manner and to the same extent as a superior court of record;
- (b) to administer oaths;
- (c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Privacy Commissioner sees fit, whether or not the evidence or information is or would be admissible in a court of law;
- (d) to enter any premises occupied by any government institution on satisfying any security requirements of the institution relating to the premises;
- (e) to converse in private with any person in any premises entered pursuant to paragraph (d) and otherwise carry out therein such inquiries within the authority of the Privacy Commissioner under this Act as the Commissioner sees fit; and
- (f) to examine or obtain copies of or extracts from books or other records found in any premises entered pursuant to paragraph (d) containing any matter relevant to

the investigation.

*Access to information*

(2) Notwithstanding any other Act of the Sawridge Assembly or any privilege under the laws of evidence, the Privacy Commissioner may, during the investigation of any complaint under this Act, examine any information recorded in any form under the control of a Sawridge government institution, other than a confidence set out in any other Act, and no information that the Commissioner may examine under this subsection may be withheld from the Commissioner on any grounds.

*Evidence in other proceedings*

(3) Except in a prosecution of a person for an offence for perjury in respect of a statement made under this Act, in a prosecution for an offence under this Act or in a review before a court of competent jurisdiction under this Act or an appeal therefrom, evidence given by a person in proceedings under this Act and evidence of the existence of the proceedings is inadmissible against that person in a court or in any other proceedings.

*Witness fees*

(4) Any person summoned to appear before the Privacy Commissioner pursuant to this section is entitled in the discretion of the Commissioner to receive the like fees and allowances for so doing as if summoned to attend before a court of competent jurisdiction.

*Return of documents, etc.*

(5) Any document or thing produced pursuant to this section by any person or a Sawridge government institution shall be returned by the Privacy Commissioner within ten days after a request is made to the Commissioner by that person or government institution, but nothing in this subsection precludes the Commissioner from again requiring its production in accordance with this section.

*Findings and recommendations of Privacy Commissioner*

33. (1) If, on investigating a complaint under this Act in respect of personal information, the Privacy Commissioner finds that the complaint is well-founded, the Commissioner shall provide the head of the Sawridge government institution that has control of the personal information with a report containing

(a) the findings of the investigation and any recommendations that the Commissioner considers appropriate; and

(b) where appropriate, a request that, within a time specified therein, notice be given to the Commissioner of any action taken or proposed to be taken to implement the

recommendations contained in the report or reasons why no such action has been or is proposed to be taken.

*Report to complainant*

(2) The Privacy Commissioner shall, after investigating a complaint under this Act, report to the complainant the results of the investigation, but where a notice has been requested under subparagraph (1)(b) no report shall be made under this subsection until the expiration of the time within which the notice is to be given to the Commissioner.

*Matter to be included in report to complainant*

(3) Where a notice has been requested under subparagraph (1)(b) but no such notice is received by the Commissioner within the time specified therefor or the action described in the notice is, in the opinion of the Commissioner, inadequate or inappropriate or will not be taken in a reasonable time, the Commissioner shall so advise the complainant in his report under subsection (2) and may include in the report such comments on the matter as he thinks fit.

*Access to be given*

(4) Where, pursuant to a request under subparagraph (1)(b), the head of a Sawridge government institution gives notice to the Privacy Commissioner that access to personal information will be given to a complainant, the head of the institution shall give the complainant access to the information forthwith on giving the notice.

*Right of review*

(5) Where, following the investigation of a complaint relating to a refusal to give access to personal information under this Act, access is not given to the complainant, the Privacy Commissioner shall inform the complainant that the complainant has the right to apply to a Court of competent jurisdiction for a review of the matter investigated.

### *Review of Exempt Information*

*Investigation of exempt personal information*

34. (1) The Privacy Commissioner may, from time to time at the discretion of the Commissioner, carry out investigations of the files containing personal information designated as exempt under section 15.

*Sections 29 to 32 apply*

(2) Sections 29 to 32 apply, where appropriate and with such modifications as the circumstances require, in respect of investigations carried out under subsection (1).

