

**PIPA CASE SUMMARY P2007-CS-008*****Oil Services Company collected and disclosed personal information for WCB claim.*****Summary**

The Complainant alleged that his former employer, Gene's Oilfield Services Ltd. ("GOS"), telephoned his present employer to discuss his Workers' Compensation Board ("WCB") claim. The Complainant believed GOS attempted to collect and disclose his personal information without his consent and without a reasonable purpose.

GOS stated that while the Complainant was its employee, he was involved in an injury accident that resulted in a WCB claim. He returned to work for a few years until he submitted another WCB claim while working for his current employer. This second claim was made against GOS rather than his present employer. As a result, GOS contacted the Complainant's present employer to determine why this was the case. GOS argued that its collection and disclosure of the complainant's personal information was permissible without his consent, pursuant to sections 14(d) and 20(m) of PIPA.

Jurisdiction

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

Section 7(1) of PIPA requires that organizations obtain consent from individuals to collect, use or disclose their personal information. One exception to the requirement to obtain consent is if the collection of the information is reasonable for the purposes of an investigation or legal proceeding [section 14(d), PIPA]. Section 20(m) authorizes an organization to disclose personal information without consent for the same reason.

According to section 1(f) of PIPA, an investigation must be related to circumstances or conduct that may result in a remedy or relief being available at law. The remedy or relief available to GOS in response to the Complainant's WCB claim is described as an appeal in sections 13.2(1), 46(1) and 120(1) of the *Workers' Compensation Act*. It was found that PIPA did not require GOS to obtain the Complainant's consent to collect or disclose his personal information as it related to his WCB claim and GOS's right of appeal. GOS had a legal remedy available to it under the *Workers' Compensation Act*, for which it was making phone inquiries.

Whether or not consent is required, any collection or disclosure of personal information must be for reasonable purposes, according to sections 11(1) and 19(1) of PIPA. The WCB was contacted to determine whether, in a case such as this one, it could be necessary for a former employer to contact the current employer of a claimant to conduct an investigation. The WCB stated that in certain circumstances it might be reasonable. That PIPA permits collection and disclosure of information under certain circumstances without individuals' consent (in this case for an investigation), presumes that those purposes the Act describes are reasonable. However, collection and disclosure must also be limited to the *extent* reasonable to satisfy that purpose, according to sections 11(2) and 19(2) of PIPA. To ascertain the extent or amount of information collected and disclosed by GOS, the Complainant's present employer was asked to describe the conversation with GOS. It was found that the extent of information collected and disclosed by GOS was reasonable. Only very limited personal information which could be relevant for an appeal was discussed regarding the Complainant's claim.

Recommendation**The investigator found that GOS did not contravene PIPA.**

No recommendations were made to the Organization, but the Complainant was satisfied with the findings and agreed that the matter could be considered resolved.