MLA Miranda Rosin FOIP Request

6 messages

Justin McDonald <justin.mcdonald@gov.ab.ca>   Tue, Jun 16, 2020 at 4:17 PM
To: "neilwarrenskiguiding@gmail.com" <neilwarrenskiguiding@gmail.com>
Cc: AEP Intake <AEP.Intake@gov.ab.ca>, Corinne Berger <corinne.berger@gov.ab.ca>

Good Afternoon Neil,

AEP FOIP has received your request for:

"All communications including, but not limited to, email and text sent or received by MLA Miranda Rosin in regards to Fortress Mountain Holdings water amendment licence #0037369-00-03."

Timeframe: April 16, 2019 to October 25, 2019

AEP has determined that this is a non-Government of Alberta FOIP request and that this request should be redirected to MLA Rosin's constituency office. Here is a link with her office's contact information:

https://www.assembly.ab.ca/net/index.aspx?p=mla_contact&rnumber=50&leg=30

You may also gain more information about how best to submit FOIP requests to members of the Alberta Legislative Assembly by contacting FOIP@assembly.ab.ca or by phone at 780-427-0202.

Under section 7 of the FOIP Act, an applicant must submit access requests to the public body who would have primary custody of the potential responsive records. In this case, that public body is MLA Rosin's Constituency Office under the Legislative Assembly of Alberta.

MLA records may be subject to section 4 of the FOIP Act, and therefore are best accessed via the above process.

AEP FOIP cannot accept this request and we will be refunding your $25 initial fee.

Thank you,

Justin

Justin McDonald

Sr. Access & Privacy Advisor

Serving Environment & Parks, Agriculture & Forestry and Energy Efficiency Alberta

Service Alberta

T: 780-644-5778

E: justin.mcdonald@gov.ab.ca

Classification: Protected A

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3 attachments

E&R EP 201667879.pdf
42K

Section 7.pdf
181K

Section 4.pdf
193K

Neil Warren <neilwarrenskiguiding@gmail.com> Wed, Jun 17, 2020 at 4:06 PM
To: Justin McDonald <justin.mcdonald@gov.ab.ca>
Cc: AEP Intake <aep.intake@gov.ab.ca>, Corinne Berger <Corinne.Berger@gov.ab.ca>

Justin,

Thanks for your reply.

Ms. Rosin is an MLA for the government of Alberta. Can you please explain how this request is "a non- government of Alberta FOIP request"?

Thanks
Neil
[Quoted text hidden]

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postmaster@abgov.onmicrosoft.com <postmaster@abgov.onmicrosoft.com> Wed, Jun 17, 2020 at 4:06 PM
To: neilwarrenskiguiding@gmail.com

Office 365

Your message to AEP.Intake@abgov.mail.onmicrosoft.com couldn't be delivered.

AEP.Intake@abgov.mail.onmicrosoft.com only accepts messages from people in its organization or on its allowed senders list, and your email address isn't on the list.

neilwarrenskiguiding	**Office 365**	**AEP.Intake**
Sender		**Action Required**
		Sender not allowed

How to Fix It

It appears you aren't in the same organization as the recipient or your email address isn't on their allowed senders list. Contact the person you're sending your message to (by phone, for example) and tell them to ask their email admin to change the settings on their mailbox so it will accept messages from you.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.134

This error occurs when the recipient (an Office 365 mailbox) is configured to accept messages only from authenticated senders (senders in the same organization or those added to the recipient's allowed senders list).

To fix the issue, the recipient's email admin must add the sender's email address to the mailbox's allowed senders list, or they must turn off the mailbox's message delivery restrictions setting that requires that all senders to it are authenticated.

This issue can only be fixed by the recipient's email admin.

For more information and steps to fix this issue, see Fix email delivery issues for error code 5.7.134 in Office 365.

