



**OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
OF ALBERTA**

HOW TO RESOLVE YOUR CONCERNS WITH AN ORGANIZATION REGARDING YOUR PERSONAL INFORMATION

OUR OFFICE ADVISES YOU OF THE FOLLOWING IF YOU HAVE CONCERNS WITH AN ORGANIZATION ABOUT PERSONAL INFORMATION UNDER THE *PERSONAL INFORMATION PROTECTION ACT* (“PIPA”)

OUR REFERRAL POLICY

If you are considering making a complaint or request for review to the Office of the Information and Privacy Commissioner, it is our policy to refer individuals who want our help back to the organization to attempt to resolve a complaint prior to sending it to us or to obtain a decision from the organization regarding a request made under PIPA. Most businesses will be willing to help resolve your concerns. Customer goodwill and employee satisfaction is very important to organizations. Approaching an organization with a concern does not have to be a negative experience. Handled correctly, the organization gains goodwill and the individual also benefits.

There are some exceptions to our policy of referring individuals back to the organization. If you feel there is a good reason why you should not be referred back to the organization before we accept your complaint or request for review, tell our staff why. They will decide if we should get involved without referring you to the organization. Our staff may be able to give you information that will make it easier for you to deal successfully with the organization. The information in this document is provided to assist you to work with the organization to resolve your concerns.

The first step before contacting the organization is to ensure PIPA applies to your circumstances.

DOES THE ORGANIZATION HAVE TO FOLLOW PIPA?

There are several privacy laws that could apply to the organization with which you have a privacy concern. If the organization is part of government or the public sector, a health care organization, or is federally regulated, the organization could be subject to other privacy laws.

You may receive guidance from our staff over the telephone regarding whether PIPA applies to a particular organization. They may be able to refer you to another privacy oversight office if PIPA does not apply. For more information on whether the PIPA applies to the organization please go to: <http://www.servicealberta.ca/pipa>

DECIDE WHETHER PIPA ALLOWS THE ORGANIZATION TO DO WHAT IT DID

We have a number of guides to PIPA on our website and links to other information. You can also find a copy of the *Personal Information Protection Act* there. Our staff are also able to assist if you call us at (403) 297-2728 or Toll Free at 1-888-878-4044.

For more information on whether the organization is following PIPA, please go to: <http://www.oipc.ab.ca> or <http://www.servicealberta.ca/pipa>

If you feel that PIPA applies to your circumstances, consider the following as you prepare to contact the organization:

ENSURE THAT PIPA IS THE BEST WAY TO DEAL WITH YOUR CONCERN

There will sometimes be an underlying concern between an organization and an individual that leads the individual to look at the PIPA process as a way of obtaining information or challenging the actions of the organization. If this is the case, there may be more direct and effective ways to achieve the outcome you really want. For example, Small Claims Court or the Better Business Bureau may be better able to deal with a consumer concern about defective merchandise or a refund. If the concern is really an employment concern about pay or employment termination, a union grievance procedure or *Employment Standards Code* dispute processes may be more appropriate. While our staff cannot provide legal advice, they are aware of such alternative processes and can provide contacts for you to find out more about whether they could be effective for you.

ENSURE THAT YOU ARE DEALING WITH THE RIGHT PERSON IN THE ORGANIZATION

You need to deal with someone who is knowledgeable about PIPA's requirements and has the authority to change procedures or to do what should be done to resolve your concern. In most cases, that will be the organization's Privacy Officer, the owner of a business or a manager of customer relations. PIPA requires organizations to designate one or more individuals to be responsible for ensuring that the organization complies with privacy legislation. You can find out who this is by calling the head office, visiting websites and looking for a Privacy Policy or similar information, or by writing to the organization to the attention of its "Privacy Officer", even if you do not have a name.

If the organization does not have a Privacy Officer and does not seem to have anyone who understands PIPA, you may want to direct the organization to the Alberta Government site that contains a number of PIPA implementation tools for organizations, at <http://www.servicealberta.ca/pipa>.

GIVE THE ORGANIZATION A CHANCE TO SOLVE YOUR PROBLEM

Be clear about what you want the organization to do and make sure that PIPA authorizes or requires it. Provide the organization with the information it needs to act on your request and be fair in your dealings with the organization.

