



PIPA CASE SUMMARY P2006-CS-010

Financial consultant disclosed excessive personal information on land caveat

Summary

The Complainants alleged that Thomas W. McNabb & Associates Inc. (operating as “The Financial Compass Group”) placed a caveat on their property with attachments containing their personal information that was accessible to the public. The caveat attachments contained the complainants’ Social Insurance Numbers (SINs), dates of birth, breakdown of assets and liabilities, employer information, telephone number, email address, and credit references.

The Financial Compass Group stated that the Complainants owe the Organization a debt (a matter under civil dispute), entitling it to place a caveat on their property.

Jurisdiction

PIPA applies to provincially-regulated private sector organizations operating in Alberta, including The Financial Compass Group. The Commissioner has jurisdiction in this case because Thomas W. McNabb & Associates Inc. 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

The investigator contacted Alberta Land Titles who reviewed the caveat and confirmed that there were attachments viewable by the public which contained the complainants’ personal information. This amounts to a disclosure of their personal information. Although Alberta Land Titles reviews caveats to ensure that no unnecessary personal information is contained therein, it does not review the attachments. On notification by this Office, Land Titles immediately blocked public view and then returned the attachments to the Organization due to the amount of unnecessary personal information contained on them.

Disclosure of personal information by an organization must be for a “reasonable” purpose [section 19(1)]. Any disclosure must also be limited to the extent necessary to accomplish that purpose [section 19(2)]. To disclose more than the minimum amount of information required to fulfill a reasonable purpose amounts to a contravention of the Act.

Once an organization determines that a disclosure is reasonable, it must establish whether consent is required. According to PIPA, an organization requires individuals’ consent in order to disclose their personal information. There are a few specific exceptions to consent, including section 20(i) of PIPA which states that:

An organization may disclose personal information about an individual without consent of the individual but only if one or more of the following are applicable... (i) the disclosure of the information is necessary in order to collect a debt owed to the organization or for the organization to repay to the individual money owed by the organization.

The investigator found that The Financial Compass Group’s purpose for disclosing the Complainants’ personal information on the caveat - to collect a debt - was reasonable and in compliance with section 19(1). Consent was not required by the Organization. However, the information disclosed must be limited to the extent reasonable. The investigator did not find that it was demonstrably necessary to include the detailed personal information in the caveat attachments, especially given that they were publicly accessible. Including this amount of information was not necessary or effective in furthering collection of the debt. Finally, the investigator concluded that there were less privacy intrusive ways of submitting the caveat.

Recommendation

The investigator found that the Organization contravened section 19(2) of PIPA.

The Organization agreed to: develop and follow a privacy policy, as required by section 6 of PIPA; re-examine and amend its caveat procedures to ensure minimal personal information is included, and review resources to ensure that the Organization’s practices are in compliance with PIPA and make any adjustments required. The Complainant agreed to resolve the matter in this manner.