

PIPA CASE SUMMARY P2006-CS-008***Property management company collects too much personal information.*****Summary**

The Complainant alleged that his apartment management company, Fireside Management Ltd. (“Fireside”) required him to produce his vehicle registration card, to which he did not object. The Complainant was concerned because Fireside wanted to photocopy his registration card for its files and threatened to tow his vehicle if he did not provide it. He alleged that this collection of his personal information was in excess of what PIPA allows.

Fireside stated that it requires copies of tenants’ vehicle registration to ensure that only tenants’ vehicles are parked in their assigned stalls, and that tenants are not subletting their stalls to other people for profit. The Organization indicated that having the registration allows it to confirm that the reported model and license plate of a tenant’s car is the same as that which is parked in the stall, and actually belongs to the tenant.

Jurisdiction

PIPA applies to provincially-regulated private sector organizations operating in Alberta, including Fireside. The Information and Privacy Commissioner has jurisdiction in this case because Fireside Management Ltd. 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

According to section 11 of PIPA,

- (1) An organization may collect personal information only for purposes that are reasonable.*
- (2) Where an organization collects personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is collected.*

This section of PIPA requires that organizations collect personal information not only for reasonable purposes, but only the minimum amount of information necessary to fulfill that purpose. It is a breach of the Act for an organization to insist that individuals consent to provide more personal information than necessary. Section 7(2) of PIPA states:

An organization shall not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information about an individual beyond what is necessary to provide the product or service (section 7(2), PIPA).

The investigator was of the view that Fireside had a reasonable purpose for collecting its tenants’ vehicle information to ensure that tenants honour their leases and do not use stalls for a commercial purpose. In order for Fireside to confirm this, it is reasonable to examine tenants’ registration cards and make relevant notations from it. However, vehicle registration cards contain more personal information than Fireside requires for its purpose. Since Fireside had no purpose for collecting tenants’ Vehicle Identification Numbers (VIN), the investigator found that by collecting this information via photocopy, Fireside acted in contravention of PIPA.

Recommendation

The investigator found that the Organization contravened section 11(2) and 7(2) of PIPA.

Fireside agreed to cease photocopying tenants’ vehicle registration cards at all of its properties and restrict its activities to examining tenants’ registration cards and noting down only the data fields it requires. The Organization also agreed to notify all of its tenants who had their vehicle registration cards on file that if they wish, they may immediately retrieve copies of their registration (or have them destroyed) and Fireside would record only the required information (licence plate number and/or car model and colour). Finally, Fireside agreed to develop and follow a privacy policy, as required by section 6 of PIPA.