



PIPA CASE SUMMARY P2011-CS-002

The Law Society of Alberta did not contravene PIPA when it disclosed a member's personal information in a Notice of Suspension.

Summary

The Complainant was a lawyer whose membership with the Law Society of Alberta had been suspended. The Complainant alleged the Law Society contravened PIPA when it published the Complainant's Notice of Suspension online. The Notice of Suspension disclosed the Complainant's name and additional information about the date of the disciplinary hearing, the citations of which the Complainant had been found guilty, the location of the Complainant's practice and the fines and costs to be paid by the Complainant.

The Law Society explained that the *Legal Professions Act* authorized the disclosure of the Notice of Suspension and further, that the public interest required not only that such information be made available to the public, but that it be as widely disseminated as possible.

Jurisdiction

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

Reasonableness of Disclosure (s. 19)

Lawyers occupy an important role of trust and respect with the public, and as a self-regulating professional body, the Law Society is responsible for maintaining the integrity of that trust and respect. As part of its goals in remaining open and accountable to its members and the public, the Law Society publishes information about members whose conduct is deserving of sanction. The Notice of Suspension was not a general lambasting of the Complainant's character; rather, it was limited to the particulars of the disciplinary hearing and the citations of which the Complainant had been found guilty.

The Complainant's information included in the Notice of Suspension was "personal information" as defined in s. 1(k) of PIPA. Section 19 of PIPA requires both that an organization's disclosure of personal information be reasonable and that the extent of the disclosure be reasonable. The investigator found that the disclosure of the Complainant's personal information in the Notice of Suspension was reasonable. The investigator also found that the extent of the personal information contained within the Notice as well as the online publication of the Notice was reasonable under s. 19 of PIPA.

Consent for Disclosure (s. 20(b))

Section 20(b) of PIPA allows disclosure of personal information without consent where it is authorized or required by a statute or regulation of Alberta. Section 85 of the *Legal Professions Act* requires the Law Society to distribute a Notice of Suspension widely throughout the legal profession. Further, the Rules of the Law Society require that a description of conduct deserving of sanction be entered into the Roll [Rule 39]. Sections 7(f.1) and 7(w) allow the Benchers to make Rules regarding the publication and confidentiality of information entered into the Roll. As such, the investigator determined the Complainant's consent was not required for the disclosure of personal information because the Law Society was authorized under to do so under its own regulatory process and therefore s. 20(b) of PIPA applied.

Recommendation

The investigator found that the Law Society had not contravened PIPA by posting the Complainant's Notice of Suspension online.