

PIPA CASE SUMMARY P2006-CS-006

Professional college properly withholds personal information in response to individual's access request.

Summary

The Applicant alleged that when she requested access to records regarding a complaint she made to the College of Physicians and Surgeons of Alberta ("CPSA") about a physician, the CPSA refused to provide the documents.

The CPSA stated that it was not required by legislation to provide access to the individual.

Jurisdiction

PIPA applies to professional regulatory organizations incorporated under a professional Act operating in Alberta, including CPSA (see section 55(1)(d), PIPA). The Information and Privacy Commissioner has jurisdiction in this case because CPSA is "an organization", as defined in section 1(i) of the Act. Section 36 of the Act empowers the Commissioner to conduct investigations to ensure compliance with any provision of PIPA and make recommendations to organizations regarding their obligations.

Analysis & Findings

Section 24(1) of PIPA enables individuals to request access to their personal information in the custody or under the control of an organization. An organization must provide that information, subject to specific and limited exceptions, as set out in the Act.

According to section 24(2)(c) of PIPA, an organization may refuse to provide an individual with access to personal information if "the information was collected for an investigation or legal proceeding". The definition of "investigation" under the Act includes an investigation related to "a contravention of an enactment of Alberta or Canada" (section 1(f)(ii), PIPA). The records in question were collected by the CPSA for the purposes of investigating the Applicant's complaint about two physicians. The matter was addressed by an investigation under the *Medical Profession Act*. The CPSA is authorized to conduct investigations of this kind. The investigator found that the CPSA had correctly applied section 24(2)(c) and confirmed CPSA's decision to withhold access.

Recommendation

The investigator found that the Organization properly applied section 24(2)(c) of PIPA and had discretion to withhold the records.

The CPSA agreed to provide the complainant with a list of the records contained in her complaint investigation file, but not the actual records themselves.