

**PIPA CASE SUMMARY P2011-CS-001*****Financial institution properly refused individual's request to access information about a deceased individual's accounts.*****Summary**

The Applicant, a beneficiary of a deceased individual's estate, requested information about the deceased's accounts from ATB Financial ("ATB") which were joint accounts with other individuals. ATB refused to provide the Applicant with the information the Applicant requested on the grounds that (1) Based on its records, the Applicant was never added as an account holder to any of the deceased's joint accounts; (2) The Applicant was seeking access to the joint accounts of other persons; and (3) the personal information of the joint operators of the accounts was protected by the *Personal Information Protection Act* ("PIPA").

ATB advised the Applicant that since he was seeking access to the personal information of other persons, pursuant to s. 61(1)(h) of PIPA, he would need written authorization from the joint owners of the accounts before it could grant him access to the personal information. Alternatively, he could present legal documentation as required by s. 61(1)(d)(i) of PIPA showing he was the deceased's personal representative and had the power to administer the deceased's estate. If he was not satisfied with ATB's response to the his access request, ATB advised the Applicant he could contact the Office of the Information and Privacy Commissioner and request a review of the decision under s. 46 of PIPA. The Applicant requested a review of ATB's response.

Jurisdiction

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

The information requested by the Applicant was not his personal information but rather the personal information of other individuals, including a deceased individual. PIPA does not give an individual the right to access the personal information of other individuals, living or deceased. Section 24 of PIPA only allows an individual to access his or her own personal information. ATB had an obligation under s. 34 of PIPA to implement reasonable security measures to protect the personal information of individuals, including deceased individuals, from unauthorized disclosure. In short, it had an obligation not to release personal information of others to the Applicant unless the Applicant could establish he had the right to exercise the deceased's or the other individuals' rights under PIPA pursuant to s. 61(1) of PIPA - either he had the consent of those individuals (s. 61(1)(h)) or, in the case of the deceased, was the deceased's personal representative (s. 61(1)(d)(i)).

Recommendation

The investigator found ATB's response complied with s. 29 of PIPA and it did not contravene PIPA when it refused to provide the Applicant with the information he requested.