For instance, your request to access your personal information sent to the organization might have been to ask for "all your personal information the organization has on file". If this is the case, we would advise you to make a more specific request for your personal information, giving them the account number and the particular period of time that concerns you, etc.

If you have asked for something that logically will take time, be understanding, but ask the organization to commit in writing to what it will do and by when. Note that the organization has 45 days from the day they receive your written request for access or correct your personal information to provide a response; and the organization can extend that period up to an additional 30 days (or longer with the Commissioner's permission).

ENSURE THAT THE ORGANIZATION CAN CONTACT YOU

Give the organization more than one way to contact you, including a way to reach you by phone during normal business hours. Although you should ask the organization to follow up in writing about its promises to you, the telephone is often a more effective way than letters or emails for getting to the heart of the matter and gaining an understanding of what each side wants and can do.

SET THE TONE

If you are polite, the organization is more likely to take you seriously and treat you with respect. If you are angry about the way you have been treated, try to calm down before contacting the organization.

TIPS FOR PROVIDING AN EFFECTIVE WRITTEN COMPLAINT TO AN ORGANIZATION

- **Keep a Journal.** Write down details such as what happened, when it happened and who you had contact with.
- **Be brief.** Although you may have another dispute with the organization, if you are trying to resolve a dispute about personal information, keep your communications limited to that topic.
- **Be specific.** Give the organization dates of contact, names of employees you dealt with, and a description of the practice or type of transaction you were involved in. Explain why you think what the organization did was unreasonable or not allowed by PIPA.
- **Be factual.** Although you may believe that the organization did or did not do something for certain reasons, describing only what was done or not done (sticking to the facts) can be more effective in gaining the organization's cooperation. Supply copies of any documents that support your request, if you have them. Provide the organization's file number or your customer number, if applicable.
- **Keep a copy** of what you sent to the organization.

KEEP A RECORD OF PHONE CALLS AND COPIES OF LETTERS AND E-MAILS

If you don't succeed in resolving your concern with the organization and you want to come back to us for assistance with your efforts to resolve your concern, **you will need evidence to support your allegation(s), including the following required documents:**

- a copy of your original request for information or complaint letter to the organization, and
- a copy of the organization's response letter or, if the organization responded verbally, a written description from you of the details of their response.

If you request assistance from our office, it is important that you have *recorded* details *on your Complaint form or your Request for Review form* about whom you dealt with, on what dates, and what

was said or done. You also need to provide us with copies of the above noted required documents, along with any other documents you feel are relevant, and *attach them to the form you send to our office*. (See Keep a Journal, above).

PRIVACY CONCERN RESOLUTION FORM

To help the organization address your concerns, we recommend you complete the form at the end of this document and provide it, along with any other information you feel is needed, to the organization your dispute is with. It helps the organization to address your problem if you describe it in writing, being clear about what the problem is and what you want. Provide the attached form to the organization's Privacy Officer, the owner or manager. You can do this in person or mail it. You may have more success if you also send a copy to the organization's head office.

Once you have made an honest attempt to resolve your concern with the organization and the organization has not resolved your concern, you may request assistance from our office.

ASKING FOR OUR ASSISTANCE

After you have tried to resolve your dispute with the organization and you have collected the required documentation, you may ask us for assistance.

You have to ask for our assistance in writing by completing one of our forms. If the concern is about the organization's response to your request for access to your personal information, include the date you made the request to the organization and the date the organization responded. The date the organization responded to you is very important. **You have only 30 calendar days after the organization's written response, to write to us to ask us to review the organization's decision.**

A Complaint form or Request for Review form that you can use to make this formal request for assistance to us can be found at <http://www.oipc.ab.ca> under "Resources", "Forms". You may also get the form by calling us and we will mail one to you.

Which form you will use is determined by your issue. If you have a complaint about an organization inappropriately collecting, using, disclosing or failing to safeguard your personal information, for example, you will need to use our Complaint form. If you made a request to an organization to access your personal information or you made a request for correction to your personal information and they did not respond within 45 days (or longer time, if they notified of you of an extension), or you are not satisfied with their response, you will need to use our Request for Review form.

If you want assistance in completing the form, call us and ask to speak to a PIPA Intake Officer.

It is our practice to send a copy of your written request for assistance to the organization involved. Your request for assistance should be worded with this in mind. If this causes you concern, let the staff know and they may be able to hold back some or all of the information, depending on the type of request. You will ordinarily have the opportunity to later speak confidentially to one of our staff.

