

Working Title Courts Privacy Counsel	Name
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Position Number 50005918	Reports to Position No., Class & Level	Division, Branch/Unit Court of Justice, Court of King's Bench and Court of Appeal	Ministry JUSTICE
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Present Class LO3	Requested Class	Levels to Deputy Minister (Not including incumbent level)
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Cost Centre 601005	Profit Centre 100032	Project Code (if applicable)
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POSITION SUMMARY: Briefly describe the main purpose of the position, and why it exists for the most part (See Management Job Description Writing Guide Page 7).

The Courts Privacy Counsel is responsible for providing legal advice to the judiciary, court lawyers and staff of the three Courts in regard to the statute and common law affecting privacy and access to the Courts' records and judgments. The Courts Privacy Counsel is also responsible for developing legal information policies for all three Courts' judgments and records, particularly in the areas of privacy, access, and security law. This position also provides oversight on all activities relating to the implementation, maintenance and adherence of legal information policies by the judiciary, court lawyers, and court staff. This position champions excellence in legal information policy and information governance on behalf of the Court of Justice, Court of King's Bench, and Court of Appeal through the delivery of shared services to improve the operational effectiveness of the justice system and public access to justice. These roles are particularly complex because of the interplay among evolving information technologies, law, policy, demands from the public for access to information, and the needs of each of the three Courts.

This position reports to the Chief Justice of Alberta, the Chief Justice of the Court of King's Bench and the Chief Justice of the Court of Justice, which means the incumbent must have the ability to address the needs of three independent judicial bodies, which share some key resources but are unique and have differing priorities. The results created affect all Albertans as systems are changed to better serve their needs. The position has no direct reports and does not manage a budget. The position has the following key responsibilities:

1. Provide leadership and expert legal advice in the application and interpretation of legal matters as they relate to both privacy and access and other areas of information policy and law
2. Provide legal information policy development based on legal analysis and research relating to privacy, access, information security, and other aspects of information governance, including, but not limited to, the Courts' judgments and records;
3. Train, guide or coach court resources including judiciary, court lawyers, and judicial staff
4. Participate and advise the Courts in relevant internal and cross-ministry committees and special projects

SPECIFIC ACCOUNTABILITIES: List the most important end results or outcomes of the position and how they are achieved. Each end result shows what the position is accountable for, within what framework and what the added value is. Normally a position has 4-8 core end results. For each end result approximately 3-6 activities should be described (See Writing Guide **Page 8**).

1. Provide leadership and expert legal advice in the application and interpretation of legal matters as they relate to both privacy and access and other areas of information policy and law

- Apply deep expertise in this specialized area of the law becoming the go-to resource for the Courts
- Provide legal advice to judiciary, legal counsel, and management to ensure that privacy and access issues are appropriately addressed, taking into account legal obligations and responsibilities under statute and common law.
- Provide legal advice and consultation as required both as a result of formal and informal requests, and as a result of monitoring programs for compliance
- Provide proactive issues management, acting on any urgent legal matters and recommending changes as required
- Provide the legal context under which the oversight and risk management must operate, working with information security concepts, documentation and professionals to help the Courts appropriately manage information security oversight and risk management
- Work collaboratively with Information Technology Services to ensure that the Alberta Courts' information systems and website comply with security, privacy and access law, protocols and procedures
- Assist the Courts in auditing Court programs and activities to ensure compliance with established law, security, privacy and access policies and procedures
- Manage the three Courts' response to access requests ensuring they are provided in compliance with legislation and Court orders
- Advise the three Courts in any reviews and inquiries about the Courts' records before the Information and Privacy Commissioner

2. Provide legal information policy development relating to privacy, access, information security, and other aspects of information governance, including but not limited to, the Courts' judgments and records

- Research, review and synthesize emerging case law and legislation relating to privacy, access, information security, and other aspects of legal information governance and assess the impact to the Courts' policies and practice
- Apply seasoned understanding and interpretation of merging and inter-related applications of law to complex matters under review
- Apply highly autonomous problem solving on extremely complex legal issues in areas of expertise
- Assess and recommend legal requirements for information security in light of the Courts' roles and the special status of their information assets
- Draft policy and operational documentation for the three Courts

3. Train, guide or coach court resources including judiciary, court lawyers and judicial staff

- Take initiative to promote the intent of constitutional law and the common law and legislation regarding the transparency and accountability of the Courts
- Actively pursue the development of a privacy and access conscious culture within the three Courts through the development and delivery of a variety of initiatives and processes, including:
 - Create, direct and deliver legal education initiatives to judiciary, legal counsel and articling students within the three Courts on legal issues surrounding privacy and the Courts' judgments and records
 - Oversee, direct, deliver or ensure delivery of privacy and access training to management, employees and other appropriate third parties
 - Mentor and strengthen awareness among all Court staff

4. Participate and advise the Courts in relevant internal and cross-ministry committees and special projects

- Provide legal advice and direction to judicial committees, initiatives or processes that relate to the law and policies surrounding privacy, access and security of court records and other information policy areas
- Mentor other legal counsel on a provincial and national level on privacy and access

KNOWLEDGE & EXPERIENCE, SKILLS & ABILITIES, and COMPETENCIES: Include information on required diplomas and degrees along with identifying the most important knowledge factors, including knowledge about practical procedures, administrative, specialized techniques, etc. Detail specific training if there is an occupational certification/registration requirement for the position. Specify the type of experience required for the position (see Writing Guide Pages 9-10).