Original Message Details

Created Date:	6/17/2020 10:06:25 PM
Sender Address:	neilwarrenskiguiding@gmail.com
Recipient Address:	AEP.Intake@abgov.mail.onmicrosoft.com
Subject:	Re: MLA Miranda Rosin FOIP Request

Error Details

Reported error:	550 5.7.134 RESOLVER.RST.SenderNotAuthenticatedForMailbox; authentication required; Delivery restriction check failed because the sender was not authenticated when sending to this mailbox
DSN generated by:	QB1PR01MB2851.CANPRD01.PROD.OUTLOOK.COM

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH	RELAY TIME
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2	6/17/2020 10:06:38 PM	mail-ot1-f42.google.com	mail2.gov.ab.ca	ESMTP/TLS/AES128-GCM-SHA256	*
3	6/17/2020 10:06:40 PM	mail2.gov.ab.ca	TO1CAN01FT006.mail.protection.outlook.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	2 sec
4	6/17/2020 10:06:41 PM	TO1CAN01FT006.eop-CAN01.prod.protection.outlook.com	YT1PR01CA0141.outlook.office365.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	1 sec
5	6/17/2020 10:06:41 PM	YT1PR01CA0141.CANPRD01.PROD.OUTLOOK.COM	QB1PR01MB2851.CANPRD01.PROD.OUTLOOK.COM	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	*

Original Message Headers

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 2020 22:06:41 +0000
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 Transport; Wed, 17 Jun 2020 22:06:41 +0000
Authentication-Results: spf=softfail (sender IP is 142.229.240.81)
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Received: by mail-ot1-f42.google.com with SMTP id g7so2910718oti.13;
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DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
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 Wed, 17 Jun 2020 15:06:37 -0700 (PDT)
MIME-Version: 1.0
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From: Neil Warren <neilwarrenskiguiding@gmail.com>
Date: Wed, 17 Jun 2020 16:06:25 -0600
Message-ID: <CAJZquUhwR2+hF6rWKON=L-RSM-9EHjReBNNoHREMx9znQ2DSTw@mail.gmail.com>
Subject: Re: MLA Miranda Rosin FOIP Request
To: Justin McDonald <justin.mcdonald@gov.ab.ca>
CC: AEP Intake <aep.intake@gov.ab.ca>, Corinne Berger <Corinne.Berger@gov.ab.ca>
Content-Type: multipart/alternative; boundary="000000000000b5fdca05a84edf51"
Return-Path: neilwarrenskiguiding@gmail.com
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 (UTC)
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X-MS-Exchange-Transport-CrossTenantHeadersStamped: QB1PR01MB2851

Original-Recipient: rfc822;AEP.Intake@abgov.mail.onmicrosoft.com
Final-Recipient: rfc822;AEP.Intake@abgov.mail.onmicrosoft.com
Action: failed
Status: 5.7.134
Diagnostic-Code: smtp;550 5.7.134 RESOLVER.RST.SenderNotAuthenticatedForMailbox; authentication required; Delivery restriction check failed because
the sender was not authenticated when sending to this mailbox

---------- Forwarded message ----------

From: Neil Warren <neilwarrenskiguiding@gmail.com>
To: Justin McDonald <justin.mcdonald@gov.ab.ca>
Cc: AEP Intake <aep.intake@gov.ab.ca>, Corinne Berger <Corinne.Berger@gov.ab.ca>
Bcc:
Date: Wed, 17 Jun 2020 16:06:25 -0600
Subject: Re: MLA Miranda Rosin FOIP Request

Justin,

Thanks for your reply.

Ms. Rosin is an MLA for the government of Alberta. Can you please explain how this request is "a non- government of Alberta FOIP request"?

Thanks
Neil

On Tue, Jun 16, 2020, 4:17 PM Justin McDonald, <justin.mcdonald@gov.ab.ca> wrote:

> Good Afternoon Neil,
>
> AEP FOIP has received your request for:
>
> **"All communications including, but not limited to, email and text sent or received by MLA Miranda Rosin in regards to Fortress Mountain Holdings water amendment licence #0037369-00-03."**
>
> **Timeframe: April 16, 2019 to October 25, 2019**
>
> AEP has determined that this is a non-Government of Alberta FOIP request and that this request should be redirected to MLA Rosin's constituency office. Here is a link with her office's contact information:
>
> https://www.assembly.ab.ca/net/index.aspx?p=mla_contact&rnumber=50&leg=30
>
> You may also gain more information about how best to submit FOIP requests to members of the Alberta Legislative Assembly by contacting FOIP@assembly.ab.ca or by phone at 780-427-0202.
>
> **<u>Under section 7 of the FOIP Act, an applicant must submit access requests to the public body who would have primary custody of the potential responsive records. In this case, that public body is MLA Rosin's Constituency Office under the Legislative Assembly of Alberta.</u>**
>
> **MLA records may be subject to section 4 of the FOIP Act, and therefore are best accessed via the above process.**
>
> AEP FOIP cannot accept this request and we will be refunding your $25 initial fee.
>
> Thank you,
>
> Justin
>
> **Justin McDonald**
>
> Sr. Access & Privacy Advisor
>
> Serving Environment & Parks, Agriculture & Forestry and Energy Efficiency Alberta
>
> Service Alberta

