

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2020-10

May 28, 2020

Alberta Environment and Parks

Case File Number 007866

Office URL: www.oipc.ab.ca

Summary: The Complainant alleged that his employer, Alberta Environment and Parks (the Public Body), used and disclosed his personal information contrary to the *Freedom of Information and Protection of Privacy Act* (the Act). The Public Body used and disclosed the Complainant's personal information in the course of addressing a respectful workplace complaint filed against him (the complaint).

The Adjudicator found that the Public Body collected the Complainant's personal information for the purpose of addressing the complaint, as part of its responsibility to manage and administer its personnel. The Adjudicator found that the Public Body used the information for the same purpose. Use was thus authorized under section 39(1)(a) of the Act.

The Adjudicator found that the Public Body disclosed information in order to permit its employees to carry out their duties or in order to manage or administer its personnel as authorized under sections 40(1)(h) and (x) of the Act, respectively.

Statutes Cited: **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1(n), 1(n)(viii); 39(1)(a), (b), and (c); 39(4), 40(1)(h) and (x); 40(4); 59(3)(a); 72.

Authorities Cited: **AB:** Orders F2003-017, F2006-002, F2006-019, F2007-019, F2008-022, F2015-27

I. BACKGROUND

[para 1] The Complainant is an employee of Alberta Environment and Parks (the Public Body). His actions while employed there became the subject of a respectful workplace complaint (the complaint), made under the Public Body's Respectful Workplace Policy. The Public Body's Human Resources personnel investigated the complaint (the investigation). Subsequently, the Complainant made an access request for information related to the complaint and the investigation. Through records received in response to the access request, the Complainant learned that the Public Body shared information about him among numerous individuals in the course of addressing the complaint.

[para 2] The Complainant is concerned that the Public Body unnecessarily shared his personal information with numerous individuals. The Complainant refers to a series of e-mails or e-mail strings between employees of the Public Body that either contain information about him or refer to meetings or other communications where he believes information about him was revealed. All of the e-mails took place from April to June 2017.

[para 3] The Complainant does not take issue with the fact that those who made the complaint were party to information about him. The Complainant identifies numerous other individuals whom he asserts received his information unnecessarily, either because they did not need to know it, or had no role in supervising or managing him at the time when the Public Body provided the information.

[para 4] It appears that the Complainant's position, and as a result, his supervisor and manager changed from the time when the events that were the subject of the complaint took place and the investigation into them occurred. I refer to some of the individuals using terms "previous" and "current" to differentiate between old and new supervisors and managers. The individuals, as described by the Complainant, are as follows:

- A Director of the Public Body initially assigned to investigate the respectful workplace complaint, but who was subsequently not involved in carrying out the investigation.
- A previous coworker
- The Complainant's previous supervisor
- The Complainant's previous manager
- The Complainant's current supervisor
- The Complainant's current manager
- The Executive Director of the branch in which the Complainant worked.
- A number of human resources personnel investigating the complaint.

[para 5] In addition to information distributed by e-mail, the Complainant takes issue with several other instances where the Public Body shared his information, as follows:

- On April 18, 2017, one of the human resources investigators released an incomplete copy of the complaint form.
- The Human Resources Consultant overseeing the response to the complaint discussed information about the Complainant in a meeting on November 22, 2017.
- The Public Body disclosed personal information to a representative from the Alberta Union of Provincial Employees (the AUPE Representative) who represented the Complainant throughout the investigation.

[para 6] On December 15, 2017, the Complainant filed a request for review of the Public Body's use and disclosure of his information under the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000 (the Act). Investigation and mediation were authorized to resolve the matter, but did not do so. The matter proceeded to inquiry.

II. ISSUES

[para 7] The issues in this inquiry are:

ISSUE A: Did the Public Body use the Complainant's personal information in contravention of Part 2 of the Act?

ISSUE B: Did the Public Body disclose the Complainant's personal information in contravention of Part 2 of the Act? [In particular, was the disclosure authorized under section 40(1) and 40(4)?]

III. DISCUSSION OF ISSUES

Preliminary matter – In camera submissions

[para 8] The records provided to the Complainant in response to his access request contain redactions. Upon my request, the Public Body provided unredacted copies *in camera*. The Public Body also provided an unredacted copy of the investigation report *in camera*. I have reviewed the redacted content for relevant information.

