



Province of Alberta

TRAFFIC SAFETY ACT

ACCESS TO MOTOR VEHICLE INFORMATION REGULATION

Alberta Regulation 140/2003

With amendments up to and including Alberta Regulation 34/2018

Office Consolidation

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(Consolidated up to 34/2018)

ALBERTA REGULATION 140/2003

Traffic Safety Act

ACCESS TO MOTOR VEHICLE INFORMATION REGULATION

Table of Contents

- 1 Definitions
- 2 Release of information
- 3 Agreement
- 4 Notification
- 5 Driver's abstract
- 7 Repeal
- 8 Expiry
- 9 Coming into force

Definitions

1 In this Regulation,

- (a) "Act" means the *Traffic Safety Act*;
- (b) "Commissioner" means Commissioner as defined in the *Freedom of Information and Protection of Privacy Act*;
- (c) "information" means personal driving and motor vehicle information as defined in the Act;
- (d) "law enforcement" means law enforcement as defined in the *Freedom of Information and Protection of Privacy Act*;
- (d.1) "private investigation firm" means a person who
 - (i) holds a private investigation agency licence under the *Private Investigators and Security Guards Act*, and
 - (ii) has a staff of 5 or more private investigators;
- (d.2) "private investigator" means an individual who holds a private investigator licence under the *Private Investigators and Security Guards Act*;

- (e) “public body” means a public body as defined in the *Freedom of Information and Protection of Privacy Act*.
AR 140/2003 s1;35/2006

Release of information

- 2(1)** The Registrar may, on request, release information,
- (a) on the Registrar’s motor vehicle information system, collected and compiled for the purpose of identifying licensed operators and registered owners of motor vehicles to ensure responsibility and accountability for their actions with respect to motor vehicles, only for that purpose or for a use consistent with that purpose,
 - (b) only for the purpose of complying with an enactment of Alberta or Canada or with a treaty, arrangement or agreement made under an enactment of Alberta or Canada,
 - (c) only for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the release,
 - (d) only for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction to compel the production of information or with a rule of court that relates to the production of information,
 - (e) only to an officer or employee of a public body, the Registrar, an agent of the Registrar or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer, employee or member or if the disclosure is necessary for the delivery of a program or service,
 - (f) only for the purpose of enforcing a legal right that the Government of Alberta or a public body has against any person,
 - (g) only for the purpose of
 - (i) collecting a fine or debt owing by an individual to the Government of Alberta or to a public body, or to an assignee of either of them, or
 - (ii) making a payment owing by the Government of Alberta or by a public body to an individual,
 - (h) only for the purpose of determining or verifying an individual’s suitability or eligibility for a program or

benefit offered by a public body pursuant to an enactment, if the individual has applied for the program or benefit,

- (i) only to the Auditor General, an employee of a public body or a person under contract with a public body for audit purposes,
- (j) only to a public body or a law enforcement agency in Canada to assist in an investigation
 - (i) undertaken with a view to a law enforcement proceeding, or
 - (ii) from which a law enforcement proceeding is likely to result,
- (j.1) subject to subsection (6), only to a private investigation firm on behalf of a client of the private investigation firm if
 - (i) the client is not an individual,
 - (ii) the Registrar would be entitled to release the information directly to the client,
 - (iii) the private investigation firm and each of its private investigators are
 - (A) members in good standing with the Administrator under the *Private Investigators and Security Guards Act*, and
 - (B) members in good standing with the Alberta Association of Private Investigators,and
 - (iv) the private investigation firm has provided the Registrar with an unconditional and irrevocable letter of credit, in a form that is acceptable to the Minister, in the amount of \$10 000 payable to the Minister of Finance,
- (j.2) only to the Insurance Crime Prevention Bureau, a division of the Insurance Bureau of Canada for the purposes of
 - (i) investigating theft, fraud, possession of stolen property or any other illegal activity, offence or crime related to or associated with motor vehicles, or
 - (ii) carrying out any activity delegated to it under section 3 of the *Traffic Safety Act*,

