

**PIPA CASE SUMMARY P2007-CS-005*****Oilfield Services Company uses former employee's business e-mail address*****Summary**

The Complainant, a former employee of Innovative Chemical Technologies Canada, a member of the ECL Group ("ECL Group") alleged that his business e-mail address remained active after he resigned from the Organization.

ECL Group stated that the Complainant's role within the Organization included extensive customer contact; therefore his business e-mail address remained active for six months after his departure to ensure the Organization's continuing communication with existing and potential customers.

Jurisdiction

The *Personal Information Protection Act* ("PIPA") applies to provincially-regulated private sector organizations operating in Alberta, including ECL Group. The Commissioner has jurisdiction in this case because ECL is an "organization", as defined in section 1(i) of PIPA. Section 36 of PIPA empowers the Commissioner to conduct investigations to ensure compliance with any provision of the Act and make recommendations to organizations regarding their obligations.

Analysis & Findings

The investigator found that the Complainant's former business e-mail address qualified as "*business contact*" information as defined in section 1(a) of PIPA. The Complainant's business e-mail address was issued by the Organization to allow existing and potential customers to contact the Complainant as a representative of the ECL Group.

Although the Complainant was no longer an employee for the Organization, the use of the Complainant's former business e-mail address by ECL Group was a reasonable business purpose in maintaining existing customer relationships and acknowledging potential business opportunities. Therefore the business contact information falls within section 4(3)(d) of PIPA. This section of the Act establishes that PIPA does not apply to business contact information when it is collected, used or disclosed for the purpose of contacting an individual in his or her business capacity. This means that an organization can collect, use, disclose business contact information without consent of the individual when it is for the purposes of contacting that individual as a representative of the organization.

Recommendation

The investigator found that the Organization was authorized to use the Complainant's business e-mail address pursuant to section 1(a) and 4(3)(d) of PIPA.

Although business contact information is not regulated by the Act, ECL Group committed to enhancing their obligations under PIPA by revising their electronic mail policy to include an explanation of the Organization's standard practice in using former employees' business contact information and to consider a future server upgrade to simultaneously send an automatic reply to the e-mail sender informing the sender that the employee is no longer with the organization and to reroute the e-mail to the appropriate personnel within the organization.