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Personal Information Protection Act (PIPA)
PIPA ADVISORY #4
REQUESTS FOR CORRECTION OF PERSONAL INFORMATION

This document was prepared to help organizations implement the *Personal Information Protection Act* (“PIPA” or “the Act”). This document is an administrative tool intended to assist in understanding the Act. It is not intended as, nor is it a substitute for, legal advice. For the exact wording and interpretation of PIPA, please read the Act in its entirety. This Advisory is not binding on the Information and Privacy Commissioner of Alberta (OIPC).

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Introduction

The *Personal Information Protection Act* (“PIPA” or “the Act”) provides individuals with a right to access their own personal information contained in a record in an organization’s custody or control, and to request that inaccurate personal information be corrected.

This Advisory is part of a series developed by the OIPC to assist organizations in handling and responding to requests for access and correction. It reviews an organization’s obligations in responding to a request to correct inaccurate personal information.

Note that it should rarely be necessary for an individual to make a request under the Act for routine corrections of personal information, e.g. (change of address or telephone number). Rather, the formal process described in this Advisory is meant to address changes of more substantive personal information.

Right to request correction

Section 25(1) of the Act states that an individual may request an organization correct any error or omission in his or her personal information under the control of an organization.

An "error" is information that is mistaken, misleading or wrong, or information that does not reflect the true state of affairs.

An "omission" is information that is incomplete, missing, or that has been overlooked.

A record is under an organization's "control" if the organization has the power to manage the record during its lifecycle, even if only partially. It is the organization (and not a contractor acting on its behalf) that is responsible for responding to requests under the Act.

Responding to a request for correction

Section 25(2) of the Act sets out an organization's responsibilities in responding to a request for correction. The Act states that, where there is an error or omission in the individual's personal information, the organization must, upon request and as soon as reasonably possible, correct it.

To do so, the organization must first verify that a factual error exists. An individual may be required to provide the organization with documentation proving the information error or omission.

Example: Jane Doe makes a request to have her address and birth date corrected on her records. She shows the organization her driver's license to prove her birth date and current address.

After verifying a factual error, the organization must, as soon as possible, correct the personal information in both hard copy and electronic formats. Corrections can be made by physically changing the original record. When a correction or omission is addressed, it is good practice to establish a record of the alteration made.

Where the organization is satisfied that a record is incomplete, information should be added to correct the omission.

Notifying other organizations

If the organization has disclosed incorrect information to other organizations, PIPA requires that it send a notification containing the corrected information to each of those other organizations, where reasonable to do so.

TIP: Organizations should keep a record of disclosures of personal information to other organizations as this will make it easier to notify those third parties of any correction or annotation to the record.

In determining whether it is reasonable to notify those other organizations of the corrected information, the organization should consider all relevant factors, such as the potential effect on the individual if the organization does not notify the other organizations.

An organization should also consider the scope of retroactive notification. (For example, whether it will notify only those organizations that it disclosed information to in the past year, two years, or longer). Although a one year period may be generally acceptable, there may be occasions when the organization should go back further in time.

Example: Two years ago, a retail organization advised a credit bureau that John Smith had defaulted on his loan payments. Mr. Smith recently checked his credit report and discovered the organization's allegations.

Mr. Smith provided documentation to the organization to confirm that he had made all payments on time.

The retail organization reviewed its records and discovered that Mr. Smith was correct. In addition, over the past two years the organization had provided incorrect information to several credit bureaus. The retail organization wrote to each bureau requesting they amend their records to show that Mr. Smith's payments were made promptly.

Annotating the record

If an organization receives a notice referring to corrected information, section 25(4) of the Act requires the organization correct the same personal information it may have in its custody or control.

Section 25(5) of the Act prohibits an organization from correcting or otherwise altering an opinion, including a professional or expert opinion.

There may also be occasions when an organization decides not to make a requested correction, such as when an individual is unable to prove that personal information is incorrect.

If an organization decides not to make a requested correction, section 25(3) of the Act requires that it annotate the personal information with the correction that was requested but not made. This is also acceptable where the individual requests to correct or change an opinion.

Example: A customer complained that an employee of a grocery store was rude and refused him service. The employee advised his employer that the complaint was not true, and requested the organization change it.

The organization refused the employee's request, saying that they could not change the customer's opinion. The organization instead attached the employee's written version of events to the original complaint.

Example: John Walton's family physician wrote to his employer that John should be able to return to work within 3 weeks of injuring himself on the job.

Mr. Walton asked his employer to amend the report, because the doctor was unaware of complications that delayed Mr. Walton's return to work.

The organization refused to amend the doctor's professional opinion, but offered to annotate the record by adding Mr. Walton's additional medical information.

Organizations may annotate a record in a number of ways. For example, by physically adding explanatory notes to the record, or attaching a letter or written statement in which the individual disputes the facts or opinion in the original record.

TIP: Organizations should inform individuals in writing as to whether:

- the information has been corrected as requested,
- the information has been annotated, or
- additional information is required to substantiate a request for correction

Organizations should respond within 45 days of receiving the request. Corrections and/or annotations should always be stored as close to the original record as possible. For example, attached to the original letter, or flagged on an electronic database screen.

Other resources

For an overview of the Act with examples and tips for incorporating good privacy practices, see [*A Guide for Businesses and Organizations on the Personal Information Protection Act.*](#)

[*The Personal Information Protection Act, A Summary for Organizations*](#) summarizes the key obligations of organizations.

[*Ten Steps to Implement PIPA*](#) is a quick reference for organizations preparing for the Act.

Publications are available at the website of the Office of the Information and Privacy Commissioner (www.oipc.ab.ca).

Publications are also available online at the Alberta Government Services, Access and Privacy Branch website (www.pipa.gov.ab.ca).

Visit the Queen's Printer website to view an online version of the Act (www.qp.gov.ab.ca).