*Report of findings and recommendations*

(3) If, following an investigation under subsection (1), the Privacy Commissioner considers that any file contained in exempt personal information should not be contained therein within the terms of the order designating the information as exempt, the Commissioner shall provide the head of the Sawridge government institution that has control of the information with a report containing

(a) the findings of the Commissioner and any recommendations that the Commissioner considers appropriate; and

(b) where appropriate, a request that, within a time specified therein, notice be given to the Commissioner of any action taken or proposed to be taken to implement the recommendations or reasons why no such action has been or is proposed to be taken.

*Reports to be included in annual or special reports to the Sawridge Assembly*

(4) Any report made by the Privacy Commissioner under subsection (3), together with any notice given to the Commissioner in response thereto, may be included in a report made pursuant to section 36.

*Review of exempt Information by Court*

(5) Where the Privacy Commissioner requests a notice under subparagraph (3)(b) in respect of any file contained in exempt personal information designated under section 15 as exempt and no notice is received within the time specified therefor or the action described in the notice is, in the opinion of the Commissioner, inadequate or inappropriate or will not be taken in a reasonable time, the Privacy Commissioner may make an application to a Court of competent jurisdiction under section 40.

*Review of Compliance With Sections 5 to 8*

*Investigation in respect of sections 5 to 8*

35. (1) The Privacy Commissioner may, from time to time at the discretion of the Commissioner, carry out investigations in respect of personal information under the control of Sawridge government institutions to ensure compliance with sections 5 to 8.

*Sections 29 to 32 apply*

(2) Sections 29 to 32 apply, where appropriate and with such modifications as the circumstances require, in respect of investigations carried out under subsection (1).

*Report of findings and recommendations*

(3) If, following an investigation under subsection (1), the Privacy Commissioner considers that a government institution has not complied with sections 5 to 8, the Commissioner shall provide the head of the institution with a report containing the findings of the investigation and any recommendations that the Commissioner considers appropriate.

*Reports to be included in annual or special reports*

(4) Any report made by the Privacy Commissioner under subsection (3) may be included in a report made pursuant to section 36.

*Reports to the Sawridge Assembly**Annual report*

36.(1) The Privacy Commissioner shall, within three months after the termination of each financial year, submit an annual report to the Sawridge Assembly on the activities of the office during that financial year.

*Special reports*

(2) The Privacy Commissioner may, at any time, make a special report to the Sawridge Assembly referring to and commenting on any matter within the scope of the powers, duties and functions of the Commissioner where, in the opinion of the Commissioner, the matter is of such urgency or importance that a report thereon should not be deferred until the time provided for transmission of the next annual report of the Commissioner under section 36.

*Where investigation made*

(3) Any report made pursuant to subsection (1) that relates to an investigation under this Act shall be made only after the procedures set out in section 32, 33 or 34 have been followed in respect of the investigation.

*Transmission of reports*

37. Every report to the Sawridge Assembly made by the Privacy Commissioner under section 36 shall be made by being transmitted to the Speaker of the Assembly for tabling in the Assembly.



*Review By a Court of Competent Jurisdiction**Review by Court where access refused*

38. Any individual who has been refused access to personal information requested under subsection 9(1) may, if a complaint has been made to the Privacy Commissioner in respect of the refusal, apply to a Court of competent jurisdiction for a review of the matter within forty-five days after the time the results of an investigation of the complaint by the Privacy Commissioner are reported to the complainant under subsection 33(2) or within such further time as the Court may, either before or after the expiration of those forty-five days, fix or allow.

*Privacy Commissioner may apply or appear*

39. The Privacy Commissioner may

(a) apply to the Court, within the time limits prescribed by section 38, for a review of any refusal to disclose personal information requested under subsection 9(1) in respect of which an investigation has been carried out by the Privacy Commissioner, if the Commissioner has the consent of the individual who requested access to the information;

(b) appear before the Court on behalf of any individual who has applied for a review under section 38; or

(c) with leave of the Court, appear as a party to any review applied for under s. 38.

*Application respecting files in exempt information*

40. In the circumstances described in subsection 33(5), the Privacy Commissioner may apply to a Court of competent jurisdiction for a review of any file contained in exempt personal information designated as exempt information under section 15.

*Hearing in summary way*

41. An application made under section 38, 39 or 40 shall be heard and determined in a summary way in accordance with any special rules made in respect of such applications of the Court of competent jurisdiction.

