

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**ORDER F2020-26**

September 1, 2020

**CALGARY POLICE SERVICE**

Case File Number 001405

**Office URL:** [www.oipc.ab.ca](http://www.oipc.ab.ca)

**Summary:** An individual made a complaint to this Office that the Calgary Police Service (CPS) collected, used and disclosed his personal information without authority under the *Freedom of Information and Protection of Privacy Act* (FOIP Act).

In July of 2013 the Complainant, an officer with the Public Body, was returning to Canada from the United States. During the border stop, he was accused of an illegal activity by the Canadian Border Security Agency (CBSA). The CBSA contacted the Complainant's employer (the Public Body) to advise it of the CBSA investigation into the allegation. The Security Operations Unit of the CPS began its own investigation. In July of 2014, the Complainant learned that a member of the Security Operations Unit had contacted the Complainant's current supervisor, who was not the Complainant's supervisor at the time the accusation was made, and advised the supervisor of details of the investigation.

On August 6, 2015, the Complainant brought a complaint to this Office regarding the disclosure of his personal information by the Security Operations Unit to the current supervisor. Mediation was authorized but did not resolve the issues between the parties and on November 22, 2016, the Complainant requested an inquiry.

The Adjudicator found that the Public Body collected the Complainant's personal information for the purpose of determining how to deal with the report of the Complainant's conduct. The Adjudicator determined that the provision of the Complainant's information to his current supervisor was for the same purpose, and this use or disclosure was authorized.

**Statutes Cited: AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1, 33, 39, 40, 41, 72, *Police Act*, R.S.A. 2000, c. P-17, s. 42.1, 43, 43.1, 45, Police Service Regulation, Alberta Regulation 356/90, s. 6.

**Authorities Cited: AB:** Order F2013-31, *Saunders v Edmonton (Police Service)*, 2018 ABLERB 7 (CanLII)

## **I. BACKGROUND**

[para 1] An individual made a complaint to this Office that the Calgary Police Service (the Public Body) collected, used and disclosed his personal information without authority under the *Freedom of Information and Protection of Privacy Act* (FOIP Act).

[para 2] In July of 2013 the Complainant, an officer with the Public Body, was returning to Canada from the United States. During the border stop, he was accused of an illegal activity by the Canadian Border Security Agency (CBSA). The Complainant states that CBSA informed the Deputy Chief of the Public Body, RC. The Complainant states that an internal investigation was conducted by the Public Body, and that the Complainant's current supervisor, who was not the Complainant's supervisor at the time the accusation was made, was told details of the investigation.

[para 3] On August 6, 2015, the Complainant brought a complaint to this Office regarding the disclosure by the Security Operations Unit to the current supervisor. Mediation was authorized but did not resolve the issues between the parties and on November 22, 2016, the Complainant requested an inquiry.

[para 4] The Complainant provided additional details in his submissions to the inquiry. He states that following the incident with CBSA, he informed his then-supervisor (KC) about the incident. He also informed the head of the Public Body's Professional Standards Section, DL.

[para 5] The Complainant states that Anti-Corruption Unit (ACU) of Security Operations within the Public Body conducted an investigation into the matter, without the Complainant's knowledge. The Complainant states that he became aware of this investigation in May 2014.

[para 6] In February 2014, the Complainant moved to another area within the CPS, and reported to a new supervisor, DR. In May 2014, the Complainant spoke with the head of ACU, BB, to discuss the investigation of the CBSA incident. The Complainant states that he intended to apply for a promotion, and wanted to ensure the investigation would not be a deterrent. The Complainant states that BB told him there was no evidence of wrongdoing on the part of the Complainant and so there was no need to disclose information about that investigation outside ACU and the investigation would not impact any promotion. In order to close the investigation, the Complainant states that BB informed him a discussion would need to take place with BB, the Complainant, and the head of the work area the Complainant had been in at the time the investigation began (JH). This meeting proved difficult to schedule; from the submissions I understand that this meeting was never held.