T: 780-644-5778

E: justin.mcdonald@gov.ab.ca

Justin McDonald <justin.mcdonald@gov.ab.ca>   Wed, Jun 17, 2020 at 4:46 PM
To: Neil Warren <neilwarrenskiguiding@gmail.com>
Cc: AEP Intake <AEP.Intake@gov.ab.ca>, Corinne Berger <corinne.berger@gov.ab.ca>

Hi Neil,

I understand the ambiguity.

What I mean is that within the overarching, high-level description of "The Government of Alberta" there is actually a network of public bodies that make up that entire whole.

There is the Legislative Assembly of Alberta, which is the political and legislative branch of government, and within that body is every MLA constituency, each one a public body in of itself. Under section 4 of the FOIP Act, attached in my previous email, there are extra considerations that have to be made before disclosing a constituency record via FOIP, making such records best accessed via the constituency itself. Furthermore, under section 7 of the FOIP Act, when attempting to access records from a public body, the applicant must attempt to access those potential records via the primary public body who would have custody of such records. In this case, that primary custodian is the MLA constituency offices and satellite offices. These bodies are still subject to FOIP.

Then there is the Government of Alberta public service itself, which operationally functions via the various ministerial portfolios, such as AEP. Each ministry is a public body, which is also subject to FOIP. In this case, under section 7 of the FOIP Act, and given the scope of your request, we are advising you that the primary custodian of the potentially responsive records to this request would be with the MLA. This is what is meant when we say that this is a non-GoA access request. There is operational GoA, the public service, and there is the elected branch of the GoA represented by the political party in office at the time.

The structure I'm describing and denial of the request to our office is with good reason. It is not within AEP's mandate to communicate with elected officials, and such records would not be something we would maintain as a matter of operational importance. If MLA Rosin is communicating with AEP in any way as a matter of her duties as an elected official, that would be something within her mandate, making her and her offices the primary custodian of such records. This Is what I mean by primary custodian of such information and why it is expected under section 7 of the FOIP Act that an applicant attempt to access records via the primary custodian.

Furthermore as a matter of efficiency and use of government resources, there is a stark difference between FOIPing a ministry consisting of thousands of staff and hundreds of thousands of records and FOIPing a constituency office consisting of a dozen or two staff and a much, much smaller record set. By FOIPing the primary custodian, in this case, you would be working with a smaller organization with a greater understanding of the of records and their relationship with section 4 of the FOIP Act, resulting in a more accurate search, and a more efficient processing of the request overall. These are the reasons for section 7 and why FOIPing the primary custodian is written into law.

That said, AEP cannot accept this scope, and unless you object, we would like to process the refund to you by end of day, tomorrow, June 18, 2020.

Write back if we need to discuss further.

Thank you,

Justin McDonald

Sr. Access & Privacy Advisor

Serving Environment & Parks, Agriculture & Forestry and Energy Efficiency Alberta

Service Alberta

T: 780-644-5778

E: justin.mcdonald@gov.ab.ca

From: Neil Warren <neilwarrenskiguiding@gmail.com>
Sent: Wednesday, June 17, 2020 4:06 PM
To: Justin McDonald <justin.mcdonald@gov.ab.ca>
Cc: AEP Intake <AEP.Intake@gov.ab.ca>; Corinne Berger <corinne.berger@gov.ab.ca>
Subject: Re: MLA Miranda Rosin FOIP Request

Justin,

[Quoted text hidden]

[Quoted text hidden]

> [Quoted text hidden]
> Classification: Protected A

Neil Warren <neilwarrenskiguiding@gmail.com>   Thu, Jun 25, 2020 at 8:18 AM
To: Justin McDonald <justin.mcdonald@gov.ab.ca>
Cc: AEP Intake <AEP.Intake@gov.ab.ca>, Corinne Berger <corinne.berger@gov.ab.ca>

Justin,

Thank you for your response.

