



ALBERTA
TREASURY BOARD AND FINANCE
*President of the Treasury Board and Minister of Finance
MLA, Spruce Grove - St. Albert*

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ALBERTA INSURANCE
COUNCIL

AR 37459

November 26, 2012

Mrs. Joanne Abram
Chief Executive Officer
Alberta Insurance Council
600 Bell Tower
10104 - 103 Avenue
Edmonton, Alberta T5J 0H8

Dear Mrs. Abram:

I am writing to you regarding the request of the Alberta Insurance Council (AIC) to publish investigative and disciplinary decisions of the General Insurance, Life Insurance and Insurance Adjusters Councils. I understand you have worked with Alberta Treasury Board and Finance in developing the AIC's policy on publication of decisions, and I would like to thank you for your efforts and your collaboration in that regard.

Pursuant to section 799(1) of the *Insurance Act*, I grant authority to the Alberta Insurance Council to publish the following:

- Investigative and disciplinary decisions of the General Insurance Council;
- Investigative and disciplinary decisions of the Life Insurance Council; and
- Investigative and disciplinary decisions of the Insurance Adjusters Council.

The grant of authority under section 799(1) of the *Insurance Act* is conditional on the following requirements:

1. The AIC's policy on publication of decisions must be made available to insurance agents and adjusters, and to the public, via the AIC's public website.
2. Decisions may only be published in compliance with the AIC's policy on publication of decisions.

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The grant of authority to publish decisions is effective as of April 1, 2013.

Once again, I appreciate your efforts and your collaboration in this matter.

Yours truly,



Doug Horner
President of Treasury Board
Minister of Finance

Attachment

PUBLICATION OF DECISIONS OF THE INSURANCE COUNCILS

POLICY

Background

1. The Life Insurance Council (LIC), the General Insurance Council (GIC) and the Insurance Adjusters Council (IAC) are quasi-judicial decisions-makers that have been delegated the responsibility by the Minister of Finance (the “Minister”) to exercise the powers, duties and functions of the Minister pursuant to sections 468, 480 and 481 of the *Insurance Act* in respect of Certificates of Authority for Life Insurance and Accident and Sickness Insurance, including:
 - a. The power to hold hearings for that purpose;
 - b. The power, directly, or with the assistance of the officers and staff of the Alberta Insurance Council (AIC), to conduct investigations for that purpose;
 - c. Exercising the authority provided by section 482.1 of the *Insurance Act*.
2. Under section 799(1) of the *Insurance Act*, “The Minister may authorize the publication of notices, reports, correspondence, results of hearings, sanctions, decisions and any other matter considered by the Minister to be in the public interest.”

Purpose of this Policy

3. The purpose of this Policy is to guide when, and the manner in which, decisions made by the LIC, GIC and IAC shall be published.
4. This Policy is intended to guide:
 - a. Members of the LIC, GIC, and IAC, in their writing of decisions related to their exercise of delegated authority under sections 468, 480 and 481 of the *Insurance Act*; and
 - b. Personnel of the Alberta Insurance Council (AIC), in the editing and preparation of decisions made by the LIC, GIC and IAC, when necessary, so that decisions are appropriate for publication.

Writing of Decisions

5. Decisions made by the LIC, GIC and IAC will continue to be drafted in accordance with the respective processes developed by those councils. Individuals who are writing decisions should follow the guidelines established by this Policy. It is preferable for the issues covered in this Policy to be addressed as fully as possible when the decision is written.
6. Decisions of the LIC, GIC and IAC must be written with the following objectives in mind:
 - a. Providing sufficient information so that all relevant facts are included in the decision;
 - b. Protecting the privacy of complainants, witnesses and other third parties where appropriate and where required by legislative requirements; and
 - c. Maintaining the readability of reasons for decision.

Publication of Decisions

7. All written decisions made by the LIC, GIC or IAC pursuant to s.480 of the Act will be published.
 8. A decision that is to be published will be published:
 - a. No sooner than 10 calendar days after the LIC, GIC or IAC has mailed written notice of the decision to all parties having a right to a copy of the decision; and
 - b. No later than 30 calendar days after the LIC, GIC or IAC has mailed written notice of the decision to all parties having a right to a copy of the decision.
- 8.(2) Published decisions will include a notation stating when an appeal to the decision has been filed.

Identification of Complainants, Witnesses and Third Parties

9. To prevent inappropriate or unlawful disclosure of personal information, a decision that is to be published, will, before it is published, be written so as to avoid identifying complainants, witnesses and other third parties. However, this does not prevent disclosure of such information that is necessary to carry out the purpose of the decision if such disclosure is done in a reasonable manner.
10. Subject to paragraph 9, the proper names of complainants, witnesses and other third parties should be edited such that they are replaced with initials. Proper names shall be edited in accordance with the following guidelines:
 - a. When the name of an individual is replaced, the full initials of the name are used: one initial for each forename and one initial for each surname. For example, "Mary Jane Davis" should be replaced by "M.J.D."
 - b. In the event two or more individuals have the same initials, a fictitious initial should be added after the first forename for each of the persons. The fictitious initials should be assigned in alphabetical order. For example, in the case of witnesses "Jane Smith" and "John Starr", the name "Jane Smith" would be replaced by "J.A.S.", and the name "John Smith" would be replaced with "J.B.S."

Identification of Agents, Brokers and Adjusters

11. Agents, brokers or adjusters who are the subject of a decision shall be named in the decision. Disclosure of other personal information will be made only to the extent necessary for the LIC, GIC or IAC to carry out a purpose in accordance with s.40 of the Freedom and Information Protection of Privacy Act in a reasonable manner.
12. Decisions that are made on or after the effective date of the Ministerial Order will be published in accordance with this policy. Decisions made prior to the effective date of the Ministerial Order will not be published.

October 11, 2012