[para 7] In June 2014, the Complainant states that BB was on temporary leave and the acting head of ACU, JB, asked to speak to the Complainant. JB informed the Complainant that he (JB) had told the Complainant's new supervisor, DR, about ACU's investigation.

[para 8] The Complainant states that in September 2014 he met with his new supervisor, DR. The Complainant states that on the basis of what JB told DR, DR "made several scathing and disparaging remarks about [the Complainant], professionally and personally, and made it clear [the Complainant] would not be supported for promotion because of this" (initial submission, at page 3). The Complainant states that he was not told specifically what DR was told by JB.

[para 9] The Complainant states that in 2015, after several meetings with various Public Body employees referenced above, the Complainant was told that the investigation was closed and the matter settled.

[para 10] The Complainant's main concern relates to information about ACU's investigation into the CBSA incident; specifically, the disclosure of this information to the Complainant's current supervisor, DR by the ACU acting head, JB. The Complainant states that DR was not his supervisor at the time of the incident and the time the investigation apparently began. He states that the incident did not relate to his current role and therefore the disclosure was unnecessary. He states that this disclosure damaged his professional reputation.

## **II. ISSUES**

[para 11] The Notice of Inquiry dated March 11, 2020, states the issues in this inquiry as follows:

1. Did the Public Body collect the Complainant's personal information? If yes, did it do so in compliance with or in contravention of section 33 of the Act?
2. Did the Public Body use the Complainant's personal information? If yes, did it do so in compliance with or in contravention of sections 39(1) and 39(4) of the Act?

*If the Public Body is relying on section 39(1)(a), the parties should also make submissions as to whether the requirements of section 41 are met.*

3. Did the Public Body disclose the Complainant's personal information? If yes, did it do so in compliance with or in contravention of sections 40(1) and 40(4) of the Act?

## **III. DISCUSSION OF ISSUES**

### **Preliminary issue**

[para 12] In his initial and rebuttal submissions, the Complainant objects to the following statement in the Notice of Inquiry:

Mediation was authorized but did not resolve the issues between the parties and on November 22, 2016, the Complainant requested an inquiry.

[para 13] The Complainant states that the Public Body did not offer to engage in mediation.

[para 14] The use of the term ‘mediation’ mirrors language in section 68 of the FOIP Act, which states:

*68 The Commissioner may authorize a mediator to investigate and try to settle any matter that is the subject of a request for review.*

[para 15] The reference to mediation in the Notice of Inquiry refers to the investigation/mediation that was conducted by a senior information and privacy manager, prior to the Complainant’s having requested an inquiry.

**1. Did the Public Body collect the Complainant’s personal information? If yes, did it do so in compliance with or in contravention of section 33 of the Act?**

[para 16] Personal information is defined in section 1(n) of the Act as follows:

*1(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 17] Section 33 of the FOIP Act places strict limits on personal information a public body can collect. It states:

*33 No personal information may be collected by or for a public body unless*

*(a) the collection of that information is expressly authorized by an enactment of Alberta or Canada,*

*(b) that information is collected for the purposes of law enforcement, or*

*(c) that information relates directly to and is necessary for an operating program or activity of the public body.*

[para 18] The information at issue is information about the Complainant relating to the incident with the CBSA. The Complainant was not on duty at the time of the incident. The Public Body argues that the Complainant presented himself as a CPS officer at the time of the incident; though it did not argue that the Complainant presented himself as on duty at that time (i.e. performing work duties). The information is about the Complainant's conduct and is his personal information.

[para 19] The Public Body provided additional details about the CBSA incident, presumably that were told to the Public Body by the CBSA.

[para 20] The Public Body states that the Complainant was travelling from the U.S. into Canada, and was stopped for a secondary search by the CBSA. The CBSA found gun parts that are legal to possess in Canada but were prohibited from export from the U.S. This incident resulted in a fine. The gun parts were not related to the Complainant's role with the Public Body.

[para 21] The Complainant disputes some of the facts put forward by the Public Body. Some of these disputed facts, such as why the Complainant was stopped for a secondary search by the CBSA, the location of the gun parts, and whether he was issued a fine, are not material to the outcome of this inquiry. I will discuss other facts in dispute later in this Order.

