

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

DECISION F2012-D-02, P2012-D-01, M2012-D-01

April 24, 2012

**SERVICE ALBERTA/
SENTINEL REGISTRY LTD.**

Case File Number P1517

Office URL: www.oipc.ab.ca

Summary: The Complainant made a complaint to the Commissioner that Sentinel Registry Ltd. had disclosed his name, address, and photograph to a third party who then visited him at his home and confronted him.

Although the complaint was originally accepted and investigated as a complaint under the *Personal Information Protection Act*, (PIPA) the Adjudicator determined that it was first necessary to determine whether PIPA applied and whether the Commissioner had jurisdiction to address the issue before she could conduct the inquiry. She invited Service Alberta to make submissions in relation to the preliminary issue.

The Adjudicator determined that the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) applied to the Complainant's complaint and that she had jurisdiction to address the complaint under that Act.

Statutes Cited: **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1, 4, 5, 38, 40, 65; *Personal Information Protection Act* S.A. 2003, c. P-6.5, s. 4, 49; Access to Motor Vehicle Information Regulation A. R. 140/2003, s.2, 5; *Government Organization Act* G-10, R.S.A. 2000, Schedule 12, s. 1, 2; *Traffic Safety Act* R.S.A. 2000 c. T-6, ss. 1, 8

Authorities Cited: **AB:** Order 2001-029

I. BACKGROUND

[para 1] On February 1, 2010, the Complainant made a complaint to the Commissioner that Sentinel Registry Ltd. (Sentinel Registry) had disclosed his address information and a photograph of him to an unnamed individual, who had then gone to his house and confronted him.

[para 2] The Commissioner authorized a portfolio officer to investigate and to attempt to mediate the Complainant's complaint under section 49 of the *Personal Information Protection Act* (PIPA). As mediation was unsuccessful, the matter was scheduled for a written inquiry.

[para 3] Once I reviewed the complaint, I identified the following preliminary issue:

Which Act applies to the Complainant's complaint, the FOIP Act or PIPA?

[para 4] I identified the foregoing issue because the information that was the subject of the complaint had been disclosed to the unnamed individual from a registry maintained by Service Alberta under the authority of Schedule 12 of the *Government Organization Act*. Under section 4(2) of PIPA, if information is in the control or custody of a public body, such as Service Alberta, PIPA does not apply to that information.

[para 5] I requested submissions on this issue from the Complainant, Service Alberta, and Sentinel Registries. Both Service Alberta and Sentinel Registries provided submissions. The submissions of these parties express the view that the Access to Motor Vehicle Information Regulation (AMVIR) governs exclusively in these circumstances, and that neither the FOIP Act nor PIPA applies. I will therefore address the following preliminary issue:

What legislation, if any, applies to the Complainant's complaint?

[para 6] Once I have answered this question, I will determine the issues flowing from the complaint that may be addressed by this office.

II. DISCUSSION OF ISSUE

Preliminary Issue: What legislation, if any, applies to the Complainant's complaint?

[para 7] Service Alberta states the following:

Did the information come from a GOA Record in one of the registries or was the source of the information an administrative, accounting, legal, technical and human resource Record of the Registry Agent?

Viewed another way, was the personal information collected and used for the Registry Agent's administrative, accounting, legal, technical or human resource purposes or were they collected for a purpose of the Province?

Service Alberta's Special Investigation Unit performed what is known as a "45 day command log search" and an "image browse report" from the Motor Vehicle registries databases. Through this search Service Alberta determined that "casual browses" of personal information and the view of an image had occurred at the Registry Agent's premises. "Casual browses" are searches in this case conducted on the Motor Vehicle registries database that are not associated to any registry transactions (say a name change, or an operator's licence change of address as examples). While not necessarily indicia of wrongdoing (suppose the employee misspelled a name on a request yielding an incorrect search), "casual browses" may flag the need for further investigation of an employee or a registry agent.

These "casual browse" flags did motivate Service Alberta to perform interviews with a Registry Agent employee who described accessing the MOVES database (containing personal driving and motor vehicle information) to provide the Complainant's address to a third party.

Any further details regarding the actions taken by Service Alberta in relation to this matter are not relevant to the preliminary issue so no other discussion of those details will be included in this submission.

[para 8] From the foregoing, I conclude that Service Alberta conducted an investigation and determined that a registry agent accessed the Complainant's address and image from the Motor Vehicle Registry database and provided it to a third party, as described in the Complainant's complaint. However, the authority of the Registry Agent employee to disclose this information has not been provided. Consequently, there are two possibilities: the disclosure was made with authority, or in the absence of it.