- (k) only so that the spouse, relative or friend of a deceased or severely injured or ill individual may be contacted, if the Registrar is satisfied that the circumstances warrant the release of the information,
- (l) only for research purposes, including statistical research, only if
 - (i) the research purpose cannot reasonably be accomplished unless that information is released in individually identifiable form,
 - (ii) any record linkage is not harmful, as determined by the Registrar, to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest, and
 - (iii) the person to whom the information is released has signed an agreement pursuant to section 3,
- (m) only to a person for use in or for the purposes of, a proceeding before a court or quasi-judicial body,
- (n) only to the Chief Electoral Officer, if the information is necessary for the performance of the duties of the Chief Electoral Officer,
- (o) only if the Registrar believes, on reasonable grounds, that the release will avert or minimize an imminent danger to the health or safety of any person,
- (o.1) only to a commercial parking company for the purposes of managing parking in a parking lot in Alberta, if
 - (i) the information consists of the name and address of the owner of a motor vehicle that was parked in the parking lot without proof of payment of the required fee for parking in that parking lot displayed in accordance with the instructions posted in that parking lot, and
 - (ii) there are notices clearly and conspicuously placed at the entrance to and at several other places in the parking lot, in a form satisfactory to the Registrar, that state that the owner of the parking lot may obtain from the Registrar of Motor Vehicles the name and address of the owner of any motor vehicle that is parked in the parking lot without displaying proof of payment of the required fee in accordance with the posted instructions,

- (o.2) only to a municipal parking authority, a public body or a law enforcement agency for the purpose of enforcement of a parking restriction in Alberta, or
- (p) only if the individual the information is about has consented to its release in accordance with subsection (3).

(2) The request for information and the release of information referred to in subsection (1) must be in a form and manner satisfactory to the Registrar.

(3) For the purposes of subsection (1)(p), the consent of an individual to the release of that individual's information

- (a) must be in writing and signed by the individual,
- (b) must identify the information to be released, and
- (c) must specify to whom the information may be released and for what purpose the information may be used.

(4) Despite subsection (3), consent for the purposes of subsection (1)(p) may be given

- (a) if the individual is deceased, by the individual's executor or administrator if the information is to be used in the administration of the individual's estate,
- (b) if there is a guardian or trustee appointed for the individual under the *Adult Guardianship and Trusteeship Act*, by the guardian or trustee of the individual if the information is to be used in the carrying out of the powers or duties of the guardian or trustee,
- (c) if a power of attorney has been granted by the individual, by the individual's attorney if the information is to be used in the carrying out of the powers or duties granted in the power of attorney, or
- (d) if the individual is a minor, by the parent or guardian of the minor.

(5) Despite subsection (1), the Registrar may release the names and addresses of licensed operators in Alberta to the War Amputations of Canada without the consent of the licensed operators until May 20, 2006.

(6) The Registrar may refuse to release information to private investigation firms if the Alberta Association of Private Investigators has not, within one year from the coming into force of this provision, established to the Registrar's satisfaction

- (a) a code of best practices for its members, and
- (b) rules regarding the admission, supervision, sanction and exclusion of members.

(7) The Minister may draw on a letter of credit referred to in subsection (1)(j.1)(iv) if, in the opinion of the Minister, the private investigation firm providing the letter of credit contravenes an agreement entered into with the Registrar under section 3.

AR 140/2003 s2;80/2004;194/2005;35/2006;112/2006;
68/2008;168/2010;31/2012

Agreement

3(1) Before releasing any information pursuant to section 2, the Registrar, or any person acting on behalf of the Registrar, must ensure that the person to whom the information is to be released enters into an agreement with the Registrar in accordance with this section.

(2) The form of the agreement referred to in subsection (1) must be satisfactory to the Registrar, and must specify that

- (a) the applicant must not use or release the information except for the purpose for which it was requested, and
- (b) the applicant shall not contravene
 - (i) any information management policies as set out in the agreement, including those respecting the retention and destruction of the information, and
 - (ii) any requirements as set out in the agreement respecting audits by the Registrar for compliance with agreements or of the applicant's information management practices.