I emailed Ms.Rosins office on June 17th asking for the records and they have not replied to me. Any tips on getting them to reply to me?

Thanks for your time
Neil
[Quoted text hidden]
--
ACMG Ski (& Splitboard) Guide
CAA Professional Member
www.neilwarrenskiguiding.com
403.700.4741
neilwarrenskiguiding@gmail.com

---

postmaster@abgov.onmicrosoft.com <postmaster@abgov.onmicrosoft.com>   Thu, Jun 25, 2020 at 8:19 AM
To: neilwarrenskiguiding@gmail.com

Your message to AEP.Intake@abgov.mail.onmicrosoft.com couldn't be delivered.

AEP.Intake@abgov.mail.onmicrosoft.com only accepts messages from people in its organization or on its allowed senders list, and your email address isn't on the list.

neilwarrenskiguiding	Office 365	**AEP.Intake**
Sender		**Action Required**
		Sender not allowed

How to Fix It

It appears you aren't in the same organization as the recipient or your email address isn't on their allowed senders list. Contact the person you're sending your message to (by phone, for example) and tell them to ask their email admin to change the settings on their mailbox so it will accept messages from you.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.134

This error occurs when the recipient (an Office 365 mailbox) is configured to accept messages only from authenticated senders (senders in the same organization or those added to the recipient's allowed senders list).

To fix the issue, the recipient's email admin must add the sender's email address to the mailbox's allowed senders list, or they must turn off the mailbox's message delivery restrictions setting that requires that all senders to it are authenticated.

This issue can only be fixed by the recipient's email admin.

For more information and steps to fix this issue, see Fix email delivery issues for error code 5.7.134 in Office 365.

Original Message Details

Created Date:	6/25/2020 2:18:47 PM
Sender Address:	neilwarrenskiguiding@gmail.com
Recipient Address:	AEP.Intake@abgov.mail.onmicrosoft.com
Subject:	Re: MLA Miranda Rosin FOIP Request

Error Details

Reported error:	*550 5.7.134 RESOLVER.RST.SenderNotAuthenticatedForMailbox; authentication required; Delivery restriction check failed because the sender was not authenticated when sending to this mailbox*
DSN generated by:	YTOPR0101MB1643.CANPRD01.PROD.OUTLOOK.COM

Message Hops

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2	6/25/2020 2:19:00 PM	mail-ot1-f47.google.com	mail1.gov.ab.ca	ESMTP/TLS/AES128-GCM-SHA256	*

				Microsoft SMTP Server	
3	6/25/2020 2:19:27 PM	mail1.gov.ab.ca	TO1CAN01FT006.mail.protection.outlook.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	27 sec
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Original Message Headers

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Action: failed
Status: 5.7.134
Diagnostic-Code: smtp;550 5.7.134 RESOLVER.RST.SenderNotAuthenticatedForMailbox; authentication required; Delivery restriction check failed because the sender was not authenticated when sending to this mailbox

---------- Forwarded message ----------
From: Neil Warren <neilwarrenskiguiding@gmail.com>
To: Justin McDonald <justin.mcdonald@gov.ab.ca>
Cc: AEP Intake <AEP.Intake@gov.ab.ca>, Corinne Berger <corinne.berger@gov.ab.ca>
Bcc:
Date: Thu, 25 Jun 2020 08:18:47 -0600
Subject: Re: MLA Miranda Rosin FOIP Request
Justin,

Thank you for your response.

I emailed Ms.Rosins office on June 17th asking for the records and they have not replied to me. Any tips on getting them to reply to me?