[para 22] The Public Body further states that it was told that prior to approaching the border, "the Complainant pulled his car over and hung his CPS uniform in the window of his car, thereby identifying himself as a CPS officer. Furthermore, when the Canadian Border Services Agent started to question the Complainant, he identified himself as a CPS officer" (initial submission, at para. 12).

[para 23] The Public Body states that the Complainant's conduct was reported to the RCMP National Weapons Enforcement Support Team (NWEST) program. The Public Body states that one of its employees was seconded to that program at the time, and it was this seconded employee that reported the incident to the Public Body.

[para 24] That this report to the Public Body was made by a Public Body officer seconded to the RCMP is not relevant to the outcome of the issues here. That officer was acting as part of the RCMP at that time; therefore, the disclosure was made to the Public Body by the RCMP. The

Complainant has not raised this disclosure as an issue for this inquiry, and has indicated that he has otherwise pursued a complaint into the RCMP's conduct.

[para 25] The Public Body references the *Police Act* as governing the conduct of officers. It states (initial submission, at para. 15):

[t]he *Police Act* does not confer any oversight jurisdiction over an off-duty police officer. However, it is well established that if an off-duty police officer identifies him or herself as a police officer, then the jurisdiction conferred by the *Police Act* to investigate and discipline that police officer is engaged.

[para 26] The Public Body states that a person can make a complaint about the conduct of an officer under section 42.1 of the *Police Act*, or the chief of police can initiate a complaint against a police officer where circumstances that warrant an investigation come to the attention of the chief, under section 43(6).

[para 27] A complaint made by a person other than the chief must be made in writing, as prescribed under section 42.1(4). The Public Body has not told me that such a complaint was made by the RCMP. It seems likely that the chief initiated a complaint under section 43(6), based on the report of the Complainant's conduct from the RCMP. In such a situation, the chief must deal with the complaint as if it were made by another person (section 43(6)).

[para 28] Section 45(1) of the *Police Act* requires the chief to have the complaint investigated. The investigation may be referred to the Minister of Justice and Solicitor General (section 45(2)(a)); a hearing may be conducted (section 45(3)); or the chief may dispose of the matter without a hearing if the chief determines that the alleged contravention is not of a serious nature (section 45(4)).

[para 29] The Public Body argues that the collection of the Complainant's personal information was authorized under section 33(b) of the FOIP Act, as it was collected for the purpose of investigating the Complainant's conduct as reported by the RCMP.

[para 30] Law enforcement is defined in section 1(h) of the FOIP Act:

(h) "law enforcement" means

(i) policing, including criminal intelligence operations,

(ii) a police, security or administrative investigation, including the complaint giving rise to the investigation, that leads or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the investigation or by another body to which the results of the investigation are referred, or

(iii) proceedings that lead or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the proceedings or by another body to which the results of the proceedings are referred,

[para 31] The Public Body states that the investigation conducted by the ACU was to determine whether the Complainant's conduct constituted a criminal activity; the ACU concluded that the conduct was not criminal.

[para 32] The Public Body states that while the Complainant focused on the ACU investigation in his initial submission, the Public Body also investigated the Complainant's conduct for another purpose: to determine whether the Complainant's conduct contravened the *Police Act* and PSR with respect to performance of police officers.

[para 33] The Public Body did not provide case law in support of its claim that off-duty conduct of an officer is subject to the *Police Act* and PSR made under that Act, in situations where the off-duty officer identifies themselves as an officer. However, I located case law that establishes that off-duty conduct of officers can, in certain circumstances, fall within the purview of the *Police Act* and PSR. Several cases are cited in *Saunders v Edmonton (Police Service)*, 2018 ABLERB 7 (CanLII), a decision of the Alberta Law Enforcement Review Board (LERB). From this case I understand that there must be sufficient nexus between the conduct at issue and the individual's duties as a police officer.

