



PIPA CASE SUMMARY P2006-CS-011

Non-Profit Organization attempts to collect personal information from customer beyond what is necessary

Summary

The Complainant alleged that he was unable to proceed with the purchase of tickets over the telephone from Storybook Theatre Society, unless he consented to the Organization's request that he provide his address and telephone number for distribution of their events brochure.

Storybook Theatre Society stated that this incident is not reflective of their normal telephone ticket sales procedure and was due to an employee's lack of training. The Organization further explained that in the event a customer opts out of receiving an events brochure, the ticket sales representative has the ability to override the computer fields which request the customer's personal information for promotional purposes. Once the fields are overridden, the purchase of the customer's tickets continues and the transaction is completed.

Jurisdiction

PIPA applies to provincially-regulated private sector organizations and (on a limited basis) to certain non-profit organizations operating in Alberta. The Commissioner has jurisdiction in this case because Storybook Theatre Society is "an organization", as defined in section 56(1) of the Act. The Organization is incorporated under the *Societies Act* and performs a commercial activity by selling tickets to children's theatre events. Although Storybook Theatre Society is a non-profit organization, the collection, use and disclosure of personal information in ticket sales transactions is subject to PIPA.

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 7(2) of PIPA, an Organization may only require an individual to consent to the collection, use or disclosure of personal information that is necessary to provide the product or service.

Despite the Organization's explanation that this incident is not reflective of their telephone ticket sales process, the Investigator found that the employee required the Complainant to consent to the collection of his personal information (address and telephone number) beyond what was necessary to provide the tickets.

During the investigation, the Organization was cooperative and conveyed their commitment to implementing the Investigator's recommendations, including training of all staff. The Organization also committed to develop a privacy policy as required by section 6 of the Act.

Recommendation

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

The Organization agreed to: develop and implement a privacy policy as required by section 6 of PIPA; post the privacy policy on their website and review it with staff and volunteers. The Complainant was satisfied with this resolution of his complaint.