Thanks for your time
Neil

On Wed, Jun 17, 2020 at 4:46 PM Justin McDonald <justin.mcdonald@gov.ab.ca> wrote:

> Hi Neil,
>
> I understand the ambiguity.
>
> What I mean is that within the overarching, high-level description of "The Government of Alberta" there is actually a network of public bodies that make up that entire whole.
>
> There is the Legislative Assembly of Alberta, which is the political and legislative branch of government, and within that body is every MLA constituency, each one a public body in of itself. Under section 4 of the FOIP Act, attached in my previous email, there are extra considerations that have to be made before disclosing a constituency record via FOIP, making such records best accessed via the constituency itself. Furthermore, under section 7 of the FOIP Act, when attempting to access records from a public body, the applicant must attempt to access those potential records via the

primary public body who would have custody of such records. In this case, that primary custodian is the MLA constituency offices and satellite offices. These bodies are still subject to FOIP.

Then there is the Government of Alberta public service itself, which operationally functions via the various ministerial portfolios, such as AEP. Each ministry is a public body, which is also subject to FOIP. In this case, under section 7 of the FOIP Act, and given the scope of your request, we are advising you that the primary custodian of the potentially responsive records to this request would be with the MLA. This is what is meant when we say that this is a non-GoA access request. There is operational GoA, the public service, and there is the elected branch of the GoA represented by the political party in office at the time.

The structure I'm describing and denial of the request to our office is with good reason. It is not within AEP's mandate to communicate with elected officials, and such records would not be something we would maintain as a matter of operational importance. If MLA Rosin is communicating with AEP in any way as a matter of her duties as an elected official, that would be something within her mandate, making her and her offices the primary custodian of such records. This Is what I mean by primary custodian of such information and why it is expected under section 7 of the FOIP Act that an applicant attempt to access records via the primary custodian.

Furthermore as a matter of efficiency and use of government resources, there is a stark difference between FOIPing a ministry consisting of thousands of staff and hundreds of thousands of records and FOIPing a constituency office consisting of a dozen or two staff and a much, much smaller record set. By FOIPing the primary custodian, in this case, you would be working with a smaller organization with a greater understanding of the of records and their relationship with section 4 of the FOIP Act, resulting in a more accurate search, and a more efficient processing of the request overall. These are the reasons for section 7 and why FOIPing the primary custodian is written into law.

That said, AEP cannot accept this scope, and unless you object, we would like to process the refund to you by end of day, tomorrow, June 18, 2020.

Write back if we need to discuss further.

Thank you,

Justin

Justin McDonald

Sr. Access & Privacy Advisor

Serving Environment & Parks, Agriculture & Forestry and Energy Efficiency Alberta

Service Alberta

T: 780-644-5778

E: justin.mcdonald@gov.ab.ca

Justin,

Thanks for your reply.

Ms. Rosin is an MLA for the government of Alberta. Can you please explain how this request is "a non- government of Alberta FOIP request"?

Thanks

Neil

On Tue, Jun 16, 2020, 4:17 PM Justin McDonald, <justin.mcdonald@gov.ab.ca> wrote:

> Good Afternoon Neil,
>
> AEP FOIP has received your request for:
>
> **"All communications including, but not limited to, email and text sent or received by MLA Miranda Rosin in regards to Fortress Mountain Holdings water amendment licence #0037369-00-03."**
>
> **Timeframe: April 16, 2019 to October 25, 2019**
>
> AEP has determined that this is a non-Government of Alberta FOIP request and that this request should be redirected to MLA Rosin's constituency office. Here is a link with her office's contact information:
>
> https://www.assembly.ab.ca/net/index.aspx?p=mla_contact&rnumber=50&leg=30
>
> You may also gain more information about how best to submit FOIP requests to members of the Alberta Legislative Assembly by contacting FOIP@assembly.ab.ca or by phone at 780-427-0202.
>
> **Under section 7 of the FOIP Act, an applicant must submit access requests to the public body who would have primary custody of the potential responsive records. In this case, that public body is MLA Rosin's Constituency Office under the Legislative Assembly of Alberta.**
>
> **MLA records may be subject to section 4 of the FOIP Act, and therefore are best accessed via the above process.**
>
> AEP FOIP cannot accept this request and we will be refunding your $25 initial fee.
>
> Thank you,
>
> Justin
>
> **Justin McDonald**

Sr. Access & Privacy Advisor

Serving Environment & Parks, Agriculture & Forestry and Energy Efficiency Alberta

Service Alberta

T: 780-644-5778

E: justin.mcdonald@gov.ab.ca

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