



PIPA CASE SUMMARY P2006-CS-12

Property Management company disclosed tenant's personal information.

Summary

The Complainant alleged that Capital Management Ltd., her residential property manager, posted her personal information, in the form of a court document, on the front door of her residence without consent. She was concerned that this amounted to a disclosure of her personal information to passers-by. The court order outlined the termination of the Complainant's tenancy and her payment requirements.

Capital Management confirmed that its lawyer had hired a process server to deliver a court order to the Complainant, and when she was not home, posted it on her door. The Organization argued that PIPA did not apply to this situation.

Jurisdiction

The *Personal Information Protection Act* ("PIPA" or "the Act") applies to provincially-regulated private sector organizations operating in Alberta, including Capital Management Ltd. The Commissioner has jurisdiction in this case because Capital 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

The document that was disclosed by the Organization - through a process server hired by its lawyer - was a court order issued by the Alberta Court of Queen's Bench. Personal information contained in court documents is not governed by PIPA, as described in section 4(3)(k) of the Act. Accordingly, there can be no contravention of the Act in this case.

Recommendation

The investigator found that this matter was not governed by PIPA, and therefore the Organization did not contravene section 7(1)(d) of PIPA.

The investigator recommended that the organization develop and follow a privacy policy, as required of all organizations under section 6 of PIPA. The organization agreed to do so.

It is interesting to note that the Organization's posting of the court order may have been consistent with the provisions of PIPA, notwithstanding the exemption of court documents from the Act.

Generally, PIPA requires consent to disclose an individual's personal information [section 7(1)(d), PIPA]. There are, however, some exceptions to consent. Sections 20(b), 20(i) and 20(m) of PIPA are three such exceptions:

An organization may disclose personal information about an individual without the consent of the individual but only if one or more of the following are applicable...

(b) the disclosure of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the disclosure...

(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...

(m) the disclosure of the information is reasonable for the purposes of an investigation or a legal proceeding...

This document was required to be served to the Complainant in accordance with a "legal proceeding" [section 20(m)]. The master in chambers specified in the order that it could be served in the manner provided for by section 57 of the *Residential Tenancies Act* (RTA). Section 57(3) of the RTA states:

If a landlord is unable to effect service on a tenant by reason of the tenant's absence from the premises or by reason of the tenant's evading service, service may be effected...

(b) by posting the notice, order or document in a conspicuous place on some part of the premises.

Since disclosure of certain notices is permissible under the RTA - a "statute or regulation of Alberta" [section 20(b)] - it is allowable under PIPA. Finally, the court order prescribed the payment schedule for the Complainant's debt owed to Capital Management for rent in arrears [section 20(m), PIPA].