



Office of the Information and
Privacy Commissioner of Alberta

May 20, 2021

Mr. Keith Stewart
345 Bartlett AVE
Toronto, ON M6H 3G8

Mr. Tom Olsen
Chief Executive Officer and Managing Director
Canadian Energy Centre (CEC)
300, 801-6 AVE SW
Calgary, AB T2P 3W2

Dear Mr. Stewart and Mr. Olsen:

Re: Complaint File #: 020759

I received a complaint that Canadian Energy Centre (CEC) has collected, used or disclosed personal information in contravention of section 36(2)(e) of the *Personal Information Protection Act* (PIPA).

I have requested that Leanne Salel, Senior Information and Privacy Manager, to investigate and try to settle this matter. It is anticipated that this investigation will be completed by October 25, 2022. I will notify you in writing if the date is extended.

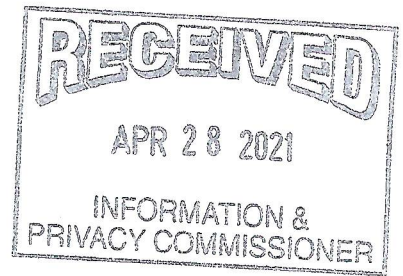
It is important that information or evidence concerning the attached complaint be provided to my office as soon as possible. I ask that the Canadian Energy Centre (CEC) please submit a response to the complaint by June 21, 2021. Please provide the above case file number and direct the information to the Manager at the address to our Calgary Office at: Office of the Information and Privacy Commissioner, Suite 2460, 801 6 Avenue SW, Calgary, AB, T2P 3W2

An Address for Service, to which written communication will be sent for the purposes of this Complaint, is required for each party. The Complainant's Address for Service is set out in the attached "Complaint" form. The Address for Service of the Organization is set out above. A party must use a "Change of Contact and/or Address for Service" form to change its Address for Service at any time during this Complaint. This process will be modified for any unnamed parties.

Sincerely,

Jill Clayton
Information and Privacy Commissioner
/gc

Enclosures Copy of Complaint
 Copy of "What to Expect During the Review"



Request for Review/Complaint Form

Note: The Office of the Information and Privacy Commissioner (OIPC) must provide a copy of your completed form and all attachments to the public body, custodian and/or organization concerned.

Section 1 – What do you want OIPC to review or investigate?

Please identify the name and contact information of the public body/custodian/organization.

Public Body/Custodian/Organization Name Canadian Energy Centre

Address 801 6 Ave SW, Calgary, AB T2P 3W2

Name of Contact Person Mike Simpson Phone N/A

File Number (if applicable) _____

Please identify the matters that you want reviewed or investigated.

I made an access to information request:

- No Response: The time limit for responding to my request has expired and I have received no reply.
- Time Extension: I received notice from the Public Body/Custodian/Organization that the response due date for my request has been extended. I dispute the need for the extension.
- Search: The search conducted for records was not adequate or failed to locate records believed to exist.
- Fees: I received notice that fees apply. I question how the fees have been calculated.
- Fee Waiver: I requested a fee waiver and have been denied. I dispute this decision.
- Refused Access: I have been refused access to all or part of the records requested. I dispute the decision to withhold information that I requested.
- Other (please specify): _____

I requested a correction to my personal or health information:

- No Response: The time limit for responding to my request has expired and I have received no reply.
- Correction Denied: I dispute the decision to refuse my request.

I have been notified that my personal/business information will be released to an applicant who made an access request under the Freedom of Information and Protection of Privacy Act.

- Third Party:** I dispute the public body's decision to give an applicant access to my information.

I believe my personal information has been improperly collected, used or disclosed:

- Collection:** My personal/health information has been collected in contravention of Alberta's privacy laws.
- Use:** My personal/health information has been used in contravention of Alberta's privacy laws.
- Disclosure:** My personal/health information has been disclosed in contravention of Alberta's privacy laws.