[para 9] In my reasons below, I note that the Public Body redacted the Complainant's personal information from the records in some places. However, I do not describe this information in detail. Even though the information is personal information, under section 59(3)(a) of the Act, I must take care not to disclose such information in the course of conducting an inquiry.

ISSUE A: Did the Public Body use the Complainant's personal information in contravention of Part 2 of the Act?

Is the information the Complainant's Personal Information?

[para 10] "Personal Information" is defined in s. 1(n) of the Act:

(n) "personal information" means recorded information about an identifiable individual, including

(i) the individual's name, home or business address or home or business telephone number,

(ii) the individual's race, national or ethnic origin, colour or religious or political beliefs or associations,

(iii) the individual's age, sex, marital status or family status,

(iv) an identifying number, symbol or other particular assigned to the individual,

(v) the individual's fingerprints, other biometric information, blood type, genetic information or inheritable characteristics,

(vi) information about the individual's health and health care history, including information about a physical or mental disability,

(vii) information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given,

(viii) anyone else's opinions about the individual, and

(ix) the individual's personal views or opinions, except if they are about someone else;

[para 11] Personal information only includes recorded information. Personal information that arises only in conversation, and is not recorded anywhere, is not captured under the Act. (See Order F2006-002 at paras. 10 to 11). If information is recorded, then verbal use and disclosure of it are captured under the Act. (See Order F2008-022 at para. 11). A complainant alleging improper use and disclosure of personal information bears the onus of providing evidence that personal information was used and disclosed in contravention of the Act. (See Order F2007-019 at para. 9).

[para 12] The Complainant has not met the onus to establish that his personal information was used or disclosed improperly in discussions during meetings referred to in the records. I acknowledge that it is natural that the Complainant would presume the Public Body discussed his personal information at these meetings and made records of

them. However, there are neither records of them or nor evidence of any such records before me. The Complainant does not describe what, if any, personal information was disclosed at them.

[para 13] Accordingly, I do not consider allegations that the Complainant's personal information was used or disclosed at any such meetings any further. This includes the allegation that the Complainant's personal information was discussed at a meeting on November 22, 2017, and that personal information was disclosed to the AUPE Representative. None of the records appears to have been sent to the AUPE Representative, and the Complainant does not point to any that were.

[para 14] There are some records that contain recorded personal information about the Complainant. These are the e-mails referred to by the Complainant and the incomplete complaint form mentioned earlier.

[para 15] I group the e-mails into two categories. The first contains e-mails which concern development of the complaint, the process of investigation, and how the process affected the workplace and the Complainant's employment. The second contains e-mails related to the investigation results and the Complainant's reaction to them.

E-mails concerning the development of the complaint

[para 16] Except for the e-mails of June 2 and 5, 2017 that concern the investigation results, I include all of the e-mails referred to by the Complainant in this category. I do not set out each piece of personal information individually since my findings regarding all of them are the same.

[para 17] The type of personal information that appear in these emails concerns the Complainant's job status, measures taken in regard to him while the Public Body addressed the complaint, and his personal contact information. Examples of this type of personal information appear in the following messages:

- The e-mail of April 5, 4:28 p.m. discusses the Complainant's job status and the fact that steps were taken to separate the Complainant from those who made the complaint against him.
- The e-mail of April 6, 9:22 a.m. discusses deactivating the Complainant's workplace access card, and requiring him to check in at the security desk when arriving on site.

[para 18] The Complainant provided his personal cell phone number to his current supervisor and manager in the e-mail of April 12, 2017 10:07 am. On April 27, 3:20 pm, his current manager forwarded the number by e-mail to numerous human resources staff.

[para 19] These e-mails also contain information in the form of an opinion about the Complainant. This is also the Complainant's personal information under s. 1(n)(viii) of

the Act. However, the Public Body redacted this information in the copies of the records provided to him in response to the access request, accordingly, I do not describe it in detail here.

E-mails related to the investigation results

[para 20] The e-mail of June 2, 2017 5:16 p.m. contains the outcome of the investigation and the effect that the outcome will have on the Complainant's employment. It also describes the Complainant's reaction to the investigation results, including his emotional state, level of agreement with the findings of the investigation, and how the complaint and investigation personally affected him.

[para 21] The e-mail of June 5, 8:03 a.m., contains a human resources consultant's opinion of the Complainant's reaction to the results of the investigation, and whether it indicates that the Complainant will initiate grievance proceedings.

[para 22] The Complainant is identifiable from the information in these e-mails, and the information is about him. These e-mails contain the Complainant's personal information.

