



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

TIPS FOR INDIVIDUALS

EFFECTIVE RESOLUTION OF DISPUTES ABOUT PERSONAL INFORMATION

WHAT IS A DISPUTE ABOUT PERSONAL INFORMATION?

The Office of the Information & Privacy Commissioner for Alberta (“Commissioner’s office”) uses the term “dispute about personal information” to describe the two ways individuals can ask us to look into an organization’s personal information practices or actions under the *Personal Information Protection Act* of Alberta (“PIPA”).

Under PIPA, such a dispute is officially either a request for review or a complaint. Our staff will assist you to determine which of these two it is based on the information you provide. They will also tell you about the procedures and timelines that go along with that type of dispute.

One important difference between the two types of disputes is that there is a deadline for asking for our assistance when you are not satisfied with an organization’s response to your request to access personal information (request for review). For this type of dispute, it is important to contact us right away when you receive the organization’s response to your request and you are not satisfied.

OIPC Mailing Address: Suite 2460,801 – 6th Avenue SW
Calgary, AB T2P 3W2
Telephone: (403) 297-2728 Facsimile: (403) 297-2711
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Website: www.oipc.ab.ca

IF YOU HAVE A DISPUTE WITH AN ORGANIZATION ABOUT PERSONAL INFORMATION

OUR REFERRAL POLICY

It is generally our policy to refer individuals who want our help with a dispute back to the organization to attempt to resolve the dispute. Most businesses will be willing to help resolve your problems. Customer goodwill and employee satisfaction is very important to organizations. A complaint doesn't 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, tell our staff why. They will decide if we should get involved in your dispute without referring you to the organization. Our staff may be able to give you information that will make it easier for you to deal with the organization and to be successful. The following section also provides such tips.

DEADLINES FOR ASKING FOR OUR HELP

There are deadlines for asking us to assist with a dispute 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 written request 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.

TIPS FOR INDIVIDUALS FOR EFFECTIVE RESOLUTION OF DISPUTES ABOUT PERSONAL INFORMATION WITH ORGANIZATIONS

These tips will assist you in resolving a dispute about personal information with an organization, whether or not we have referred you back to the organization. (Please see the discussion of deadlines, above, to help you decide if you should contact us first or go back to the organization directly.)

DOES THE ORGANIZATION HAVE TO FOLLOW PIPA?

There are several privacy laws that could apply to the organization with which you have a privacy dispute. 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.psp.gov.ab.ca/pdf/PIPAGuide.pdf>

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.psp.gov.ab.ca>

ENSURING THAT PIPA IS THE BEST WAY TO DEAL WITH YOUR DISPUTE

There will sometimes be an underlying dispute 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 dispute about defective merchandise or a refund. If the dispute is really an employment dispute 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 the dispute. 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.psp.gov.ab.ca>.

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 original request might have been to ask for "all your personal information the organization has on file" and you were not satisfied with what the organization produced. You could make a more specific request for your account records, giving them the account number and the particular period of time that concerns you.

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. Then check back periodically so the organization knows that you have not lost interest.

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.

If you use a complaint form from the organization (if it has one), you should give the organization all the information it needs to be able to start to work with you to resolve your complaint.

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

If you don't succeed in resolving your written complaint with the right person in the organization, you will need evidence if you want to come back to us for assistance about your efforts to resolve your dispute with the organization.

You should be able to give us details about whom you dealt with, on what dates, and what was said or done. You should also be able to produce copies of written communications you sent to the organization as well as copies of what you received. (See **Keep a Journal**, above).

ASKING FOR OUR ASSISTANCE

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

You have to ask for our assistance in writing. If the dispute 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 that you can use to make such a formal request for assistance to us can be found at <http://www.oipc.ab.ca> "*OIPC Complaint Form*". You may also get this form by calling us. You can just write a letter to us instead of using the Complaint Form, but the letter should cover the same issues or information as the form. The letter should be addressed to "PIPA Intake Officer" at the Commissioner's Calgary office.

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

It is generally our practice to share your written request for assistance with 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 dispute 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.

WHAT TO EXPECT AFTER YOU FORMALLY ASK US FOR ASSISTANCE

We will review the information you provide in your written request and may contact you and the organization for more information before going any further. One of the first things our staff will do is ensure that PIPA applies to the organization and your dispute. We will tell you in writing whether your case is going forward and what you need to do.

If PIPA does apply and we decide to handle your complaint, you will most likely become involved in an informal fact-finding and mediation process, during which our staff will try to determine what happened and why. They will form some ideas about whether PIPA has been followed and try to formulate a resolution acceptable to both parties. Our staff will act as an impartial go-between, dealing with you and the organization. Staff members are knowledgeable and interested in ensuring that PIPA is followed. You should not need a lawyer and our process is free.

If mediation is not successful, and we determine that the matter may proceed further, a more formal Inquiry process may happen. In an Inquiry, you would be dealing with different staff from our office. After an Inquiry ends, the Commissioner will issue a written decision to the parties, called an “order”. If the order says that the organization has to do or stop doing something, the organization must follow that order. The organization may seek a judicial review of the order.

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

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