Section 2 – How can we contact you or your representative?

The information in this section will be used to contact you or your representative for this review/investigation. Correspondence will be sent to the address provided below. If your contact information changes, you must complete a "Change of Contact and/or Address for Service" Form to update information in this section.

Are you submitting this request for review/filing this complaint on behalf of a minor?

Yes, I am and I am the guardian of the minor (see section 20 of the *Family Law Act*).

Your Information

Last Name: Stewart First Name: Keith

Address: 345 Bartlett Ave., Toronto ON M6H-3G8

Daytime Phone Number: 416-659-0294 Fax Number: N/A

Email: climatekeith@gmail.com

May a message be left at your daytime phone number? Yes No

Representative Information (complete only if you are represented by another person)

I authorize the following person to act on my behalf and to receive any personal information about me, as necessary, for the purposes of this review

Last Name: _____ First Name: _____

Address: _____

Daytime Phone Number: _____ Fax Number: _____

Email: _____

May a message be left at your daytime phone number? Yes No


Section 3 – Is your request/complaint complete?

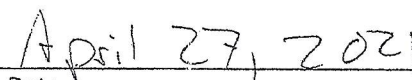
Before you send your form to the OIPC, please check if you have attached the relevant documentation to support your request for review/complaint.

- Did you attach a copy of the request that you made to the public body, custodian and/or organization (access, correction or fee waiver)?
- Did you attach a copy of the correspondence you received from the public body, custodian and/or organization in response to your request (e.g., time extensions, fee estimates, response on fee waiver request or response to access/correction request)? **[Please do not attach copies of the records received in response to your access request from the Public Body/Custodian/Organization]**
- Did you attach a copy of the public body's notice to you that your personal/business information would be released to an applicant under the FOIP Act?
- Did you attach a letter describing the facts or details that support your complaint that your personal/health information has been collected, used or disclosed in contravention of Alberta's privacy laws? Does your letter describe any actions you have taken to resolve your privacy concerns?

Section 4 – Your Signature and Statements

I confirm that all of the information contained in this Form and attachment(s) is accurate to the best of my knowledge. I also confirm that I understand this Form and all attachments will be provided to the public body, custodian and/or organization concerned. I acknowledge I am required to keep my contact and address information up-to-date and, if I fail to do so, this review may not proceed.


Signature


Date

Section 5 – Submitting to the OIPC

Choose one of the following three ways to submit this form:

- **Mail:** Send this completed and signed form along with the attachments by mail to:

Edmonton Office

Office of the Information and Privacy Commissioner
Suite 410, 9925 109 Street NW
Edmonton, AB T5K 2J8

Calgary Office

Office of the Information and Privacy Commissioner
2460, 801 – 6 Avenue SW
Calgary, AB T2P 3W2

- **Fax:** Send this completed and signed form along with the attachments to (780) 422-5682 or (403) 297-2711
- **Email:** Send this completed, signed and scanned form along with the attachments to Complaint_Review@oipc.ab.ca (capital letters not required)

www.oipc.ab.ca



Keith Stewart <climatekeith@gmail.com>

Request for Personal Information under Alberta's Personal Information Protection Act

2 messages

Keith Stewart <climatekeith@gmail.com>
To: privacy@canadianenergycentre.ca

Thu, Mar 18, 2021 at 3:21 PM

To the officer responsible for the Canadian Energy Centre's responsibilities under the Personal Information Protection Act:

I hereby request that you disclose:

1. All information that you have on me, both as a subscriber to your email list (address climatekeith@gmail.com) and in my role as a senior energy strategist with Greenpeace Canada (kstewart@greenpeace.org).
2. The purposes for which the personal information has been and is being used by the organization.
3. The names of the persons to whom and circumstances in which the personal information has been and is being disclosed. This should include, but is not limited to, organization such as energy companies, industry associations and law enforcement bodies.

