



**Public Interest
Commissioner**
of Alberta

Investigation Plans

Guidance for Designated Officers

under the *Public Interest Disclosure (Whistleblower Protection) Act*

Investigation Plans

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Why Investigation Plans Matter



Procedural Fairness

An investigation plan defines the scope of the investigation and acts as an important tool to ensure procedural fairness is incorporated and respected.



Accountability & Auditability

An investigation plan demonstrates competency and rigor. If an investigation is reviewed by the Office of the Public Interest Commissioner (OPIC) or on judicial review, it shows the process was structured and thoughtful.



Focus & Thoroughness

An investigation plan keeps the work focused and on track, helps prevent scope creep, and ensures key evidence and information is reviewed.

Risks of not having an investigation plan

01 Procedural Fairness Concerns

A lack of planning can lead to claims of procedural unfairness. If the investigation was unstructured or incomplete, the respondent may be unable to adequately respond to the allegations. This may lead to external review by the Commissioner or the courts.

02 External Involvement

If an investigation is uncoordinated, the discloser may lose confidence in the process and report the matter to other external authorities.

03 Inordinate Delays

Without a set timeline and scope, investigations can drag on indefinitely exposing the organization to further risk associated with the wrongdoing.

04 Incomplete Findings

Unplanned investigations often fail to identify and consider key evidence, resulting in inconclusive findings.

05 Bias and Credibility

An unstructured investigation can appear targeted or biased. This can lead to harming the credibility of the investigation.



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02 Terms of Reference

Enabling Legislation

Public Interest Disclosure (Whistleblower Protection) Act (the Act) (SA 2012 P-39.5)

Public Interest Disclosure (Whistleblower Protection) Regulation (AR 71/2013)

Jurisdiction

Confirm before proceeding:

- Is the disclosure within your mandate as the designated officer?
- Does the disclosure allege wrongdoing as defined in the Act?

Scope of Investigation

Clearly define:

- The specific allegations to be investigated
- The time period of the investigation
- The individual(s) alleged to have committed wrongdoing
- Key questions the investigation must answer

03 Building Your Investigation Plan



Steps 1 & 2 – Notification & Preliminary Investigative Steps

1 Notification

Notify the affected parties

Plan on notifying the discloser(s) and person(s) accused of wrongdoing of the investigation.

Consider the order of notification and whether it is necessary to delay notification for strategic reasons (i.e., to preserve relevant records or take other mitigating steps).

Notify the Chief Officer

Notify the Chief Officer of the investigation.

Consider whether you need to notify other senior leaders in your organization.

2 Preliminary Investigative Steps

Review the disclosure and supporting documents

Identify gaps, ambiguities, and key issues before forming your plan.

Identify potential witnesses & key records

Identify who may have information relevant to the issue under investigation and what records will be required.

Assess for conflicts of interest

Identify real or perceived conflicts of interest and establish mitigating steps.

Steps 3 & 4 – Records Requests

Initial and supplementary document gathering

3 Initial Records Requests

Identify what documentary evidence exists and where it is held. Request early to avoid delays or deletion.

Typical records to review may include:

- Relevant policies and procedures
- Financial records, approvals, or expense reports
- Email and electronic communications
- Organizational charts and reporting structures
- Prior complaints or HR files related to the matter

Tip: Be specific. Broad requests slow document production and overwhelm the review.

4 Supplementary Records Requests

Supplementary requests arise after reviewing initial records. They are a normal and expected part of the process.

Common triggers:

- Written reference to other documents not yet provided
- New time periods or parties become relevant
- Preliminary interviews reveal additional evidence
- Gaps identified during analysis need to be filled

Tip: In developing your plan, consider what supplemental records may be needed depending on the outcome of your initial request.

Step 5 – Interviews

Why Interview Planning Matters

Your plan should consider who to interview, what relevant information they may have, and the order you intend to conduct your interviews.

The extent of interviews and order in which parties are interviewed can affect perceptions of fairness and bias. For example, only interviewing persons who are known to have adverse opinions of a matter may create a perception of bias.

Planning ensures that interviews are thorough, that salient facts are obtained, and that the process is protected from claims of bias or flawed findings.

Planning for Interviews

Prepare for the interview:

- Develop questions grounded in the issues of your investigation.
- Plan your initial questions as open-ended to elicit information.
- Ensure questions use neutral language to avoid leading witnesses or biasing responses .
- Consider providing documents you plan to discuss before the interview so they can familiarize themselves with the information in advance.

Step 6 – Completion Timeline



- **120-business-day statutory limit:** Investigations must be completed within 120 business days unless an extension is granted. The Chief Officer may grant an extension of 30 business days. The Commissioner may grant further extension thereafter.
- Setting a timeline with milestones keeps an investigation progressing and avoids delays.
- Build in a buffer. Large investigations can require significant time. Delays in obtaining records, scheduling interviews, and receiving responses to written questions are also common.

04 Additional Considerations



Confidentiality

The Act contains strict confidentiality obligations. The complainant's identity must be protected. Decide how records are stored, who has access, and how you communicate.



Procedural Fairness

Both the complainant and the respondent have rights. The respondent must be informed of the allegations against them and given an opportunity to respond. The allegations must be investigated impartially.



Managing Complexity

Some investigations involve multiple complex issues, several individuals, and highly sensitive subject-matter. Consider whether additional expertise or legal advice is required.



Records Retention

All investigation records, such as notes, documents, and correspondences, must be retained in accordance with your organization's records retention policies.

Final Takeaway

An investigation plan provides a structured roadmap for a thorough, objective, efficient, and defensible investigation. It is not intended to be limiting or rigid, as the investigation may need to adapt as new information emerges. Rather, it helps the investigator approach the work in an organized way and identify what is needed to complete a successful public interest investigation.



An Investigation Plan template is
available for download here:

[Investigation-Plan-Template.docx](#)



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Questions?

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