[para 9] If either the FOIP Act or PIPA applies, then I have jurisdiction to conduct an inquiry and determine whether the disclosure of personal information was authorized by whichever Act applies, or was contrary to it. I would also have jurisdiction to order a remedy under that Act should it be appropriate to do so. However, if neither the FOIP Act nor PIPA applies in the circumstances of the Complainant's complaint, then I lack jurisdiction to conduct an inquiry or to order a remedy.

[para 10] I will now consider the arguments Service Alberta and Sentinel Registries have made in relation to the application of AMVIR. Should I find that the application or lack of application of AMVIR does not dispose of the jurisdictional issue, I will address the question of whether the FOIP Act or PIPA would apply to the Complainant's complaint.

AMVIR

[para 11] Both Service Alberta and Sentinel Registries made arguments in relation to AMVIR in their submissions. Both argue that because the information that was disclosed is "personal driving and motor vehicle information" as defined in section 8(1) of the *Traffic Safety Act*, that AMVIR regulates the disclosure of the Complainant's address information. Both Service Alberta and Sentinel Registries argue that neither

PIPA nor the FOIP Act applies, because of the application of the *Traffic Safety Act* to the Complainant's address information.

[para 12] Service Alberta argues:

Rather since AMVIR regulates the disclosure of an individual's personal driving and motor vehicle information, that is the legislation and the policies governing the operation of the Province's registries that ought to be considered when dealing with the subject complaint.

[para 13] Sentinel Registries argues:

The TSA governs the protection of personal driving and motor vehicle information. Section 8(2) of the TSA states that the Registrar of Motor Vehicle Services may only release personal driving and motor vehicle information in accordance with the regulations made under section 8(4) of the TSA (the Access to Motor Vehicle Information Regulation). It is this regulation that applies to the alleged disclosure of the complainant's personal information.

The function performed by the Information and Privacy Commissioner in relation to the Access to Motor Vehicle Information Regulation is limited to reviewing decisions to grant or deny access to personal driving and motor vehicle information by the Registrar under Part 5, Division 1.1 of FOIP. The Commissioner does not have general power to investigate complaints related to access under AMVIR. Rather, the Registrar is responsible for ensuring that persons or organizations given access to this information abide by the specific conditions contained in AMVIR. Complaints made about the conduct of persons or organizations granted access should be made to the Registrar of Motor Vehicle Services.

Accordingly, it is our opinion that the Information and Privacy Commissioner does not have jurisdiction to deal with [the Complainant's] complaint.

[para 14] Section 8(1) of the *Traffic Safety Act* (the TSA) defines "personal driving and motor vehicle information." It states:

8(1) In this section, "personal driving and motor vehicle information" means

- (a) any information supplied by an individual under this Act in order for that individual to be issued a motor vehicle document in that individual's name, or*
- (b) any information contained in an individual's driving record that if released could identify or lead to the identification of an individual.*

[para 15] Section 2 AMVIR authorizes the Registrar of Motor Vehicles to disclose "information on the Registrar's motor vehicle information system, collected and compiled for the purpose of identifying licensed operators and registered owners of motor vehicles," in other words, "information within the terms of section 8(1) of the TSA in the motor vehicle system", in an exhaustive list of circumstances.

[para 16] Section 2 of AMVIR also authorizes access to the information described in section 2 to specified persons, such as public bodies conducting investigations, private

detectives, and commercial parking companies. The Registrar must provide notice of a decision to grant or deny access under section 2, and that decision is reviewable by the Commissioner under Part 5 Division 1.1 of the FOIP Act.

[para 17] I note that section 8(2) of the TSA, which is referred to in both Sentinel's and Service Alberta's arguments, has not been proclaimed into force. The proposed section 8(2) states:

8(2) Neither the Registrar nor any person acting on behalf of the Registrar or providing services under this Act shall release personal driving and motor vehicle information except to the persons to whom and in the circumstances under which personal driving and motor vehicle information may be released in accordance with the regulations.

Sentinel refers to section 8(2) of the TSA as establishing that the TSA contains a complete scheme that addresses collection, use, and disclosure of "personal driving and motor vehicle information." However, as section 8(2) is not in force, I find that this cannot be the case.