The Commissioner's Office does not accept written requests for assistance with a concern about personal information by e-mail because a signature is required; however, we will respond to requests for general information about PIPA made by e-mail.

DEADLINE FOR ASKING FOR OUR HELP

There are deadlines for asking us to assist with a concern under PIPA.

If you asked an organization for access to your own personal information and are not satisfied with its response, you have only 30 calendar days to submit a written request after receiving the organization's written response.

If you want to complain about other ways the organization may not have followed PIPA, you must submit a completed Complaint Form to us within a reasonable time after becoming aware of the situation or the organization's practice.

If you are nearing a deadline or unsure whether the amount of time that has passed is "reasonable", contact us by phone so staff can open a file and then write to us following staff instructions. Our office may grant you an extension in certain circumstances.

HOW TO CONTACT THE OFFICE OF THE INFORMATION & PRIVACY COMMISSIONER

We can be contacted by mail, telephone or fax at:

Office of the Information and Privacy Commissioner
Suite 2460, 801 - 6th Avenue SW
Calgary, Alberta
T2P 3W2

Telephone: (403) 297-2728

Facsimile: (403) 297-2711

For toll-free access, call 1-888-878-4044



OFFICE OF THE INFORMATION & PRIVACY COMMISSIONER OF ALBERTA

PRIVACY CONCERN RESOLUTION FORM

Once you complete this form, provide it to the organization along with any attachments you may have. Retain a copy of this form for your records

Organization involved: _____
(Note the organization’s location, branch or other specific information)

What personal information is involved? (Be specific) _____

My concern about personal information involves: (Tick one or more of the boxes, and provide specific details below or use additional paper to explain your matter)

- How my personal information was **collected**
 - The organization asked for some personal information **it wasn’t entitled to**
 - The organization didn’t ask for my **consent** to collect my personal information
 - The organization **would not provide a service** if I didn’t give it personal information not relating directly to the service
 - The organization **collected my personal information from someone else** when it wasn’t authorized to do that
- How my personal information was **disclosed**, shared, or sold outside the organization
- How my personal information was **used** within the organization
- That my personal information was not safeguarded or **protected**
- That my personal information was not **kept** for a reasonable period of time, or kept too long
- That **fees** charged for access to my personal information are too high
- That my personal information on file at the organization was **incorrect or incomplete**
- That I was **not given access** to my personal information when I requested it in writing
- That I was not given **reasons** for the organization not providing access to my personal information when I requested it in writing, or I disagree with those reasons
- That I was not given access to information about **how my personal information was used or shared** when I requested it in writing
- That I have not received any **response** from the organization when I made a written request for access to my personal information or information on how it was used or disclosed
- That the organization’s privacy **policies and practices** were unclear or otherwise flawed
- That I could not find a **privacy officer or contact** in the organization to ask questions regarding my personal information

Provide the specifics of your concern here: (give dates of letters or conversations, who you spoke to previously, what type of transaction was involved, the organization's form in question, the section of the organization's policy, why you don't agree with its decision, etc.)

What I want the organization to do? (for example: correct my personal information, reduce the fee, remove my personal information from its database, educate its staff that the Social Insurance Number cannot be requested for a certain type of transaction, supports its reasons for not providing my personal information to me, etc.)

My contact information: (To the organization: I give you my consent to use this information only for the purposes of attempting to resolve this concern.)

My name: _____

My contact phone # and/or email address: _____

My mailing address: _____

My signature: _____

Date this form was sent to the organization: _____

Attachments: (Consider attaching a **copy** of any documents that may be helpful for the organization in understanding your dispute, including the following, **if you have them**)

- Your letter from the Office of the Information & Privacy Commissioner requiring you to attempt to resolve your dispute with the organization (if you received one)
- Your letter to the organization requesting access to, correction of, or information on the use and disclosure of your personal information
- The organization’s response to your letter
- The organization’s form, privacy policy or other document that you object to
- PIPA - A Guide for Organizations: Understanding the Role of the OIPC (located at www.oipc.ab.ca under “PIPA” and “Publications” and “Guides”).
- Other _____

We would like to acknowledge the Office of the Information and Privacy Commissioner of British Columbia whose Privacy Dispute Resolution Form was used as a model for this form.