*Access to information*

42. Notwithstanding any other Act of the Sawridge Assembly or any privilege under the law of evidence, the Court of competent jurisdiction may, in the course of any proceedings before the Court arising from an application under section 38, 39 or 40, examine any information recorded in any form under the control of a Sawridge government institution, and no information that the Court may examine under this section may be withheld from the Court on any grounds.

*Court to take precautions against disclosing*

43. (1) In any proceedings before the Court of competent jurisdiction arising from an application under section 38, 39 or 40, the Court shall take every reasonable precaution, including, when appropriate, receiving representations ex parte and conducting hearings in camera, to avoid the disclosure by the Court or any person of

(a) any information or other material that the head of a Sawridge government institution would be authorized to refuse to disclose if it were requested under subsection 9(1);

(b) any information as to whether personal information exists where the head of a Sawridge government institution, in refusing to disclose the personal information under this Act, does not indicate whether it exists.

*Disclosure of offence authorized*

(2) The Court of competent jurisdiction may disclose to the appropriate authority information relating to the commission of an offence against a law of the Sawridge Assembly or a law of Canada or a province by a director, an officer or an employee of a Sawridge government institution if, in the Court's opinion, there is evidence of such an offence.

*Burden of proof*

44. In any proceedings before the Court of competent jurisdiction arising from an application under section 38, 39 or 40, the burden of establishing that the head of a Sawridge government institution is authorized to refuse to disclose personal information requested under subsection 9(1) or that a file should be included in exempt personal information designated as exempt information under section 15 shall be on the Sawridge government institution concerned.

*Order of Court where no authorization to refuse disclosure found*

45. Where the head of a Sawridge government institution refuses to disclose personal information requested under subsection 9(1) on the basis of a provision of this Act not referred to in section 46, the Court shall, if it determines that the head of the institution is not authorized under this Act to refuse to disclose the personal information, order the head of the Sawridge institution to disclose the personal information, subject to such conditions as the Court deems appropriate, to the individual who requested access thereto, or shall make such other order as the Court deems appropriate.

*Order of Court where reasonable grounds of injury not found*

46. Where the head of a government institution refuses to disclose personal information requested under subsection 9(1) on the basis of section 17 or 18 or paragraph 19(1)(b) or (c) or 21(a), the Court shall, if it determines that the head of the institution did not have

reasonable grounds on which to refuse to disclose the personal information, order the head of the institution to disclose the personal information, subject to such conditions as the Court deems appropriate, to the individual who requested access thereto, or shall make such other order as the Court deems appropriate.

*Order to remove exempt designation*

47. Where the Privacy Commissioner makes an application to the Court of competent jurisdiction under section 40 for a review of a file designated as containing exempt personal information under section 15, the Court shall, if it determines

(a) in the case of a file designated as exempt on the basis of personal information described in paragraph 19(1)(a) or subsection 19(2), that the file should not be designated as exempt, or

(b) in the case of a file designated as exempt on the basis of personal information described in section 18 or paragraph 19(1)(b) or (c), that reasonable grounds do not exist on which to designate the file as exempt,

order the head of the Sawridge government institution that has control of the file to remove the exempt designation of the file from the file or make such other order as the Court deems appropriate.

*Actions relating to intergovernmental affairs and security*

48. (1) Any application under section 38 or 39 relating to personal information that the head of a Sawridge government institution has refused to disclose by reason of paragraph 16(1)(a) or (b) or section 18, and any application under section 40 in respect of a file contained in exempt personal information designated as exempt under section 15 to contain files all of which consist predominantly of personal information described in section 18, shall be heard and determined by the Chief Justice of the Court of competent jurisdiction.

*Special rules for hearings*

(2) An application referred to in subsection (1) or an appeal brought in respect of such application shall

(a) be heard in camera; and

(b) on the request of the head of the Sawridge government institution concerned, be heard and determined in a court holding hearings in the province of Alberta.

*Ex parte representations*

(3) During the hearing of an application referred to in subsection (1) or an appeal brought in respect of such application, the head of the Sawridge government institution

concerned shall, on the request of the head of the institution, be given the opportunity to make representations *ex parte*.

