



## PIPA CASE SUMMARY P2009-CS-004

### *Organization authorized to disclose personal information to police without consent.*

#### Summary

The Complainant suspected there was a problem with his power meter. He spoke with FortisAlberta Inc. (FortisAlberta), which indicated there was no defect with the meter and that the Complainant's consumption was accurately reflected on his billing statement. The Complainant revealed to FortisAlberta that he is a medical marijuana user and grower, as approved by Health Canada. The Complainant alleged that police later attended his home and advised that FortisAlberta had reported his marijuana growing to police. The Complainant alleged FortisAlberta was not authorized to disclose this information to police.

FortisAlberta stated that a power line technician (PLT) examined the Complainant's meter, but determined it was reading properly. The PLT assumed that the Complainant was disputing the large increase in his electricity bill and, as a result, enquired about the Complainant's consumption. The Complainant revealed he grew marijuana in his home for medical purposes and was legally authorized to do so by Health Canada. Despite the explanation, the PLT remained concerned about the legality of the grow operation and reported his concerns to police. FortisAlberta argued that it was authorized to disclose the Complainant's personal information to police without consent, pursuant to section 20(f) of the *Personal Information Protection Act* (PIPA).

#### Jurisdiction

PIPA applies to provincially-regulated private sector organizations operating in Alberta, including FortisAlberta. The Commissioner has jurisdiction in this case because FortisAlberta 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

Section 20 of PIPA outlines the exceptions to the requirement under section 7(1)(d) to obtain consent for disclosure of personal information. Section 20(f) of PIPA relates to cases in which an organization discloses personal information to a law enforcement agency to assist with an "investigation," as defined in section 1(f).

The investigator found that FortisAlberta's disclosure was made to police "to assist in an investigation" related to a contravention of an enactment of Canada where there was a belief that the "conduct in question...*may have* occurred." There was reason to believe that an offense may have occurred in this case, and that police would investigate this information with a view to engaging in a law enforcement proceeding. The investigator found that this met the definition of "investigation" under section 1(f) of PIPA and the requirements of section 20(f) of PIPA. Therefore, FortisAlberta was authorized by section 20(f) of PIPA to disclose information about the Complainant to police without consent.

Section 19(1) of PIPA requires that where personal information is disclosed, it is done for "purposes that are reasonable." Reporting of suspected criminal activity to police is generally considered reasonable given that PIPA does not require consent for such disclosures. The investigator considered that FortisAlberta had no means to confirm the Complainant's assertion that his grow operation was legal. The disclosure was made in good faith and based on the Complainant's own admission that he grows marijuana, something generally understood to be illegal. FortisAlberta did reveal to police the Complainant's assertion that his activity was authorized by Health Canada, but believed police should confirm the information.

#### Recommendation

**The investigator found that FortisAlberta was authorized under section 20(f) of PIPA to disclose the Complainant's personal information without consent.**

FortisAlberta volunteered to centralize its procedures and ensure that employees report suspicious activity internally so that FortisAlberta can assess whether proper authority exists before disclosure to police. The parties agreed the matter could be considered resolved.