[para 18] I find that the TSA does not apply to the Complainant's complaint and cannot be interpreted as ousting or competing with the jurisdiction of the FOIP Act or PIPA over the collection, use, or disclosure of personal information if there is jurisdiction to address the Complainant's complaint under one of these statutes. Moreover, even if section 8(2) of the TSA had been proclaimed, this provision would not serve to give individuals the ability to make complaints to the Registrar regarding the disclosure of personal information, or authorize the Registrar to investigate complaints of a violation of section 8(2), or to provide a remedy as Sentinel Registries suggests. I do not interpret the proposed provision as ousting the jurisdiction of either the FOIP Act or PIPA in the event either Act applies, given the paramountcy provisions contained in both these statutes (see s. 5 of the FOIP Act and s. 4(6) of PIPA).

[para 19] I agree with Service Alberta and Sentinel Registries that the Complainant's information that was disclosed to the third party has the character of "personal driving and motor vehicle information" as defined by section 8(1) of the *Traffic Safety Act*. However I disagree that the fact that this information is consistent with information falling under section 8(1) of the TSA would, of necessity, result in AMVIR having any application to the issues the Complainant has raised.

[para 20] The Complainant is not seeking review of a decision made by the Registrar regarding a request for access under section 2 of AMVIR. Instead, he has complained that his personal information was disclosed without authority by a registry agent. AMVIR does not address the circumstances in which the Registrar or a registry agent discloses personal driving and motor vehicle information without authority, as alleged by the Complainant, and neither does the TSA. Consequently, I find that AMVIR does not apply to the Complainant's complaint.

Does the FOIP Act or PIPA apply to the complaint?

[para 21] Section 4 of the FOIP Act establishes the scope of that Act. It states, in part:

4(1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following...

The FOIP Act applies to all recorded information in the custody or control of a public body unless an exemption in section 4 applies to the record. Section 4(2) of PIPA excludes personal information that is in the custody or control of a public body from the application of PIPA. As a result, if I find that the information that is the subject of the complaint is personal information in the custody or control of Service Alberta, then, as a consequence, I will find that PIPA does not apply.

[para 22] Part 2 of the FOIP Act requires public bodies to protect personal information in their custody or control and prohibits public bodies from collecting, using, or disclosing personal information except in specified circumstances. If an individual is of the view that his or her personal information was disclosed by a public body contrary to Part 2 of the FOIP Act, the individual may make a complaint to the Commissioner regarding that disclosure under section 65(3) of the FOIP Act.

[para 23] Section 38 of the FOIP Act states, in part:

38 The head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction.

[para 24] Section 40 of the FOIP Act states, in part:

40(1) A public body may disclose personal information only

...

(e) for the purpose of complying with an enactment of Alberta or Canada or with a treaty, arrangement or agreement made under an enactment of Alberta or Canada,

(f) for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure...

[para 25] If the disclosure by the registry agent is a disclosure by a public body, and if the disclosure is of personal information contained in a record in the custody or control of a public body, then the Complainant's complaint is a complaint that may be made to the Commissioner under the FOIP Act. If personal information is in the custody or control of a public body, then the public body may have duties to protect the information

against unauthorized disclosure, pursuant to section 38 of the FOIP Act, unless an exception to the application of the FOIP Act under section 4 applies to the information.

[para 26] To determine whether the FOIP Act has any application to the complaint, I will consider whether the disclosure made by the registry agent is a disclosure of personal information in the custody or control of a public body, whether an exemption to the application of the FOIP Act would apply to the information, whether the disclosure could be considered to have been made by Service Alberta, and whether Service Alberta would have any duty to prevent unauthorized access to the information that is the subject of the complaint.

Is the information that was disclosed consistent with personal information under section 1(n) of the FOIP Act?

[para 27] Section 1(n) of the FOIP Act defines personal information under the FOIP Act. It states:

1. In this Act,

...

- (n) “personal information” means recorded information about an identifiable individual, including*
 - (i) the individual’s name, home or business address or home or business telephone number,*
 - (ii) the individual’s race, national or ethnic origin, colour or religious or political beliefs or associations,*
 - (iii) the individual’s age, sex, marital status or family status,*
 - (iv) an identifying number, symbol or other particular assigned to the individual,*
 - (v) the individual’s fingerprints, other biometric information, blood type, genetic information or inheritable characteristics,*
 - (vi) information about the individual’s health and health care history, including information about a physical or mental disability,*
 - (vii) information about the individual’s educational, financial, employment or criminal history, including criminal records where a pardon has been given,*
 - (viii) anyone else’s opinions about the individual, and*
 - (ix) the individual’s personal views or opinions, except if they are about someone else;*

[para 28] Service Alberta confirms that the Complainant’s name, address, and image were accessed by a registry agent employee as part of a “casual browse,” and then disclosed to a third party. This is information about the Complainant as an identifiable individual in addition to information falling under section 1(n)(i) and (ii). I therefore find that personal information of the Complainant was disclosed.