*Costs*

49. (1) Subject to subsection (2), the costs of and incidental to all proceedings in the Court of competent jurisdiction under this Act shall be in the discretion of the Court and shall follow the event unless the Court orders otherwise.

*Idem*

(2) Where the Court of competent jurisdiction is of the opinion that an application for review under section 38 or 39 has raised an important new principle in relation to this Act, the Court shall order that costs be awarded to the applicant even if the applicant has not been successful in the result.

*Office of the Privacy Commissioner*

*Privacy Commissioner*

*Appointment*

50. (1) The Sawridge Assembly shall appoint a Privacy Commissioner after consultation with the members of the Assembly and approval of the appointment by resolution of the Assembly.

*Tenure*

(2) Subject to this section, the Privacy Commissioner holds office during good behaviour for a term of seven years, but may be removed for cause by the Sawridge Assembly at any time by a two-thirds vote of the Assembly.

*Further terms*

(3) The Privacy Commissioner, on the expiration of a first or any subsequent term of office, is eligible to be re-appointed for a further term not exceeding seven years.

*Interim appointment*

(4) In the event of the absence or incapacity of the Privacy Commissioner, or if that office is vacant, the Sawridge Assembly may appoint any qualified person to hold that office in the interim for a term not exceeding six months, and that person shall, while holding office, be paid the salary or other remuneration and expenses that may have been fixed.

51.(1) In addition to the Privacy Commissioner's duties and powers otherwise referred to, the Commissioner may

- (a) monitor how the privacy provisions are administered and conduct reviews of privacy complaints arising from the privacy provisions;
- (b) initiate an investigation of privacy compliance if there are reasonable grounds to believe that a person has contravened or is about to contravene the privacy provisions and the subject-matter of the review relates to the contravention;
- (c) make recommendations on and mediate privacy complaints;
- (d) undertake research matters concerning privacy legislation and public privacy concerns;
- (e) inform the Sawridge public about this Act;
- (f) on the request of a Sawridge institution, provide advice and comments on privacy;
- (g) make application by way of a special case stated for opinion of a court of competent jurisdiction.

(2) The Commissioner may only exercise the powers regarding individual complaints after the person who has made the complaint has completed the use of the internal privacy-complaint procedure of the Sawridge institution to which the complaint was made.

*Salary and expenses*

52. The Privacy Commissioner shall be paid an honorarium for services rendered at a rate set by the Assembly on the advice of the Audit and Compensation Committee and is entitled to be paid reasonable travel expenses incurred in the performance of duties under this Act or any other Act of the Sawridge Assembly.

*Information Commissioner may be appointed as Privacy Commissioner*

53. In the event the Sawridge First Nation has established the office of Information Commissioner, the person appointed to that post may also be appointed as Privacy Commissioner.

*Staff of the Privacy Commissioner*

54. The Privacy Commissioner may engage on a temporary basis the services of persons having technical or specialized knowledge of any matter relating to the work of the Commissioner to advise and assist the Commissioner in the performance of the duties and functions of the Commissioner under this Act or any other Act of the Sawridge Assembly, and, with the approval of the Assembly, may fix and pay the remuneration and expenses of such persons.

*Delegation by Privacy Commissioner*

55. (1) Subject to subsection (2), the Privacy Commissioner may authorize any person to exercise or perform, subject to such restrictions or limitations as the Commissioner may specify, any of the powers, duties or functions of the Commissioner under this Act except

- (a) the power to delegate under this section; and
- (b) in any case, the powers, duties or functions set out in sections 35 and 36.

*Delegations of investigations relating to external affairs and security*

(2) The Privacy Commissioner may not delegate

- (a) the investigation of any complaint resulting from a refusal by the head of a Sawridge government institution to disclose personal information by reason of paragraph 16(1)(a) or (b) or section 18, or
- (b) the investigation under section 33 of files contained in exempt personal information designated under section 15 as exempt on the basis of personal information described in section 18

except to a person specifically designated by the Commissioner for the purpose of conducting those investigations.