Keith Stewart

345 Bartlett Avenue North

Toronto, ON M6H-3G8

Tel. 416-659-0294

Email: climatekeith@gmail.com and kestewart@greenpeace.org

From Alberta's Personal Information Protection Act:

Access to records and provision of information

24(1) An individual may, in accordance with section 26, request an organization (a) to provide the individual with access to personal information about the individual, or (b) to provide the individual with information about the use or disclosure of personal information about the individual.

(1.1) Subject to subsections (2) to (4), on the request of an applicant made under subsection (1)(a) and taking into consideration what is reasonable, an organization must provide the applicant with access to the applicant's personal information where that information is contained in a record that is in the custody or under the control of the organization.

(1.2) On the request of an applicant made under subsection (1)(b), and taking into consideration what is reasonable, an organization must, if the organization has in its custody or under its control a record containing personal information about the applicant described in the request, provide the applicant with (a) information about the purposes for which the personal information has been and is being used by the organization, and (b) the names of the persons to whom and circumstances in which the personal information has been and is being disclosed.

Canadian Energy Centre <inbox@canadianenergycentre.ca>
To: Keith Stewart <climatekeith@gmail.com>

Mon, Mar 22, 2021 at 10:13 AM

Hello Keith,



Keith Stewart <climatekeith@gmail.com>

Request for Personal Information under Alberta's Personal Information Protection Act

2 messages

Mike Simpson <mike.simpson@canadianenergycentre.ca>
To: "climatekeith@gmail.com" <climatekeith@gmail.com>
Cc: Tom Olsen <tom.olsen@canadianenergycentre.ca>

Fri, Apr 23, 2021 at 3:20 PM

Dear Mr. Stewart,

We have received your March 18, 2021 request for information under section 24 of the *Personal Information Protection Act (PIPA)*.

In relation to your personal information as a Canadian Energy Centre (CEC) newsletter subscriber, our records indicate that **you provided your name, email address, telephone number and postal code** (the **Personal Information**) when you signed up for the CEC newsletter on the Support Canadian Energy website. This Personal Information has been used solely for the purpose of sending CEC newsletters. It has not been disclosed to any third party. One Persuasion and Nation Builder, contractors that provide and manage the Support Canadian Energy website, have access to the Personal Information (along with the other newsletter subscriber information), but have not used or disclosed any of it. Both of these parties are under contractual obligations to keep the Personal Information confidential.

The CEC has not collected, used, or disclosed any personal information about you in relation to your role as a senior energy strategist with Greenpeace Canada.

Regards,

Mike

Mike Simpson
Executive Director of Operations
Canadian Energy Centre
mike.simpson@canadianenergycentre.ca

Keith Stewart <climatekeith@gmail.com>
To: kstewart <kstewart@greenpeace.org>

Fri, Apr 23, 2021 at 6:53 PM

4/27/2021

Gmail Request for Personal Information under Alberta's Personal Information Protection Act

Thank you for your email. We are reviewing your request and will respond in due course.

Sincerely,

Joanne Birce

Operations Administrator/

Executive Assistant to CEO

canadianenergycentre.ca

**Canadian
Energy Centre**

[Quoted text hidden]

April 27, 2021

Keith Stewart
345 Bartlett Ave
Toronto ON M6H-3G8

Dear Commissioner Clayton:

I am writing to you to express my concern with respect to the Canadian Energy Centre's (CEC) sharing of my personal information with the political lobbying firm One Persuasion (see attached response from the CEC to my PIPA request).

The CEC is a highly politicized entity. As you are aware, Energy Minister Sonja Savage (who is also on the CEC board of directors) has stated that the CEC was established as an independent provincial corporation to avoid having to comply with Freedom of Information and Privacy Act requirements.¹ Yet it is still directed by the government, as its board of directors is comprised of three provincial Cabinet ministers and its primary source of funding is the Government of Alberta's Technology, Innovation and Emissions Reduction (TIER) fund.²

As a politicized organization established to avoid the oversight that generally comes with spending public funds, it is concerning to me that the CEC is providing access to the personal information of its newsletter subscribers to One Persuasion.