Knowledge & Experience:

- 11+ years directly related post bar legal experience
- Deep expertise in information law and governance; the go-to resource in this specialized area of law, with in-depth knowledge of
 - international, federal and provincial statute law and common law and policy relating to privacy and access to judicial information and court information and records
 - priorities, trends and key themes in the law of information security and privacy, including similar legislation and policy initiatives in other jurisdictions both nationally and internationally
 - privacy legislation, policies and procedures as these enactments relate to the Courts, especially the FOIPP Act and the Personal Information Protection and Electronic Documents Act (Canada)
 - court services and processes
- Seasoned understanding and interpretation of emerging and inter-related applications of the law
- Knowledge of
 - the functions and responsibilities of the Courts and provincial and federal statutes, regulations, and policies and ability to apply them to the work of the Courts
 - information technologies employed by the Courts now and in emerging areas and their relationship to legal information governance in the Courts

Skills & Abilities:

- Ability to navigate the complex relationships, needs and priorities of three independent Courts, court administration services, and information technology services
- Problem-solving and analytical skills to synthesize large volumes of legal, technical, and policy information and draw appropriate conclusions
- Well-developed communication skills (both written and verbal) sufficient to explain complex legal and policy issues in a succinct and plain manner and to adapt communication style in a manner that is suitable and appropriate for people of varied levels of sophistication/comprehension
- Ability to deliver engaging, informative, well-organized presentations about privacy and information law and policy
- Demonstrated ability to represent the Courts when interacting with key stakeholders, including lawyers, tribunals, and the general public
- Demonstrated ability to make key decisions and have direct leadership responsibility
- Exceptional negotiation skills to effectively resolve issues and influence actions of others that are not direct reports
- Excellent organizational and interpersonal skills and a demonstrated high degree of professionalism
- Demonstrated ability to mentor and coach legal counsel and other court staff and to influence others that are not direct reports
- Demonstrated ability to teach and modify approach for a variety of adult learning styles
- Expertise in handling confidential and sensitive communication

Competencies: (Job Family Model)

Systems Thinking – Consistently takes a holistic and long-term view of challenges and opportunities at multiple levels across related areas. Anticipates outcomes and potential impacts across inter-related areas and factors this into planning. Seeks to understand a range of stakeholder perspectives and how they interrelate. Works with others to identify and address interdependent activities that require collaboration.

Creative Problem Solving – Finds ways to improve complex systems or structures to better meet goals and outcomes. Accesses resources, information and technology from other areas, and uses it to analyze issues, resolve problems, and improve performance. Identifies several analytical techniques and sources of knowledge to break apart complex problems. Identifies solutions that may be new to the courts, and weighs the value of each to improve results.

Agility – Creates opportunities for improvement, recognizing the importance of timing, and being prepared to take action when appropriate. Proactively explains how anticipated change will affect work processes or structures in general. Anticipates the emotional triggers of others and prepares to mitigate reactions and maintain composure and productivity, especially during conflict or highly challenging situations. Makes a call and takes action even when there is

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not enough clarity to predict the consequences with certainty. Includes a backup plan in case predictions are incorrect
Drive for Results – Clarifies objectives and taps into a variety of available resources within the organization, ensuring that roles and contributions are clear. Openly acknowledges personal responsibility for outcomes, even when not all elements of a situation are within direct control but could have been managed through influence. Courageously and respectfully takes a stand on issues based on values or beliefs, even if it is not immediately accepted or appreciated.

Develop Networks – Builds trust by being open to different perspectives while looking for long-term and mutually beneficial outcomes. Influences others by considering the content of what is being said, the environment in which it is being presented and how the information is being presented. Gives service beyond stakeholders' expectations by seeking information about underlying needs, providing insights, and recommending actions to address these needs.

Build Collaborative Environments – Works with others to identify and remove barriers to progress. Ensures communication is ongoing by setting up processes or structures that facilitate communication and collaboration. Acknowledges diverse perspectives and helps people work together to focus on outcomes.

Develop Self and Others – Models continuous learning. Proactively engages in own development. Stays ahead of the curve and sees applicability of emerging approaches. Works with others to discuss the possible implications and applications. Supports the development of others by providing specific, constructive, timely and regular feedback. Gives individualized suggestions for improvement.

LEADERSHIP AND BUSINESS KNOW-HOW: Specify the level of integration, organization and leadership skills required to produce the results expected of the position. Provide recent examples (See Writing Guide Pages 10-11).

Know-How:

This position is an expert in common law and statute law that affect access to court records as well as FOIP legislation and administration, while having deep knowledge of the three Courts and court administration. The position provides legal education and information sharing on a variety of sensitive, formal and informal inquiries for access to information on court files to the three Courts. Position is responsible for managing the relationships of this centralized service with three different Courts. Position is expected to lead a movement of a "privacy-conscious culture" in the three Courts. It is therefore essential that the incumbent have a solid ability to think and analyze situations quickly while in a demanding environment.

PROBLEM SOLVING: Describe difficult or challenging situations the position is typically expected to solve; the degree of originality of the solutions; and the assistance available (See Writing Guide Pages 11-12).

Problem Solving:

The incumbent must take a proactive approach to identify potential legal issues associated with privacy, access and security concerns, and through their own initiative advise the Courts on any appropriate legal or administrative action to be taken. The position is required to use analytical, evaluative and developmental thinking to objectively assess situations and identify and recommend possible solutions. The incumbent is required to deal consistently with a number of unique situations that may arise within any of the three Courts, whether as the result of privacy issues related to the development of new initiatives, privacy breaches, or issues that arise as the result of needing to manage and respond to requests for information of a highly sensitive nature.