*Special Studies*

56. (1) The Privacy Commissioner shall carry out or cause to be carried out such studies as may be referred to the Commissioner by the Sawridge Council

- (a) relating to the privacy of individuals,
- (b) concerning the extension of the rights to which individuals are entitled under this Act in respect of personal information about themselves, and
- (c) relating to the collection, retention, disposal, use or disclosure of personal information by persons or bodies, other than government institutions, that come within the legislative authority of the Sawridge Assembly,

and the Privacy Commissioner shall report thereon to the Council from time to time.

*Reports to be tabled*

(2) The Council shall cause each report by the Privacy Commissioner under subsection (1) to be laid before the Sawridge Assembly.

*General*

*Security requirements*

57. The Privacy Commissioner and every person acting on behalf or under the direction of the Commissioner who receives or obtains information relating to any investigation under this Act or any other Act of the Sawridge Assembly shall, with respect to access to and the use of that information, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to and use of that information.

*Confidentiality*

58. Subject to this Act, the Privacy Commissioner and every person acting on behalf or under the direction of the Commissioner shall not disclose any information that comes to their knowledge in the performance of their duties and functions under this Act.

*Disclosure authorized*

59. (1) The Privacy Commissioner may disclose or may authorize any person acting on behalf or under the direction of the Commissioner to disclose information

(a) that, in the opinion of the Commissioner, is necessary to

(i) carry out an investigation under this Act, or

(ii) establish the grounds for findings and recommendations contained in any report under this Act; or

(b) in the course of a prosecution for an offence under this Act, a prosecution for an offence of perjury in respect of a statement made under this Act, a review before a Court of competent jurisdiction under this Act or an appeal therefrom.

*Disclosure of offence authorized*

(2) The Privacy Commissioner may disclose to a Court of competent jurisdiction information relating to the commission of an offence against a law of the Sawridge Assembly, of Canada or a province by a director, an officer or an employee of a government institution if, in the Commissioner's opinion, there is evidence of such an offence.

*Information not to be disclosed*

60. In carrying out an investigation under this Act, in notifying an individual of a disclosure under subsection 8(5) and in any report made to the Sawridge Assembly under section 36, the Privacy Commissioner and every person acting on behalf or under the direction of the Privacy Commissioner shall take every reasonable precaution to

avoid the disclosure of, and shall not disclose,

(a) any information that the head of a government institution would be authorized to refuse to disclose if it were requested under subsection 9(1), or

(b) any information as to whether personal information exists where the head of a Sawridge government institution, in refusing to disclose the personal information under this Act, does not indicate whether it exists.

*No summons*

61. The Privacy Commissioner or any person acting on behalf or under the direction of the Commissioner is not a competent or compellable witness, in respect of any matter coming to the knowledge of the Commissioner or that person as a result of performing any duties or functions under this Act during an investigation, in any proceeding other than a prosecution for an offence under this Act, a prosecution for an offence of perjury in respect of a statement made under this Act, a review before the Court under this Act or an appeal therefrom.

*Protection of Privacy Commissioner*

62.(1) No criminal or civil proceedings lie against the Privacy Commissioner, or against any person acting on behalf or under the direction of the Commissioner, for anything done, reported or said in good faith in the course of the exercise or performance or purported exercise or performance of any power, duty or function of the Commissioner under this Act.

*Libel or slander*

(2) For the purposes of any law relating to libel or slander,

(a) anything said, any information supplied or any document or thing produced in good faith in the course of an investigation carried out by or on behalf of the Privacy Commissioner under this Act is privileged; and

(b) any report made in good faith by the Privacy Commissioner under this Act and any fair and accurate account of the report made in good faith in a newspaper or any other periodical publication or in a broadcast is privileged.

*Offences*

*Obstruction*

63. (1) No person shall obstruct the Privacy Commissioner or any person acting on behalf or under the direction of the Commissioner in the performance of the Commissioner's duties and functions under this Act.



*Offence and punishment*

(2) Every person who contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

*Exclusions*

*Act does not apply to certain materials*

64. (1) This Act does not apply to

- (a) library or museum material preserved solely for public reference or exhibition purposes; or
- (b) material placed in the Sawridge archives, by or on behalf of persons or organizations other than Sawridge government institutions.

*Sections 7 and 8 do not apply to certain information*

(2) Sections 7 and 8 do not apply to personal information that is publicly available.