[para 34] The Complainant disputes that his actions during the border stop were for the purpose of gaining favour as an officer, nor did he "place himself on duty" by his actions. The Complainant states that his dress uniform was hung in a suit bag in his vehicle as he had worn it while attending a wedding during this trip; he did not hang his suit in order to identify himself as an officer. He states that his badge was revealed when he accessed his drivers' licence and firearms licence for the CBSA officer. He agrees that he identified himself as an officer, because he was asked what his job is.

[para 35] The Complainant notes that his uniform was hung in an opaque bag, such that the CBSA officer couldn't see it without opening the bag. He states that the CBSA officer's statement regarding the Complainant pulling his car over to hang his uniform in the window is inflammatory and untrue.

[para 36] Whether the allegations made by the CBSA officer are true is not a fact I need to determine for this inquiry. I need to determine the purpose of the Public Body's collection, use and/or disclosure of the Complainant's personal information, and whether the collection, use and/or disclosure were authorized.

[para 37] The Public Body states that the collection was for the purpose of the ACU investigation (which is not at issue here) and for the purpose of determining whether the Complainant contravened the *Police Act* and PSR. Had it been the case that no off-duty conduct could contravene the *Police Act* or PSR, then this would not be a valid purpose for collecting the Complainant's information. However, I am satisfied that off-duty conduct can fall within the purview of the *Police Act* or PSR and can be investigated under that legislation. I am also satisfied that the allegations made about the Complainant, if true, described the type of conduct that could possibly contravene the *Police Act* or PSR.

[para 38] Whether the Complainant's conduct *did* contravene the *Police Act* or PSR is a determination for the Public Body to make. The Complainant argues that the statements and allegations made by the CBSA officer were untrue. However, he agrees that those statements and allegations *were made* by the CBSA. The Public Body cannot ascertain the veracity of those statements and allegations without undertaking some kind of investigation into the matter. Therefore, it is reasonable to have investigated the statements and allegations, and to have collected the Complainant's personal information to do so.

[para 39] I emphasize again that this finding does not support or otherwise comment on the truth of the allegations made against the Complainant. My finding is that it was reasonable for the Public Body to look into the allegations.

[para 40] I find that the Public Body had authority to collect the Complainant's personal information to investigate a report about the Complainant's conduct under the *Police Act* and Regulation. This falls within section 33(b) of the FOIP Act.

[para 41] The Public Body also cites past Orders of this Office that have found that managing employees is an operating program or activity of a public body (see Order F2013-31, at para. 10). Therefore, the collection of an employee's personal information is authorized under section 33(c), provided the collection is necessary to manage the employee. As the Public Body was investigating whether the Complainant's conduct contravened the *Police Act* or PSR, it was managing the Complainant's employment.

[para 42] Nothing before me indicates that the Public Body collected personal information that was unrelated to the Complainant's conduct, such that the Public Body collected more than was necessary to fulfill its purpose. Therefore, I find that the Public Body collected the Complainant's personal information with authority under section 33(b) and (c) of the FOIP Act.

**2. Did the Public Body use the Complainant's personal information? If yes, did it do so in compliance with or in contravention of sections 39(1) and 39(4) of the Act?**

[para 43] Use of the Complainant's personal information is governed by section 39 of the Act. The relevant portions of section 39 of the Act state:

*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.*

...

*(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 44] Section 41 defines what constitutes a “consistent purpose” under section 39(1):

*41 For the purposes of sections 39(1)(a) and 40(1)(c), a use or disclosure of personal information is consistent with the purpose for which the information was collected or compiled if the use or disclosure*

*(a) has a reasonable and direct connection to that purpose, and*

*(b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.*

[para 45] The Public Body argues that it used the Complainant’s information for the same purpose for which it was collected. It argues that providing information about the Complainant’s incident with the CBSA to his current supervisor, DR, is a use of personal information, rather than a disclosure.

[para 46] The Public Body states that the first decision made by the Public Body regarding the Complainant’s conduct was whether it constituted criminal activity. This question was investigated by ACU and the investigation was concluded by May 2014, as the Complainant was told. This was clearly a use of the Complainant’s personal information; the Complainant has not objected to this use.

