

**PIPA CASE SUMMARY P2009-CS-002***Community College collected and used personal information beyond reasonable extent***Summary**

The Complainant reported that, after completing the admission requirements for a program at Columbia College (Columbia), he provided Columbia with a copy of a psychologist's report (the Report) in order that Columbia could implement accommodations for his learning needs. The Report included a narrative description of interviews between the Complainant and the psychologist, test results and discussion of diagnostic information, as well as the psychologist's recommendations for accommodation. The Complainant was concerned when he later learned that the entire Report was provided to the Program Instructor (who was also the Program Manager) and another Columbia employee.

Columbia stated that personal information included in the Report was used to ensure Columbia had a full understanding of the Complainant's accommodation needs. Columbia also believed it had the Complainant's consent to collect and use all personal information in the Report, as he had signed a form consenting to the sharing of information for the purpose of admissions screening, and because the Report was voluntarily provided by the Complainant to Columbia.

**Jurisdiction**

The *Personal Information Protection Act* (PIPA) applies to provincially-regulated private sector organizations operating in Alberta, including Columbia. The Commissioner has jurisdiction in this case because Columbia 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 PIPA and make recommendations to organizations regarding their obligations.

**Analysis & Findings**

The investigator found that Columbia contravened sections 11(2) and 16(2) of PIPA by collecting and using the Complainant's detailed medical information beyond what was reasonable for the organization's stated purpose. The only personal information reasonably required to implement accommodations for the Complainant's learning needs was the part of the Report summarizing the psychologist's recommendations. If more information was subsequently required, Columbia could have requested clarification of the recommendations. The investigator found this situation to be analogous to an employer/employee relationship; previous OIPC findings have generally found that employers should collect only basic fitness for work information and information required to make accommodations (see Investigation Reports P2008-IR-003 and P2007-IR-001). It is not generally reasonable for employers to collect detailed medical information or diagnoses, and it was not reasonable for Columbia to do so in this case.

The investigator also found that Columbia contravened sections 7(1)(a) and 7(1)(c) of PIPA. The form signed by the Complainant did not authorize Columbia to collect personal information for the purpose of implementing accommodations, but instead was consent for admissions screening. Despite the fact the Report was provided voluntarily, the investigator found that consent cannot be deemed where collection and use is found to be to an unreasonable extent.

**Recommendation**

**The investigator found that Columbia contravened sections 11(2) and 16(2) of PIPA, as well as sections 7(1)(a) and 7(1)(c).**

Columbia agreed to review and revise its policies and practices for the collection and use of sensitive information (such as a psychologist's report) and to destroy all copies of the Report. Columbia will develop and implement specific policies for the collection and sharing of sensitive medical and psychological information of potential students.