

**PIPA CASE SUMMARY P2008-CS-001*****Non-Profit Organization disclosed scholarship recipient's personal information in its newsletter*****Summary**

The Complainant, a recipient of The Alberta New Home Warranty Program's ("ANHWP" or "the organization") Scholarship Award in the Construction Engineering Technology Program at the Northern Alberta Institute of Technology, submitted a thank-you letter to the organization to show consideration and appreciation for the award. He alleged that ANHWP reproduced his thank-you letter without his consent in the organization's quarterly newsletter provided to approximately 2,300 builder members and in so doing, disclosed his full name, mailing address (unpublished) and personal signature.

ANHWP stated that the organization obtained the Complainant's consent to publish, his name and photograph, and the fact that he had received a scholarship from ANHWP in its newsletter. However, ANHWP advised that it did not specifically obtain the Complainant's consent to reproduce his thank-you letter in the organization's newsletter and mistakenly assumed his consent to do so.

**Jurisdiction**

The *Personal Information Protection Act* ("PIPA" or "the Act") applies to provincially-regulated private sector organizations and (on a limited basis) to certain non-profit organizations operating in Alberta. Pursuant to section 56 of the Act, a non-profit organization is defined as an organization that is incorporated under the *Societies Act* or the *Agricultural Societies Act* or under Part 9 of the *Companies Act*. The rules in PIPA that protect personal information apply to non-profit organizations (as defined in the Act) only when they are carrying out a commercial activity, such as selling a membership list or providing a service that is normally provided by a business.

ANHWP is an organization registered under Part 9 of the *Companies Act* and so the provisions of PIPA apply only when the organization collects, uses or discloses personal information in connection with a commercial activity.

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**

In this case, the Commissioner does not have jurisdiction as ANHWP's disclosure of the Complainant's personal information in its newsletter is not related to a commercial activity. The purpose of the organization's newsletter is to inform its membership about ANHWP's activities and services. Furthermore, the newsletter is free of charge and not intended to make a profit, has no commercial advertising, and is financially supported by its members. In other words, there was no evidence to characterize the ANHWP's newsletter as commercial in nature. As a result, the collection, use and disclosure of the Complainant's personal information in the organization's newsletter is not connected to a commercial activity and therefore not subject to PIPA.

**Recommendation**

Notwithstanding the investigator's findings in this matter, ANHWP committed to implementing privacy policies and procedures specific to the publication of the organization's newsletter including obtaining written consent for the collection, use and disclosure of personal information in any ANHWP publications. All publications will be reviewed by the organization's Privacy Officer prior to release. In addition, the organization advised that of the 2,300 copies of the newsletter which were produced, ANHWP collected and destroyed approximately 1,300 of them.