

PIPA CASE SUMMARY P2005-CS-001***Gas station posts sign disclosing individual's past due account.*****Summary**

The Complainant alleged that 789737 Alberta Ltd. (operating as "Edson Husky"), a franchised retail gas station, publicly disclosed her personal information. The Complainant provided a photograph of Edson Husky's outdoor sign on its property which showed the Complainant's name, and that of her husband, and the statement "PAY YOUR OVER DUE ACCOUNT"

Edson Husky stated that the Complainant owed the business money and posting the sign was the only means to encourage repayment of the debt. The owner was not aware of PIPA and the responsibility of organizations according to the Act.

Jurisdiction

PIPA applies to provincially-regulated private sector organizations operating in Alberta, including Edson Husky. The Information and Privacy Commissioner has jurisdiction in this case because 789737 Alberta Ltd. is "an organization", as defined in section 1(i) of the Act. Section 36 of the Act empowers the Commissioner to conduct investigations to ensure compliance with any provision of PIPA and make recommendations to organizations regarding their obligations.

Analysis & Findings

PIPA generally requires organizations to obtain consent from individuals under section 7(1)(d) of PIPA before disclosing their personal information. Section 20(i) permits disclosure without consent where the disclosure is *necessary* to collect a debt owed to the organization.

The investigator found that the means used by Edson Husky was not necessary for the purposes of collecting the debt. Moreover, according to section 19(1) of PIPA, an organization may only disclose personal information for purposes that are reasonable. In determining reasonableness the investigator considered the fact that the sign was not a necessity, it was not likely to be effective, and there were other less privacy intrusive means to collect the debt. Hiring a collection agency or taking civil action would have been more reasonable in the circumstances.

Recommendation

The investigator found that the Organization contravened section 19(1) and 7(1)(d) of PIPA.

As a result of this complaint, Edson Husky removed the sign in question. The owner also studied resource material provided by the OIPC regarding Edson Husky's privacy responsibilities and obligations.

The franchiser for Husky indicated that while it does not interfere with the operations of its retail franchises, it would assist owners by publishing material on privacy in a newsletter for all owners. The article was published shortly after this complaint was resolved. The Complainant was satisfied with the outcome.