(3) The Registrar may refuse to release information to the recipient if, in the Registrar's opinion, the recipient has contravened subsection (2).

Notification

4(1) Before releasing any information pursuant to a request under section 2, the Registrar must publish a notification

- (a) on the Registrar's website maintained on the Government of Alberta, Department of Service Alberta website,
- (b) of the category of information to be or not to be released by the Registrar and the person or category of persons to whom the Registrar is or is not to release the information,

- (c) that states that, on request by a person, information may or may not be released in accordance with clause (b) for the purposes set out in this Regulation, and
- (d) that includes the date of the publication and a statement that any person may, within 60 days after the date of publication under this subsection, ask the Commissioner to review the decision of the Registrar in accordance with Part 5, Division 1.1 of the *Freedom of Information and Protection of Privacy Act*.

(2) The Registrar may release information to a person who requested the information before the expiry of the 60-day period referred to in subsection (1)(d), if the Registrar was providing information to that person prior to May 1, 2004.

(3) On the issuance of the notification in accordance with subsection (1), notice is deemed to have been given for the current and any future releases of the category of information and of the person or category of persons to whom the information is released or not released, as described in the notification, for the purposes of notice under Part 5, Division 1.1 of the *Freedom of Information and Protection of Privacy Act*.

(4) On the coming into force of any amendments to section 2, a new notification must be issued in respect of any request for information pursuant to those amendments in accordance with subsection (1).

AR 140/2003 s4;35/2007

Driver's abstract

5(1) The Registrar, on request,

- (a) must release an abstract of the driving record of a person to that person, and
- (b) may release an abstract of the driving record of a person
 - (i) for the 3-year period or a greater period preceding the request as permitted by the Registrar, to
 - (A) an insurer selling motor vehicle insurance,
 - (B) an insurance agent or insurance broker directly selling motor vehicle insurance on behalf of an insurer, or
 - (C) CGI Information Systems and Management Consultants Inc. when acting as an intermediary

for an insurer, insurance agent or insurance broker referred to in paragraph (A) or (B)

if the abstract is required for the purpose of determining whether to grant or maintain motor vehicle insurance in respect of that person and the person to whom the abstract is to be released has obtained the consent of the policy holder in accordance with subsection (2),

- (i.1) to the Alberta Transportation Safety Board if the abstract is necessary for the purpose of conducting a review into the person's ability or attitude respecting the operation of a motor vehicle,
- (i.2) to an officer or employee of a public body, the Registrar or an agent of the Registrar, if the abstract is necessary for the performance of the duties of the officer, employee, Registrar or agent of the Registrar or if the abstract is necessary for the delivery of a program or service,
- (ii) to a peace officer,
- (iii) to an employer or prospective employer of that person, for the purpose of determining that person's suitability for employment, if the employer or prospective employer has a written authorization from that person authorizing the abstract to be released to the employer or prospective employer,
- (iv) to a parent or guardian of that person if, under the law, that person requires the signature of that parent or guardian on that person's operator's licence application, or
- (v) to a lawyer of that person if the lawyer has a written authorization from that person authorizing the abstract to be released to that lawyer,

(c) repealed AR 57/2013 s2.

(1.1) Before releasing an abstract of the driving record of a person under subsection (1)(b)(i.2), the Registrar may require the person requesting the release to obtain the consent of the person to whom the abstract relates.

(1.2) Section 2(3) applies to a consent referred to in subsection (1.1).

(2) For the purposes of subsection (1)(b)(i) or (1.1), consent may be given in writing, electronically or orally, if the Registrar has approved the manner by which consent is given.

(3) Subsection (1)(b)(i) applies only in respect of abstracts that are released on or after April 30, 2005.

AR 140/2003 s5;80/2004;194/2005;57/2013

6 Repealed AR 140/2003 s7.

Repeal

7 Section 6 is repealed.

Expiry

8 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on April 30, 2021.

AR 140/2003 s8;57/2013;34/2018

Coming into force

9 This Regulation, except for sections 1, 5 and 6, comes into force on May 1, 2004.



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