One Persuasion describes itself as "a national high-stakes strategy firm. We deliver wins for companies, governments, political parties, associations, and major public and political figures."³ It is a highly partisan lobbying and public relations firm that is closely tied to federal Conservative Party and Alberta's United Conservative Party. Some of those ties include:

- According to the bios on the company website, all of the five partners in One Persuasion have worked for the federal Conservative Party.
- One of its partners, Hamish Marshall, was the Conservative Party campaign director in the 2019 federal election. As part of that campaign, he spoke to a joint meeting of oil executives and Conservative campaign officials about how to "rally the base" by using friendly interest groups that operate independently of the party.⁴
- Marshall was also the campaign director for UCP leadership candidate Brian Jean.⁵
- Three of the five partners in One Persuasion were previously partners in a company called GoNewClear Productions that worked for a range of Conservative politicians and causes, including then-federal politician Jason Kenney, Alberta's Wildrose Alliance Party (a predecessor to the UCP) and politically-allied third party organizations like Ethical Oil.⁶

The CEC already blurs the lines between public and partisan interests. It started as a campaign promise from the United Conservative Party. It was subsequently established as a private corporation by the Government of Alberta, yet its budget is still set by Cabinet, it is funded from government revenues and its directors are appointed by the government. That board of directors is composed exclusively of UCP elected officials who are also Cabinet ministers: Sonja Savage (Alberta's Minister of Energy), Jason Nixon

(provincial Minister of Environment and Parks) and Doug Schweitzer (provincial Minister of Justice and Solicitor General). It is not clear, in their role as directors of the CEC, if they are acting in their personal, partisan or political capacities. Furthermore, the CEC's corporate structure was explicitly designed to evade the traditional oversight of how public funds are used required under the Freedom of Information and Privacy Act, so it is unreasonable to give it the 'benefit of the doubt' with respect to its approach to the protection of privacy.

These blurred lines between public and partisan purposes is why it is so concerning that the CEC is providing access to personal information to a highly partisan entity that has expertise in using third party organizations to advance the political interests of Conservative parties and in running election campaigns for Conservative candidates.

I can understand the rationale for Nationbuilder to have access to the personal information of newsletter subscribers, as it provides the core website services to the CEC to manage petitions and email lists (as it does for many organizations). Yet I can see no rationale for One Persuasion to have access to this information and I am concerned that this data could be used for political purposes.

I would be happy to discuss this further with you, and hope that you will investigate this matter.

Sincerely,



Keith Stewart

¹ CBC News. "Alberta energy war room not subject to freedom of information rules". October 10, 2019. Available at <https://www.cbc.ca/news/canada/edmonton/canadian-energy-centre-freedom-of-information-rules-exemption-1.5317360>

² <https://www.canadianenergycentre.ca/about-us/>

³ <https://onepersuades.com/>

⁴ Globe and Mail. "Conservative politicians, oil executives map out strategy for ousting federal Liberals in growing collaboration." April 25, 2019. Available at <https://www.theglobeandmail.com/politics/article-conservative-politicians-oil-executives-map-out-strategy-for-ousting/>

⁵ Macleans Magazine. "Jason Kenney, Brian Jean and the war to define Alberta conservatism." July 21, 2017. Available at <https://www.macleans.ca/news/canada/jason-kenney-brian-jean-and-the-war-to-define-alberta-conservatism/>

⁶ The Narwhal. "Cozy Ties: Astroturf 'Ethical Oil' and Conservative Alliance to Promote Tar Sands Expansion." January 13, 2012. Available at <https://thenarwhal.ca/cozy-ties-astroturf-ethical-oil-and-conservative-alliance-to-promote-tar-sands-expansion/>



What to Expect During the Review

This document relates to a review by the Office of the Information and Privacy Commissioner of your complaint about the alleged improper collection, use, disclosure or storage of your personal or health information or the response by a public body, health custodian or private sector organization to your access to information request.