The incomplete complaint form

[para 23] The incomplete complaint form does not mention the Complainant by name, but includes the identities of those who made the complaint, their immediate supervisor (the same as the Complainant's previous supervisor) and the branch in which they worked. Anyone familiar with the matter would be able to determine that the form concerns the Complainant; he is identifiable from it. The form also contains information that is an opinion about the Complainant. Again, this information is redacted so I do not describe it here. Since the information is about the Complainant and he is identifiable from it, it is his personal information.

Did the Public Body use the Complainant's personal information?

[para 24] It is clear from all of the above records that the Public Body used the Complainant's personal information to address the complaint and conduct the investigation, and continue managing its workplace as matters developed. Accordingly, I find that the Public Body used the Complainant's personal information.

[para 25] I will now address whether the Public Body had authority under the Act to use the Complainant's personal information.

Did the Public Body have authority to use the Complainant's personal information?

[para 26] Authority to use personal information falls under s. 39(1) of the Act, reproduced below:

39(1) A public body may use personal information only

(a) *for the purpose for which the information was collected or compiled or for a use consistent with that purpose,*

(b) *if the individual the information is about has identified the information and consented, in the prescribed manner, to the use, or*

(c) *for a purpose for which that information may be disclosed to that public body under section 40, 42 or 43.*

[para 27] The Complainant did not consent to the use of his personal information. Accordingly, the Public Body did not have authority under section 39(1)(b).

[para 28] The Public Body argues that its use of the Complainant's personal information is authorized under sections 39(1)(a) and (c) of the Act. Authority to use personal information under these sections is not contingent on the Complainant's consent.

[para 29] The Public Body's submission on s. 39(1)(c) is as follows:

In addition, AEP used the personal information in accordance with Section 39(1)(c) of the FOIP Act. Section 39(1)(c) allows a public body to use personal information if that use falls within the circumstances outlined in sections 40, 42 or 43 of the FOIP Act. In this case, AEP employees' use of the Applicant's personal information falls within the circumstances outlined in sections 40(1)(h) and 40(1)(x) of the FOIP Act. In particular, the information was used for the purpose of AEP employees performing their employment duties and managing or administering personnel of AEP.

[para 30] The Public Body's interpretation of authority under section 39(1)(c) is incorrect. Section 39(1)(c) does not "allow a public body to use personal information if that use falls within the circumstances outlined in section 40, 42, or 43..." Section 39(1)(c) was discussed by the Adjudicator in Order F2015-27 at para. 37. She concluded,

...Neither does section 39(1)(c) (use for a purpose for which the information may be disclosed to the public body under section 40) apply, since most of the sub-clauses of section 40 on which the Public Body relies do not authorize disclosure *to* the Public Body. The one that does authorize disclosure to the Public Body (section 40(1)(q)) does not apply, since the DDO's use of the information that had already been collected and compiled in the database was not for the purposes specified in subclauses (i) and (ii) of that provision.

[para 31] Sections 40(1)(h) and (x) do not permit disclosure *to* the Public Body, and so the Public Body does not have authority under s. 39(1)(c) by reference to them.

[para 32] Regarding s. 39(1)(a), the Public Body states:

AEP used the personal information in accordance with Section 39(1)(a) of the FOIP Act. The Applicant's personal information was collected for the purpose of managing and administering all aspects of the Applicant's employment. AEP employees used the Applicant's personal information to investigate complaints against the Applicant under the

Respectful Workplace Policy. Therefore, AEP employees' use of the Applicant's personal information was consistent with the purpose for which it was collected.

[para 33] In this case, the records containing the Complainant's personal information speak clearly to the purpose for which the Public Body collected it. Each one deals with the complaint and investigation. I infer from them that personal information in them was collected in order to address the complaint and investigation. I further consider that addressing a complaint made by an employee against another is a matter of managing and administering the Complainant's employment with the Public Body. Accordingly, I find that the Public Body used the information for the purpose for which it was collected, as permitted by s. 39(1)(a).

[para 34] I also find that the Public Body's use of the information complied with section 39(4) of the Act. Section 39(4) states,

(4) A public body may use personal information only to the extent necessary to enable the public body to carry out its purpose in a reasonable manner.

[para 35] As far as I can see on the evidence before me, the Public Body limited its use of the Complainant's personal information to addressing the complaint and conducting the investigation. The use was within the extent necessary to respond to the complaint. As an employer, the Public Body had a responsibility to address it.