65. (1) This Act does not apply to any information contained in

- (a) memoranda the purpose of which is to present proposals or recommendations to Council;
- (b) discussion papers the purpose of which is to present background explanations, analyses of problems or policy options to Council for consideration by Council in making decisions;
- (c) agenda of Council or records recording deliberations or decisions of Council;
- (d) records used for or reflecting communications or discussions between members of Council on matters relating to the making of government decisions or the formulation of government policy;
- (e) records the purpose of which is to brief members of Council in relation to matters that are before, or are proposed to be brought before, Council or that are the subject of communications or discussions referred to in paragraph (d); and
- (f) draft legislation.

*Definition of "Council"*

(2) For the purposes of subsection (1), "Council" means the Sawridge Council,

committees of the Council, committees of the Assembly, the Elders Commission or any function of members of Council set out in legislation.

*Exception*

(3) Subsection (1) does not apply to

(a) confidences of the Council that have been in existence for more than twenty years; or

(b) discussion papers described in paragraph (1)(b)

(i) if the decisions to which the discussion papers relate have been made public, or

(ii) where the decisions have not been made public, if four years have passed since the decisions were made.

*Certificate*

66.(1) Where a certificate has been issued by Council prohibiting the disclosure of personal information of a specific individual before a complaint is filed by that individual under this Act in respect of a request for access to that information, the provisions of this Act respecting that individual's right of access to his or her personal information do not apply to the information that is subject to the certificate.

*Certificate following filing of complaint*

(2) Notwithstanding any other provision of this Act, where such a certificate prohibiting the disclosure of personal information of a specific individual is issued in respect of personal information after the filing of a complaint under this Act in relation to a request for access to that information,

(a) all proceedings under this Act in respect of that information, including an investigation, audit, appeal or judicial review, are discontinued;

(b) the Privacy Commissioner shall not disclose the information and shall take all necessary precautions to prevent its disclosure; and

(c) the Privacy Commissioner shall, within 10 days after the certificate is published, return the information to the head of the Sawridge government institution that controls the information.

*Information not to be disclosed*

(3) The Privacy Commissioner and every person acting on behalf or under the direction of the Privacy Commissioner, in carrying out their functions under this Act, shall not disclose information subject to a certificate issued under this section and shall take every reasonable precaution to avoid the disclosure of that information.

*Limited power of delegation*

(4) The Privacy Commissioner may not delegate the investigation of any complaint respecting information subject to a certificate issued under this section, except to the person specifically designated by the Commissioner for the purpose of conducting that investigation.

*General*

*Duties and functions of Council*

67. The Council shall

(1) cause to be kept under review the manner in which personal information is maintained and managed to ensure compliance with the provisions of this Act and the regulations relating to access by individuals to personal information contained therein; and

(2) cause to be prepared and distributed to Sawridge government institutions directives and guidelines concerning the operation of this Act and the regulations;

*Report to the Sawridge Assembly*

68. (1) The head of every Sawridge government institution shall prepare for submission to the Sawridge Assembly a report on the administration of this Act within the institution when requested by a resolution of the Assembly.

*Tabling of report*

(2) Every report prepared under subsection (1) shall be laid before the Sawridge Assembly within three months after the resolution in respect of which it is made or if the Assembly is not sitting, at the next sitting.

*Delegation by the head of a government institution*

69. The head of a Sawridge government institution may, by order, designate one or more officials or employees of that institution to exercise or perform any of the powers, duties or functions of the head of the institution under this Act that are specified in the order.

*Protection from civil proceeding or from prosecution*

70. Notwithstanding any other Act of the Assembly, no civil or criminal proceedings lie against the head of any Sawridge government institution, or against any person acting on behalf or under the direction of the head of a Sawridge government institution, and no proceedings lie against the First Nation or any Sawridge government institution, for the disclosure in good faith of any personal information pursuant to this Act, for any consequences that flow from that disclosure, or for the failure to give any notice required under this Act if reasonable care is taken to give the required notice.

*Binding on Council*

71. This Act is binding on the Council of the Sawridge First Nation.

*Coming Into Force*

72. The provisions of this Act come into force sixty days after passage of the Act.