The Commissioner has authorized a Senior Information and Privacy Manager (Manager) to review and try to settle your complaint or the response to your access request (your file).

The office is receiving high volumes of files, and your file may be placed on the Manager's inactive caseload until the Manager has the capacity to begin work on it. You will be notified when the Manager starts actively investigating your file, which may take several months.

While you wait to hear from the Manager, we encourage you to try to settle the issue directly with the organization.¹

Address for Service

If your address or contact information changes while you wait to hear from the Manager or while your file is being reviewed, you must use the Change of Contact or Address for Service Form, available at www.oipc.ab.ca (under the 'Forms' tab on the homepage).

What Can Be Expected During the Review of Your File

The Manager begins by reviewing your submission² and, in the case of a review of an access request, the records withheld from you by the organization.

During this initial assessment, the Manager may:

- Recommend direct communication between you and the organization to settle your complaint, with some direction from the Manager
- Determine that there is no dispute as to the details underlying the complaint or the access request, and will take steps to resolve your file
- Determine that the way the law applies to your file has been well established by previous cases, and will take steps to resolve your file

Most files take more work to resolve because of their complexity. Contributing factors include where:

- Many records have been withheld in response to the access request
- Several exceptions to disclosure have been applied to withhold all or part of a record

¹ Organization in this document refers to a public body, health custodian or private sector organization.

² Actual submissions made by the parties to the Manager are not exchanged between the parties at the review phase.

- The details of your complaint are in dispute between you and the organization
- Your complaint relates to a number of people or organizations
- Your complaint involves video recordings or witnesses
- You or the organization are not available to participate in the review³

During the review, the Manager may ask you or the organization for additional information in order to help identify the issues and understand the details of your file. The Manager will also review the relevant parts of the legislation and the cases that have interpreted the legislation so as to determine how the legislation applies to your file.

At the conclusion, the Manager will provide findings to you and the organization. The findings generally outline the information gathered and the issues identified by the Manager and may include recommendations to resolve the issues. The findings provide an opportunity for both parties to consider the information that has been brought forward and the Manager's conclusions about how the relevant law applies, and to consider their positions in light of the findings. The organization will be given an opportunity to respond to any recommendations made.

If the issues are not settled during this phase, you may ask the Commissioner to hold an inquiry. An inquiry is a formal adjudicative process. It is at the discretion of the Commissioner to hold an inquiry.

For more information about the procedures, you can find the "Review and Investigation Procedures" document at www.oipc.ab.ca or contact the Manager assigned to your file.