If personal information was disclosed, was it disclosed from a record in the custody or control of a public body?

[para 29] Schedule 12 of the *Government Organization Act* establishes registries. Section 1 of Schedule 12 defines the term “registry” as including “a registry, document recording system, information recording system, information bank, data bank or similar system” that is under the administration of the Minister.

[para 30] Service Alberta concedes that the personal information disclosed by the registry agent was recorded information within its custody or control. It states:

Like all other registry agents in Alberta, Sentinel Registry Ltd. (hereafter the “Registry Agent”), a party to this inquiry, has entered into such an agreement with the Province that was in place during the period of time of the facts giving rise to the complaint. The agreement sets out the terms and conditions required of the Registry Agent in order to act as the Province’s agent in the provision of registry services. Excerpts of the agreement between the province and the Registry Agent are discussed and attached below.

...

It is the Province’s position that with the exception of “administrative, accounting, legal, technical and human resources Records” collected by any registry agent, all other “Records transferred, or made accessible, to the Registry Agent by the GOA or collected, created, maintained or stored by the Registry Agent in the performance of the Services” are in the custody of or control of the province. Further, evidence of this intention is found in clauses 30.2, 30.3, 31.3, 31.4, and 31.5 that reveal the Province’s intention to assert control over the registry agent’s handling of, access to, and control over the GOA Records including once the contractual arrangement between the Registry Agent ends.

Registry agents operating under agency agreements perform services in relation to those registries but only to the extent those activities are bound by the terms of the relevant registry agent agreement.

But for any registry agent’s statutorily authorized agreement (see Schedule 12 of the *Government Organization Act* below) limiting their actions regarding the registry information, the registry agents would not be granted any access to such information collected, maintained and used by the Province. Thus such registry information cannot be viewed as being the Registry Agent’s information to control.

Simply put the registry agents, including the Registry Agent, only has access to the information within the registries that the Province allows, and only for the purposes set out in the agreement.

[para 31] The Public Body argues that Service Alberta has control over the information that was disclosed by an agent of Sentinel Registries. I agree that Service Alberta would have control over the information that was disclosed, given that Schedule 12 of the *Government Organization Act* and the agreements Service Alberta has entered into with the registry agents create legal obligations to maintain this information and the legal right to demand it from a registry agent at any time. I also find that the investigation documented by Service Alberta regarding the registry agent’s access of the

Complainant's personal information demonstrates a high degree of control over the information.

[para 32] I find that the information that was disclosed was information in the custody and control of Service Alberta, a public body. As a consequence, I find that PIPA cannot apply to the Complainant's complaint.

Is the information that was disclosed exempt from the application of the FOIP Act by operation of section 4(1)(l)?

[para 33] Section 4(1)(l) states:

4(1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:

...

- (l) a record made from information*
 - (i) in the Personal Property Registry,*
 - (ii) in the office of the Registrar of Motor Vehicle Services,*
 - (iii) in the office of the Registrar of Corporations,*
 - (iv) in the office of the Registrar of Companies,*
 - (v) in a Land Titles Office,*
 - (vi) in an office of the Director, or of a district registrar, as defined in the Vital Statistics Act, or*
 - (vii) in a registry operated by a public body if that registry is authorized or recognized by an enactment and public access to the registry is normally permitted...*

[para 34] In Order 2001-029, cited by Service Alberta, former Commissioner Work reviewed a decision to deny access to a driver's abstract. He considered section 4(1)(l)(ii), (then 4(1)(h)(ii)), and stated:

The provisions of section 4(1) exclude specific types of records, and not specific public bodies, from the application of the Act. A record must meet each of the requirements of section 4(1)(h)(ii) to be excluded from the application of the Act. The record must be made from "information" in the "office" of the Registrar of Motor Vehicle Services. Since the disputed issue is whether the information is in the "office" of the Registrar of Motor Vehicle Services for the purposes of section 4(1)(h)(ii), it may be useful to begin by considering what a registrar is, in general terms.