[para 47] As discussed above, the Public Body states that this investigation didn’t completely conclude the matter, as “[a] determination still had to be made as to whether a formal investigation and hearing under the *Police Act* was required or whether the matter could be resolved more informally, through counselling or otherwise” (initial submission, at para. 41).

[para 48] The Public Body further states that in July 2014, “the decision was made to forego a formal process in favor of the less formal commander intervention (i.e. counseling)” (at para. 41). The Public Body states that the recommendation to proceed formally or informally is usually made by the officer’s supervisor to the officer’s commanding officer and associated Superintendent. In this case the commanding officer was DR and the Superintendent was KS.

[para 49] The Public Body states that in this case, section 43.1(1) of the *Police Act* and section 6 of the Police Service Regulation (PSR) are relevant. Section 43.1(1) of the *Police Act* states:

*43.1(1) At any time before or during an investigation into a complaint with respect to the actions of a police officer other than the chief of police, if the complainant and the police officer who is the subject of the complaint consent, the chief may attempt to resolve the complaint informally.*

[para 50] The Public Body states that section 6 of the PSR sets out a process by which an officer can be counselled when formal proceedings are deemed unnecessary under section 45 of the *Police Act*. Section 6 of the PSR states:

*6(1) Where a supervisor or a superior officer is of the opinion that an action of a police officer is not of a sufficient nature so as to require the action to be dealt with in accordance with section 45 of the Act, the supervisor or officer of superior rank may nevertheless counsel the police officer,*

*orally or in writing, with respect to the performance of duty of and the action taken by the police officer.*

*(2) A written record of any counselling carried out under this section may be kept on the police officer's personnel file but may not be introduced as evidence in any proceeding under the Act.*

*(3) Nothing in this section shall be construed so as to prohibit the information maintained in any records kept under the section from being used for the purposes of making reviews of performance under section 4(2).*

[para 51] The Public Body states that the Complainant's current supervisor, DR, was "involved in the decision and the subsequent management of an employee under his command" and as such "it was necessary for him to use the personal information that had been collected about the Complainant for that purpose" (initial submission at para. 43).

[para 52] The Complainant states that the ACU head, BB, told the Complainant that since the ACU investigation was concluded without evidence of wrongdoing on the Complainant's part, the information collected by ACU "would be compartmentalized within ACU, and would not be distributed outside of ACU" (initial submission, at page 2). The Complainant also argues that the ACU investigation is separate from any discipline process, and therefore the information relating to the ACU investigation is irrelevant to a discipline process and ought not to have been provided for that process.

[para 53] As discussed above, the Public Body's submissions indicate that it collected the Complainant's information regarding the incident with the CBSA for the purpose of the ACU investigation *and* for a disciplinary determination. The Public Body's submissions indicate that the first question the Public Body considered when it investigated the report made by the RCMP about the Complainant's conduct at the border is which of the three possible avenues it should take. One avenue is for it to be referred to the Minister of Justice and Solicitor General if it is a sufficiently serious matter. ACU investigated to make that determination, and decided this was not the appropriate avenue.

[para 54] The next question was whether a hearing was required. This was also answered in the negative. The last question was whether it should be dealt with informally, with "counselling" as set out in section 6 of the PSR.

[para 55] In my view, although there were several subsequent steps in dealing with the report made by the RCMP, the use of the Complainant's information was for the same purpose in each step: determining how to deal with the report of the Complainant's conduct.

[para 56] Even if the collection of the Complainant's information was initially for the ACU investigation and was subsequently used for the discipline determination, the latter purpose is consistent with the purpose of the collection. Once the Public Body determined that the conduct was not sufficiently serious to warrant a referral to the Minister, the Public Body had further determinations to make regarding the Complainant's conduct. This has a reasonable and direct connection to the purpose of the collection. A discipline determination relates to the management of the Complainant's employment with the Public Body; in the section of this Order dealing with collection, I noted that a managing the employment relationship is an operating program of a

public body. Using information collected about the Complainant's conduct to make a discipline determination is therefore directly related to the purpose of the collection, and is necessary for an operating program of the Public Body, fulfilling the requirements of section 41. Therefore, the use of the Complainant's information is authorized under section 39(1)(a).