[para 36] I find that the Public Body did not contravene the Act when it used the Complainant's personal information.

ISSUE B: Did the Public Body disclose the Complainant's personal information in contravention of Part 2 of the Act? [In particular, was the disclosure authorized under section 40(1) and 40(4)?]

[para 37] As described above, the Public Body disclosed the Complainant's personal information to the various recipients of the e-mails as the complaint and investigation unfolded.

[para 38] Regarding the incomplete complaint form, the Public Body clarifies that it was only ever disclosed to the Complainant. Prior to the Complainant's access request, the lead investigator from human resources provided it to the Complainant in the early stages of the investigation process. The version the Complainant received in response to the access request appears different, because the Public Body redacted information from it in the course of responding to the access request. Since it was only disclosed to the Complainant, I do not need to consider this document further.

[para 39] The Public Body relies on sections 40(1)(h) and (x) for authority to disclose the Complainant's personal information. Those sections read as follows:

40(1) A public body may disclose personal information only

(h) to an officer or employee of the public body or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer, employee or member,

...

(x) for the purpose of managing or administering personnel of the Government of Alberta or the public body,

[para 40] The Public Body suggests that the Act only considers disclosures to parties outside of the Public Body. This is not correct.

[para 41] Disclosure may occur within a public body when personal information passes from one person to another. Section 40(1)(h) contemplates a public body disclosing personal information to its own officers or employees. Similarly, personal information passes between employees of a public body in the course of managing its personnel pursuant to section 40(1)(x). These information transfers may be disclosures under the Act as well. See, for example, Order F2006-019 at para. 35. In that Order, the disclosure in question was from a public body to a member of the complainant's management team.

[para 42] The Complainant frames his argument that disclosure was not permitted under the Act by reference to whether a particular individual managed him or if, in his view, the individual needed to disclose personal information about him as a matter of their job duties. However, this argument suggests an interpretation of sections 40(1)(h) and (x) that is significantly narrower than their wording supports.

[para 43] Disclosure under sections 40(1)(h) and (x) is not limited by whether or not the one disclosing information manages, or has a particular duty to disclose personal information of, the specific individual that the personal information is about. They permit disclosure as a matter of duties and management of personnel, in general. So long as disclosure is made in service to those ends, it is permitted. As will be seen, in this case, management of personnel involved managing staff at the Complainant's workplace, as a whole. I note that there appears to be some overlap between the sections for those whose duties include management of personnel.

[para 44] For each individual that the Complainant asserts should not have received his personal information, the Public Body described the individual's role in the complaint and investigation, and in managing or administering the Complainant's employment. For clarity and ease of reference, I list the Public Body's description of the individual beneath the description of the individual given by the Complainant, listed earlier.

- A Director of the Public Body initially assigned to investigate the respectful workplace complaint, but who was subsequently not involved in carrying out the investigation.

[para 45] The Public Body states that the Complainant held several positions in the Director's branch, but the Director was "about six steps removed from the Complainant's

day-to-day duties.” In that role, the Director supervised and managed the Complainant’s previous supervisor and his previous co-worker. As the Complainant stated, the Director did not conduct the investigation. However, the Director did work with staff and human resources to address the complaint.

- A previous coworker

[para 46] Although the Complainant describes this individual as a previous co-worker, he admits that she was also sometimes his supervisor. The Public Body states that this individual directly supervised the Complainant’s previous supervisor and oversaw the team of wage employees of which the Complainant was part. The previous co-worker became involved in the complaint when the Complainant’s previous supervisor made her aware of the events that became the subject of the complaint. Upon learning of the events, she sought advice on the next steps to take from her manager who is also the Complainant’s previous manager. From that point on, the previous coworker served as a support person for those who made the complaint, and provided information about her role to human resources in the course of the investigation.

- The Complainant’s previous supervisor

[para 47] This individual directly supervised the Complainant and those who made the complaint, before the complaint was made. The complaint was brought to the attention of this individual on the last day of the Complainant’s employment in his previous position. Upon learning of the complaint, he brought the matter to the attention of the Complainant’s previous co-worker, and the Complainant’s previous manager. Human Resources requested an interview from this individual as part of the investigation.

- The Complainant’s previous manager

[para 48] The Complainant’s previous manager is the Director of the branch in which the Complainant has held several positions, including the position he held when the events that led to the complaint occurred. In this role, he does not manage or supervise the Complainant. He became involved in the investigation when the Complainant’s previous co-worker and previous supervisor brought the complaint to his attention. Thereafter, he assisted staff and human resources with addressing the complaint, and provided advice to those who made the complaint about the complaint process and the resources available to them.