Black's Law Dictionary (6th Edition) defines a registrar as: "an officer who has the custody and charge of keeping a registry or register." It defines a "registry" as a "...book authorized or recognized by law, kept for the recording or registration of facts or documents." A registrar is therefore charged with keeping authoritative and reliable records.

There is no definition of an "office" in the Act; nor is there a default definition of "office" in the *Interpretation Act*, R.S.A. 1980, c. I-7, to apply. In Order 97-017, Commissioner Clark considered the meaning of the reference to an "office" of a Member of the Legislative Assembly

in section 4(1)(k) of the Act. In that Order, Commissioner Clark found that the reference to “office” in that provision meant considerably more than the physical space occupied by the Member. He held that “office” refers to the official capacities of a delegate, including the functions and duties associated with that delegate’s position. This interpretation of “office” was reiterated in Order 2001-014. I adopt this purposive approach to interpreting the reference in section 4(1)(h)(ii) to the “office” of the Registrar of Motor Vehicle Services.

The Registrar of Motor Vehicle Services functions as the prime records-keeper for the administration of the MVAA, and must by law compile specific and current information in relation to the state of each operator’s licence that must be kept in the Registrar’s office. For the purposes of section 4(1)(h)(ii), I conclude that the “office” of the Registrar of Motor Vehicles includes his or her physical office, as well as the information systems that pertain to the Registrar’s official capacities, including functions and duties associated with that position.

Government Services offered uncontroverted evidence that a driver’s abstract is made from information that is compiled by the Registrar in the MOVES database, as part of the Registrar’s official capacities under the MVAA. After reviewing that evidence, the MVAA, the Policy, the submissions of the parties, and the records, I am satisfied that a driver’s abstract is made from information in the office of the Registrar of Motor Vehicles. I find that the Applicant has applied for access to records made from information that is in the office of the Registrar of Motor Vehicle Services. Therefore, I find that section 4(1)(h)(ii) applies to the records, and that the records are excluded from the application of the Act. I have no jurisdiction to order the production of the records under the Act. Nor do I have the jurisdiction to consider Issue B. The Applicant cannot get access to the records under the Act.

[para 35] I understand the former Commissioner to say that because the abstract that was the subject of the access request was a record made from information in the office of the Registrar of Motor Vehicle Services, (the Registrar), that it was exempt from the application of the FOIP Act. While I am of the view that the phrase, “Registrar of Motor Vehicle Services,” in section 4(1)(l)(ii) has the meaning assigned to it under section 1(1)(ll) of the *Traffic Safety Act* (TSA), I agree with the former Commissioner that driver’s abstracts are excluded from the scope of the FOIP Act.

[para 36] Section 1(1)(ll) of the TSA defines “Registrar” as the “ Registrar of Motor Vehicle Services and includes any person who, on the directions of the Registrar, acts on behalf of the Registrar of Motor Vehicle Services”. In my view, section 4(1)(l) of the FOIP Act is referring to this statutory title. The office of the Registrar, within the terms of section 4(1)(l)(ii) of the FOIP Act may be considered to include the office of the Registrar and the offices of those persons who act on behalf of the Registrar.

[para 37] Service Alberta points to Order 2001-029 as disposing of the jurisdictional question I posed for the inquiry. Service Alberta states:

The [OIPC], in Order 2001-029, as attached below, speaks to the applicability question raised as this preliminary issue in this inquiry.

In that decision, the [OIPC] determined that records created from information stored in MOVES fit the exception stated in FOIP section 4(1)(h)(ii) (as section 4(1)(l)(ii) was then). Service Alberta submits that the record, the Complainant’s address, is such a record referenced in FOIP section 4(1)(l)(ii).

As such Service Alberta submits that in accordance with section 4(1)(l)(ii) and the [OIPC's] finding in Order 2001-029 FOIP does not apply to this record, and the [OIPC] would have no jurisdiction regarding this matter.

[para 38] In my view, Order 2001-029 is readily distinguishable from the case before me, given that Order 2001-029 dealt with an access request for an abstract of an individual's driving record. The Commissioner found that an abstract of a driver's record is made from information in the MOVES database, and was, accordingly, a record made from information in the office of the Registrar. However, in the case before me, the complaint is not that a record made from information in the Registrar's office was disclosed, but that *information in the Registrar's office* was disclosed.

