



Province of Alberta

**PUBLIC SECTOR COMPENSATION
TRANSPARENCY ACT**

**PUBLIC SECTOR COMPENSATION
TRANSPARENCY GENERAL
REGULATION**

Alberta Regulation 52/2016

With amendments up to and including Alberta Regulation 47/2018

Office Consolidation

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(Consolidated up to 47/2018)

ALBERTA REGULATION 52/2016

Public Sector Compensation Transparency Act

**PUBLIC SECTOR COMPENSATION TRANSPARENCY
GENERAL REGULATION**

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Definitions

- 1 For the purposes of the Act and this Regulation,
 - (a) “compensation” includes
 - (i) amounts paid in a year by the Government of Alberta to a member or an employee of a public sector body, and
 - (ii) amounts that, but for the status of being exempt from taxation, would be required for tax purposes to be included in an employee's or member's income;
 - (b) “employee” includes a former employee;
 - (c) “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*;
 - (d) “severance” includes a retiring allowance within the meaning of the *Income Tax Act* (Canada).

Government of Alberta disclosure

- 2(1) A contract of employment referred to in section 2(1)(b) of the Act and a contract with respect to severance or termination referred

to in section 2(1)(c) of the Act must be disclosed in a partial or redacted format as necessary to ensure that the following are not disclosed:

- (a) the employee's home address;
- (b) the employee's and any other person's signature;
- (c) any other personal information that, in the opinion of the Minister, constitutes an unreasonable invasion of the employee's personal privacy.

(2) The period of time during which a disclosure under section 2 of the Act must remain public is 5 years from the date when it was required to be disclosed.

Disclosure by public sector bodies

2.1(1) For the purposes of section 3(2)(e)(ii) of the Act, the statement of remuneration shall disclose, with respect to each employee or member whose position is listed in Column 1 of Schedule 1 of the *Reform of Agencies, Boards and Commissions Compensation Regulation* (AR 31/2017), the chief executive officer of Alberta Health Services and the chief executive officer of the Independent System Operator, on or before June 30, 2017 and on or before June 30 of every subsequent year, any contract with the public sector body or the Government of Alberta respecting

- (a) the appointment or employment of the employee or member, that was in effect at any time during the prior calendar year, and
- (b) the severance or other terms and conditions for the termination of the appointment or employment of the employee or member, made during the prior calendar year.

(2) Subsection (1) does not apply

- (a) to an employee whose total compensation and severance during the previous calendar year is less than or equal to the threshold referred to in section 1(o)(ii) of the Act;
- (b) to an employee or member referred to in section 2(2) of the *Reform of Agencies, Boards and Commissions Compensation Regulation* (AR 31/2017);
- (c) to a member who does not receive a salary and instead is remunerated on the basis of a daily or hourly rate or on a similar basis;

- (d) to a contract that has already been disclosed under the Act or regulations, and which remains public.

(3) In addition to the disclosure referred to in section 3(1) of the Act, a public sector body must disclose the following on or before December 31 of each calendar year:

- (a) any contract referred to in subsection (1)(b) that was made during the 6-month period ending on June 30 of that year, in respect of an employee or member referred to in subsection (1), other than
 - (i) an employee whose severance paid or payable during that period is less than or equal to the threshold referred to in section 1(o)(ii)(A) and (B) of the Act, and
 - (ii) an employee or member referred to in section (2)(b) or (c);
- (b) the amount of severance, if any, paid or payable during the 6-month period ending on June 30 of that year,
 - (i) to an employee, if the amount of severance is greater than the threshold referred to in section 1(o)(ii)(A) and (B) of the Act, and
 - (ii) to each member;
- (c) in respect of an employee or member to which clause (a) or (b) applies,
 - (i) the employee or member's name, and
 - (ii) the position or appointment last held by the employee or member, during the 6-month period ending on June 30.

(4) Despite section 3, a disclosure under subsection (3) must remain public until the next statement of remuneration disclosed under section 3(1) of the Act is published.

(5) A contract referred to in this section must be disclosed in a partial or redacted format as necessary to ensure that the following are not disclosed:

- (a) the home address of the employee or member;
- (b) any person's signature;

- (c) any other personal information that, in the opinion of the Minister, constitutes an unreasonable invasion of the personal privacy of the employee or member.

AR 114/2017 s2

Disclosure by post-secondary institutions

2.2(1) For greater certainty, the boards of governors of the post-secondary institutions listed in Column 2 of Schedule 1 of the *Reform of Agencies, Boards and Commissions (Post-secondary Institutions) Regulation* are public agencies for the purposes of section 1(l) of the Act.