- The Complainant’s current supervisor

[para 49] This individual directly supervised the Complainant during the investigation. He became involved in the complaint because the program in which the Complainant worked under him is connected to the program in which the Complainant worked under his previous supervisor. Since staff from both programs intermingle with each other¹, the

¹ I note that the parties contradict each other on whether the location of the Complainant’s workplace changed when he changed positions. The Complainant states he moved to a different location, while the

Public Body felt it appropriate to involve this individual in order to ensure the well-being of other employees who, although not those who made the complaint, might have been affected by it due to close association with those who did.

- The Complainant's current manager

[para 50] While not responsible for directly supervising the Complainant, this individual managed the Complainant's role, when the complaint was made. Like the Complainant's current supervisor, he became involved in the complaint in order to ensure the well-being of other employees.

- The Executive Director of the branch in which the Complainant worked.

[para 51] As an Executive Director, this individual was not involved in direct supervision of the Complainant's role. He directly supervised the Complainant's current and previous managers, and the Director initially assigned to investigate the complaint. He was responsible for the entire branch in which the Complainant worked and had the final authority to decide what steps to take in light of the result of the investigation.

- A number of human resources personnel investigating the complaint.

[para 52] Under the Respectful Workplace Policy, all complaints go to the Executive Director of Human Resources. The Executive Director does not deal with complaints directly. To address the complaint, the Public Body appointed one Human Resources Consultant to oversee the complaint and investigation, and one as lead investigator. One other assisted the lead investigator. They, in turn, reported to a Senior Human Resources Consultant, who served as liaison to human resources management. As such, the complaint came to the attention of the Human Resources Manager, responsible for the formal resolution process under the Respectful Workplace Policy. That manager reported to a Human Resources Director. The Director delegated responsibility to address the complaint, but was kept apprised of it. The Director reported to the Executive Director of Human Resources, who is responsible for all human resources programs and services.

[para 53] Upon considering the role each individual played in managing the complainant, the workplace in general, the complaint, and their duties with respect to the same, I find that the disclosures were permitted.

E-mails concerning the development of the complaint

[para 54] Aside from human resources personnel, the Public Body disclosed the Complainant's personal information to his current and previous supervisors and managers, the supervisor to his previous supervisor, Directors in charge of the branch

Public Body asserts that both positions were in the same building. I note that the Complainant also states that under the direction of his current supervisor and manager he continued to access his "previous" workplace on a day-to-day basis. Since the precise or formal location of the Complainant's new workplace does not affect my reasons, I do not consider it further.

where he was employed, and the Executive Director who had final authority to take action based on the findings of the investigation. Each individual became involved as word of the events that led to the complaint made its way up the chain of command, as would be expected.

[para 55] As the complaint proceeded, each individual adopted a particular role in the complaint, including informing management of the events that led to it, supporting and advising those who made the complaints, working with staff and human resources to see the matter was addressed, and tending to the well-being of other employees as the complaint and investigation unfolded. It is clear upon my review of the records that the Public Body disclosed the Complainant's personal information to or among these individuals to enable them to fulfill their roles.

[para 56] Regarding human resources personnel, I agree with the Complainant that, strictly speaking, it seems possible that the Public Body could have addressed the complaint without involving all seven of them. However, there is no formal limit on how many individuals a Public Body can use to resolve a workplace complaint. In this case, the number of human resources individuals involved results from the reporting structure of the Respectful Workplace Policy, and the organizational structure of the human resources department. Those who managed or supervised the Human Resources Consultants who carried out the investigation must manage and administer their employees as they perform their work. This naturally requires those carrying out the investigation to provide them information about it, including the Complainant's personal information, as it proceeds.

[para 57] In light of the preceding, I find that the Public Body made the disclosures for the purposes of addressing the complaint and maintaining an accommodating working environment, which, in my view, is a part of managing the Public Body's personnel.

[para 58] Regarding disclosure of the Complainant's telephone number, as far as I can see, it went no further than the supervisor and manager to whom the Complainant provided it and the human resources personnel who were involved in the complaint and investigation. The Complainant does not set out how he concluded that it was forwarded to anyone else. The e-mail chain containing the number bears the subject heading "Cell Phone number for contact." It consists only of the Complainant's initial message that provides his number, and the message that forwards the Complainant's message to human resources. No other e-mails bear that subject heading and there are no other e-mails sent or forwarded to the same individuals involved in the e-mail chain. Since the telephone number went no further than the human resources personnel who investigated the complaint, it appears that it was disclosed only to enable human resources personnel to perform their duty to investigate the complaint, including contacting the Complainant.