What We Cannot Do

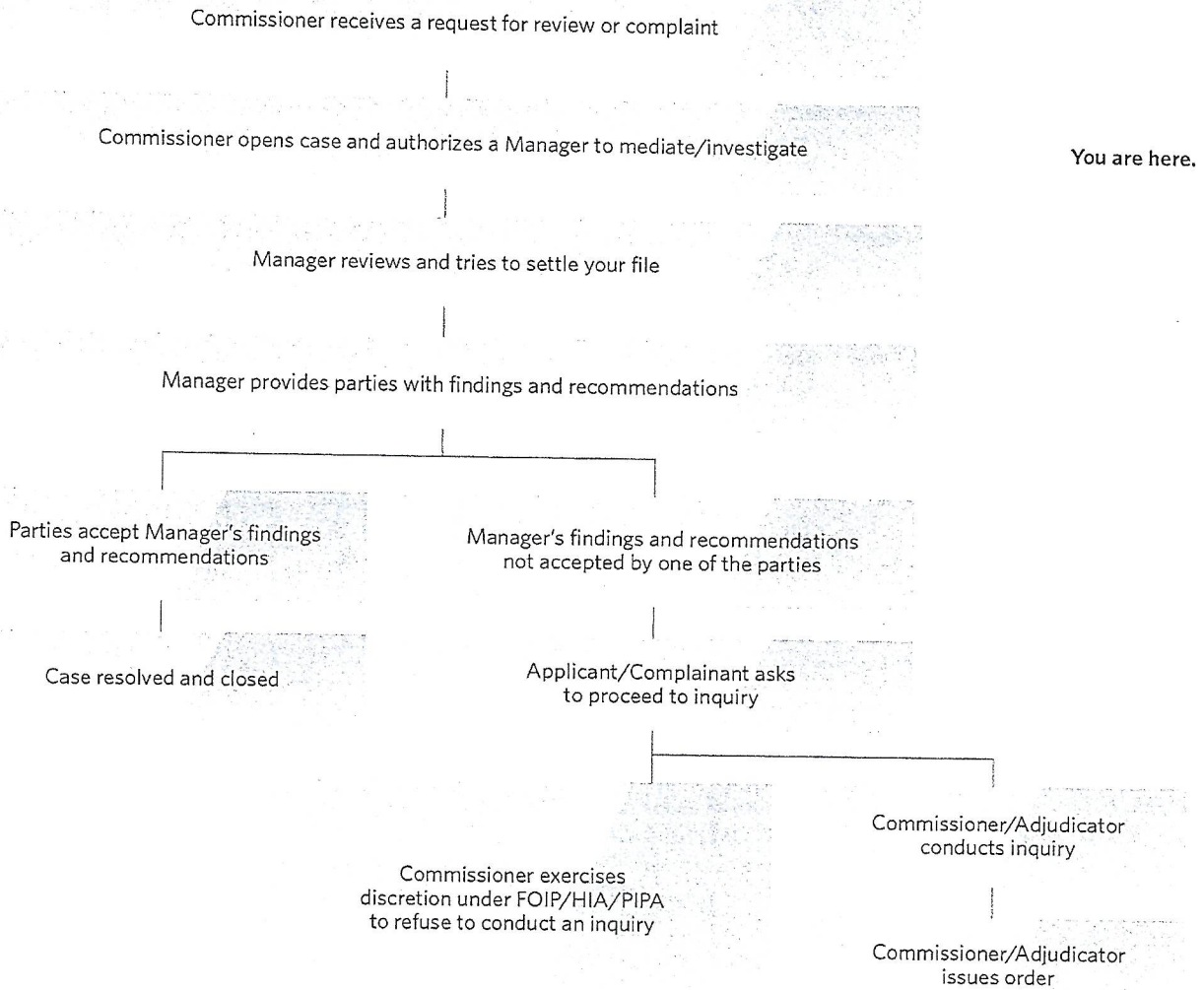
A reminder of what the Office of the Information and Privacy Commissioner cannot do:

- **We cannot issue monetary awards and we do not issue fines** if we find your request for review or privacy complaint was valid.
- **We cannot force anyone to be disciplined, suspended or fired from their job.** Decisions related to job discipline are made by the employer – the public body, health custodian or organization. We cannot change those decisions.
- **We cannot change a decision made by another body or administrative tribunal about providing a benefit or issuing a penalty,** such as decisions made by the Workers' Compensation Board, Assured Income for the Severely Handicapped (AISH), Maintenance Enforcement, and so on.
- **We are not an advocate.** We cannot represent you in your request for review or privacy complaint. We also do not represent the public body, health custodian or organization.

For more details, see the What We Do webpage at www.oipc.ab.ca/action-items/what-we-do.aspx.

³ For estimated timelines for reviewing a privacy complaint or a response to an access request and to make findings and recommendations, see Investigation Timelines at www.oipc.ab.ca/action-items/request-a-review-file-a-complaint/investigation-timelines.aspx.

Request for Review/Complaint Process



For more information, visit:

www.oipc.ab.ca