[para 57] The Complainant argues that DR was not his supervisor at the time of the incident, and therefore had no role in making a determination regarding appropriate discipline. From the relevant legislation and the Public Body's submissions, I conclude that it is appropriate for the current supervisor to participate in that determination.

[para 58] Regarding the Complainant's statement that he was told the ACU investigation would not be discussed outside ACU, nothing before me indicates it was inappropriate for the Public Body to use facts gathered in the ACU investigation for the discipline determination. I would agree that facts gathered during the ACU investigation that were not relevant to a discipline determination ought not to be provided for that determination. However, as noted above, nothing before me indicates that the Public Body used more information than was necessary for the discipline determination.

[para 59] The Complainant states that he was not told what the acting head of ACU, JB, told his current supervisor, DR. Therefore, he presumably does not know whether the information provided by ACU was more than what DR needed to know for the discipline process determination. I understand that the Complainant is in a difficult position with respect to obtaining information that the Public Body is not willing or required to share with him. Nevertheless, nothing before me indicates that the Public Body provided more information to DR than was necessary for him to perform his function as the Complainant's supervisor. Based on what is before me, I conclude that the Public Body did not use more information than was necessary for making a determination as to the appropriate discipline process.

[para 60] I return to the Complainant's recollection that BB told him there was no evidence of wrongdoing on his part and no need to disclose information about that investigation outside ACU. The Complainant states he was told that he would have to meet with his previous supervisor to conclude the matter; no mention was made of his current supervisor. I have no reason to doubt the Complainant's recollection of this conversation. It is possible that the Complainant was misinformed by the head of ACU; it is possible that the head of ACU was not aware that the matter wouldn't be completed with the finding of ACU; it is possible that the Complainant misunderstood what was said by the head of ACU. Whether the Complainant was accurately told who would be involved in each relevant decision does not negate the Public Body's authority to make each determination and to use the information for the purpose of each determination.

[para 61] To the extent that the Public Body used the Complainant's personal information when it provided that information to his current supervisor as part of the discipline determination, I find that this use was consistent with the purpose of the collection and was authorized under section 39(1)(a).

**3. Did the Public Body disclose the Complainant's personal information? If yes, did it do so in compliance with or in contravention of sections 40(1) and 40(4) of the Act?**

[para 62] Sections 40(1)(c), (h), (x) and 40(4) are relevant. These provisions state:

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

...

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

...

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

...

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

...

*(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 63] I found that the Public Body used the Complainant's personal information when it informed the Complainant's current supervisor, DR, of the details of the investigation and CBSA incident. Even if this finding is incorrect and providing DR with the Complainant's information was a disclosure, that disclosure would be authorized for substantially similar reasons.

[para 64] As discussed in the earlier section of this Order, the Public Body argues that the Complainant's current supervisor was involved in making a determination as to whether the Complainant's conduct should be addressed formally or informally. If this constituted a use of the Complainant's information, I found that use to be authorized as consistent with the purpose for the collection.

[para 65] For the same reasons, if the Complainant's information was *disclosed to* DR, that disclosure was also consistent with the purpose of the collection, and therefore authorized under section 40(1)(c).

[para 66] The disclosure (if it was a disclosure) would also be authorized for the purpose of managing or administering personnel of the Public Body (section 40(1)(x)), or as necessary for DR to perform his duties as supervisor (section 40(1)(h)).

[para 67] Section 40(4) requires a public body to disclose only the personal information necessary for the purpose of the disclosure. As discussed in the previous section of this Order, nothing before me indicates that the Public Body used or disclosed information other than what was required for the Public Body to make the necessary determinations with regard to the Complainant's conduct.

[para 68] I find that any disclosure by the Public Body was authorized under the FOIP Act.

#### **IV. ORDER**

[para 69] I make this Order under section 72 of the Act.

[para 70] I find that the Public Body had authority to collect, use and/or disclose the Complainant's personal information.

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Amanda Swanek  
Adjudicator