E-mails related to the investigation results

[para 59] The Complainant's previous manager sent the June 2 e-mail to the Complainant's previous and current supervisors, current manager, previous co-worker,

the Director initially assigned to investigate the complaint, the Executive Director, and the Human Resources Consultant who oversaw the entire investigation process. The Human Resources Consultant sent the June 5 e-mail to the same group in reply to the June 2 e-mail.

[para 60] The Public Body states that it distributed the findings all of these individuals to ensure that there was a full understanding of the results of the investigation in the areas that it impacted. I infer that these areas include those in which the Complainant worked at the time of the events that led to the complaint, and at the time of the complaint and investigation, since the findings went to the Complainant's previous and current supervisors and managers. The Public Body submits that ensuring full understanding is part of managing and administering its personnel. I agree that it is.

[para 61] Similar circumstances were considered in Order F2003-017. In this Order, the Applicant, while working for Fairview College, was the subject of a conflict of interest investigation. He learned of disclosures of his personal information from records he received in response to an access request regarding the allegations of a conflict of interest. Among the individuals to whom his personal information was disclosed was the Dean, in whose area the Applicant worked. Regarding disclosure to the Dean, the Adjudicator stated at para. 30;

The Public Body justified the Manager's disclosure of the Applicant's personal information to the Dean on the basis that the Applicant had been doing work in the Dean's area of responsibility. The Applicant stated in his submission that he hired staff from the Dean's department, and was working with the Coordinator and various staff from the department on several initiatives. Although the parties agree that Dean had no direct authority over the Applicant, the Applicant admitted that he did work in the Dean's area of responsibility. It makes sense to me that the Public Body would disclose the Applicant's personal information to a person in the Dean's position, as the Dean was a senior administrator who was losing the services of a significant employee in his area. As part of a responsible approach to management, the Public Body responded to the Dean's expressed concerns about the Applicant's departure by giving the Dean the opportunity to read some information and understand the Public Body's detailed rationale for its actions. The Dean's response to that offer does not determine whether or not it was a breach of the Act. I accept the argument of the Public Body that section 40(1)(x) authorizes the disclosure of the Applicant's personal information in pages 12 through 16 of the records to Dean.

[para 62] With the exception of the Human Resources Consultant, the Complainant performed work in programs or branches that were the responsibility of those who received the investigation results. Many of them worked closely with the Complainant as his direct supervisor or manager. All of them were invested in the investigation and its outcome. Those in whose areas the Complainant previously worked had an interest in knowing what went on under their supervision, whether it contravened the Respectful Workplace Policy, and, if so, what the consequences were. Those in charge of the areas in which the Complainant was currently working shared the same interest, and had a need to know how the results of the investigation affected their areas and the Complainant's employment. In my view, it is part of the same responsible approach to management, discussed in Order F2003-017, to inform these employees of the results of the

investigation, the Complainant's reaction, and the likelihood of a grievance. I add that, in my opinion, it would be contrary to responsible management of personnel to withhold the results of the investigations from any of these individuals. They would not know whether the actions that led to the complaint were inappropriate, and if further, similar actions would need to be addressed in the future.

[para 63] The Human Resources Consultant, as the one who oversaw the investigation, would need the findings as a matter of his duties. The same consideration applies to the Executive Director who had the authority to decide what to do in light of the findings. He needed the information to carry out his duty in that regard.

[para 64] I now consider whether the Public Body's disclosure was reasonable under s. 40(4). Section 40(4) states as follows:

(4) A public body may disclose personal information only to the extent necessary to enable the public body to carry out the purposes described in subsections (1), (2) and (3) in a reasonable manner.

[para 65] As discussed, the Public Body disclosed the Complainant's personal information for the purposes of managing personnel or to enable performance of duties. Since the Public Body disclosed personal information only to those with a role to play in managing or administering personnel and addressing the complaint, I find that that disclosure was limited to a necessary extent.

[para 66] I find that the Public Body complied with section 40(4).

IV. ORDER

[para 67] I make this Order under section 72 of the Act.

[para 68] I find that the Public Body did not contravene the Act when it used and disclosed the Complainant's personal information.

John Gabriele
Adjudicator
/bah