

**PIPA CASE SUMMARY P2007-CS-002*****Property management company fails to safeguard tenant information*****Summary**

The complainant, a tenant in an apartment building managed by Laidley Management Ltd. (Laidley), alleged that Laidley contravened the *Personal Information Protection Act* (PIPA). In September 2006, the complainant failed to pay her rent by the first of the month. A day later, she found, pushed under her door, a default notice from Laidley demanding that she pay her rent within 3 days. On September 5, 2006, she paid her rent by money order and was issued a receipt. Almost 3 weeks later, the complainant reported that she found, in the hallway outside her apartment, a notice from Laidley. The notice was dated September 25, 2006, and indicated the complainant's apartment number and last name. The notice stated the complainant was "in violation of her lease agreement" and that "As of October 1, 2006, late rent will no longer be tolerated. We are now instructed to stop giving notices and force the eviction, by Court. Consider this your final warning." The complainant reported she found the notice in the hallway, right side up, not folded, and not in an envelope. She was concerned that unauthorized individuals could have had access to her personal information contained in the notice.

Jurisdiction

The *Personal Information Protection Act* ("PIPA") applies to provincially-regulated private sector organizations operating in Alberta, including Laidley. The Commissioner has jurisdiction in this case because Laidley 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 34 of PIPA requires organizations to protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction.

Laidley responded to the complainant's allegations by reporting that the notice was not found in the hallway and "could not have been." However, a witness corroborated the complainant's report that the notice was in the hallway and "maybe two feet in front of [the complainant's] apartment door and off to the side." The witness could not recall whether the notice was folded or not, but did state that it was not in an envelope and therefore was potentially accessible to unauthorized individuals.

Given the corroborating evidence provided, the Investigator accepted the complainant's report that the notice was on the floor in the hallway. As Laidley did not have policies and procedures in place to help ensure the security of tenant personal information, such as the notice at issue, the Organization was found to be in contravention of section 34 of PIPA.

Recommendation

Laidley agreed to develop a written policy outlining the organization's standards respecting safeguards to be taken to ensure that tenant personal information is kept confidential and secure. Section 6 of PIPA requires organizations to develop policies and practices in order to meet their obligations under the Act. Laidley was given a copy of the OIPC's publication *Implementing Reasonable Safeguards* to assist in this matter. The organization also agreed to develop a written privacy policy respecting the collection, use and disclosure of personal information.