

**PIPA CASE SUMMARY P2009-CS-001*****Non-profit organization discloses personal information without consent*****Summary**

The Complainant alleged that Fairways Villas South Homeowners' Association (the Association) disclosed Members' personal information, including names, home telephone numbers and email addresses, postal codes and property purchase dates without consent in its Homeowner List, distributed to all Association Members. In addition, the Complainant was concerned with information published in the Association's newsletter, "...[including] medical diagnoses, the named infirmaries and addresses and phone numbers where ill people lived and could be reached", as well as property assessment information obtained from a City of Calgary website.

Jurisdiction

The *Personal Information Protection Act* (PIPA) applies to provincially-regulated private sector organizations operating in Alberta, including non-profit organizations. In this case, the Association is a non-profit organization registered under Part 9 of the *Companies Act*, and qualifies as a non-profit organization for purposes of PIPA (section 56(1)(b)(i)). As such, PIPA applies in respect of personal information collected, used or disclosed in connection with any commercial activity carried out by the Association (section 56(3)).

Analysis & Findings

The investigator found that the Association is engaged in a commercial activity when it provides property maintenance services to Members in exchange for a monthly fee. Personal information included in the Association's Homeowner List was found to have been collected in connection with providing these services; therefore, PIPA applies to the Association's collection, use and disclosure of this personal information. Section 7 of PIPA generally requires that organizations obtain consent to collect, use and disclose personal information. The Association advised that it did not obtain consent to disclose residents' personal information in its Homeowner List, believing that its By-Laws authorized disclosure without consent. The investigator found that this was not an exception to the requirement under PIPA to obtain consent, nor did any of the other exceptions to consent set out in section 20 of PIPA authorize the disclosure. As such, the Association contravened section 7(d) of PIPA.

The investigator also found that personal information published in the Association's newsletter ("...[including] medical diagnoses, the named infirmaries and addresses and phone numbers where ill people lived and could be reached") was **not** collected, used or disclosed in connection with a commercial activity. As such, the provisions of PIPA do not apply to the personal information included in the newsletter.

Recommendation

The investigator found that the Association contravened section 7(d) of PIPA.

The investigator recommended the Association obtain consent from Members to include names, contact information and property purchase dates in the Association's Homeowner List. Despite finding that PIPA does not apply to personal information published in the Association's newsletter, the investigator recommended the Association consider reviewing its practices of publishing potentially sensitive personal information without first obtaining consent, and consider less privacy-intrusive ways of making property assessment information available to members (for example, by including only a link to the City of Calgary website in its newsletter). The Association agreed to comply with these recommendations, and the matter was considered resolved.