(2) For the purposes of section 3(2)(e)(ii) of the Act, the statement of remuneration shall disclose, with respect to each employee or member whose position is listed in Column 1 of Schedule 1 of the *Reform of Agencies, Boards and Commissions (Post-secondary Institutions) Compensation Regulation*, on or before June 30, 2019 and on or before June 30 of every subsequent year, any contract with the board of governors of the post secondary institution or the Government of Alberta respecting

- (a) the appointment or employment of the employee or member, that was in effect at any time during the prior calendar year, and
- (b) the severance or other terms and conditions for the termination of the appointment or employment of the employee or member, made during the prior calendar year.

(3) Subsection (2) does not apply

- (a) to an employee whose total compensation and severance during the previous calendar year is less than or equal to the threshold referred to in section 1(o)(ii) of the Act;
- (b) to a member who does not receive a salary and instead is remunerated on the basis of a daily or hourly rate or on a similar basis;
- (c) to a contract that has already been disclosed under the Act or regulations, and which remains public.

(4) In addition to the disclosure referred to in section 3(1) of the Act, the board of governors of a post-secondary institution must disclose the following on or before December 31 of each calendar year:

- (a) any contract referred to in subsection (2)(b) that was made during the 6 month period ending on June 30 of that year,

in respect of an employee or member referred to in subsection (2), other than

- (i) an employee whose severance paid or payable during that period is less than or equal to the threshold referred to in section 1(o)(ii)(A) and (B) of the Act, and
 - (ii) an employee or member referred to in subsection (3)(b) or (c);
- (b) the amount of severance, if any, paid or payable during the 6 month period ending on June 30 of that year,
- (i) to an employee, if the amount of severance is greater than the threshold referred to in section 1(o)(ii)(A) and (B) of the Act, and
 - (ii) to each member;
- (c) in respect of an employee or member to which clause (a) or (b) applies,
- (i) the employee or member's name, and
 - (ii) the position or appointment last held by the employee or member, during the 6 month period ending on June 30.

(5) Despite section 3, a disclosure under subsection (4) must remain public until the next statement of remuneration disclosed under section 3(1) of the Act is published.

(6) A contract referred to in this section must be disclosed in a partial or redacted format as necessary to ensure that the following are not disclosed:

- (a) the home address of the employee or member;
- (b) any person's signature;
- (c) any other personal information that, in the opinion of the Minister, constitutes an unreasonable invasion of the personal privacy of the employee or member.

AR 47/2018 s13

Public sector bodies' minimum disclosure period

3 The period of time during which a disclosure under section 3 of the Act must remain public is 5 years from the date when it was required to be disclosed.

Exemptions — public sector bodies

4(1) The following public sector bodies are exempt from the application of the Act:

- (a) Alberta Investment Management Corporation;
- (b) Alberta Treasury Branches and its subsidiaries;
- (c) Teachers' Pension Plans Board of Trustees (also called Alberta Teachers' Retirement Fund Board).

(2) A public sector body described in section 2.2(4) of the *Funds and Agencies Exemption Regulation*, (AR 128/2002) is exempt from the application of section 4(b) of the Act.

Exemptions for individuals

5(1) If the Minister has received an application for an exemption, referred to in sections 6(2)(a) or (b) of the Act, the Minister may

- (a) extend the deadline for disclosure set out in section 3(1) of the Act with respect to that application, or
- (b) grant a temporary exemption,
 - (i) pending completion of the Minister's review of the application for an exemption, or
 - (ii) pending the outcome of a court action concerning the application for an exemption.

(2) An individual that has been granted an exemption from disclosure under section 3(3) of the Compensation Disclosure Directive (Treasury Board Directive 1/2014) is deemed to have made an application under section 6(2)(a) of the Act.

(3) The Minister may collect, use and disclose personal information that the Minister considers to be necessary for the purpose of evaluating an application made under section 6(2) of the Act.

**Personal information where payment
by Government of Alberta**

6 For the purposes of enabling a public sector body to comply with its duties under the Act or this Regulation, if an employee or member of a public sector body receives compensation from the Government of Alberta, or has a contract with the Government of Alberta respecting the appointment, employment, severance or other terms and conditions for the termination of the appointment or employment of the employee or member,

- (a) the Government of Alberta may disclose that employee's or member's personal information, including contracts, to the public sector body and to the public, and
- (b) the public sector body may collect that employee's or member's personal information, including contracts, from the Government of Alberta.

AR 52/2016 s6;114/2017



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