[para 39] I understand the Public Body to argue that section 4(1)(l) of the FOIP Act applies to the Complainant's address information, because this information is recorded in the MOVES database, and the MOVES database is made accessible to registries when they perform motor vehicle registry services. If section 4(1)(l) were drafted in a similar manner as sections 4(1)(d) and (f) of the FOIP Act, such that it excluded "all records collected by or for, or in the control or custody of the Registrar" then I would agree with the Public Body's interpretation. However, section 4(1)(l) excludes records *made from* information in the Registrar's office, as opposed to information *in* the Registrar's office. I interpret section 4(1)(l) as excluding the record that is made, such as a driver's abstract, but not the information from which it was made, such as the MOVES database. Unquestionably, the MOVES database contains recorded information; however, it is records that are *made from* this recorded information that are the subject of the exemption.

[para 40] In my view, the records contemplated by the exemption in section 4(1)(l)(ii) are records such as drivers' abstracts that the Registrar is authorized to create and release under the authority of section 5 of AMVIR, or recorded information as described in section 2 of AMVIR. By excluding these records from the scope of the FOIP Act, the legislature avoids conflict between the FOIP Act and AMVIR, given that AMVIR authorizes disclosure in some situations not contemplated by the FOIP Act, but also contains fewer circumstances in which records of personal information may be disclosed.

[para 41] In addition, it would be an odd result if verbal, unauthorized disclosures of information in the MOVES database would not be caught by section 4(1)(l)(ii), and therefore reviews of such disclosures could be conducted by this office, but written, or otherwise recorded, unauthorized disclosures would be exempt, leaving those whose personal information had been disclosed in this manner without a remedy.

[para 42] For these reasons, I find that section 4(1)(l)(ii) is restricted in its application to records *made from* information in the MOVES database, as described in sections 2 and 5 of AMVIR. Section 4(1)(l)(ii) does not operate so as to exclude the MOVES database itself from the scope of the FOIP Act. I find that the information that is the subject of the complaint before me is not exempt under section 4(1)(l)(ii).

Would Service Alberta have a duty not to disclose, or to prevent disclosure of the Complainant's personal information under the FOIP Act in the circumstances alleged?

[para 43] Service Alberta's investigation led it to conclude that the Complainant's personal information was accessed by an employee of Sentinel Registry and disclosed to a third party. As the personal information that was disclosed was information from the MOVES database, which is maintained by Service Alberta and in its custody and control, it follows that a disclosure was made by Service Alberta at some point, in order for the third party to have acquired the personal information.

[para 44] It may or may not be proper to characterize Sentinel Registry as an agent of the Public Body when it discloses information from the MOVES database to third parties. If it is, then when Sentinel Registry employees provide personal information from the MOVES database to third parties as part of their duties, they are acting on behalf of Service Alberta, and the FOIP Act is applicable to their actions. The question is then whether the disclosure to the third parties was done with or without authority.

[para 45] In contrast, if Sentinel Registry is not acting as agent of Service Alberta in providing information to third parties, there is still a question of whether Service Alberta adequately secures personal information against a risk of unauthorized disclosure when it makes personal information available to this Registry.

[para 46] Regardless of the proper characterization of the relationship between Sentinel Registry and Service Alberta, Service Alberta has duties under the FOIP Act in relation to the information. Therefore, I will treat the Complainant's complaint in this case as one that his personal information was disclosed by Service Alberta contrary to Part 2 the FOIP Act, which includes a consideration of whether the Public Body made the information available to a third party, and whether it properly secured it against a risk of unauthorized disclosure.

The issues for the inquiry

[para 47] In view of the foregoing discussion, and in accordance with the arguments and the complaint made by the Complainant, the issues that may be addressed by the Commissioner under the FOIP Act are:

1. Did Service Alberta disclose the Complainant's personal information contrary to Part 2 of the FOIP Act?
2. Did Service Alberta make reasonable security arrangements to protect the Complainant's personal information against unauthorized disclosure, as required by section 38 of the Act?

[para 48] A notice of inquiry under the FOIP Act will therefore be sent to the parties in relation to the two issues I have identified.

Parties to the Inquiry

[para 49] The Complainant has made a complaint under the FOIP Act. Service Alberta will be the Public Body in an inquiry under the FOIP Act. While no order I make under the FOIP Act would relate to Sentinel Registry directly, I note that it is uniquely affected by the issues for inquiry and may be able to provide useful information for the inquiry. I therefore find that Sentinel Registry is an affected party and may receive and make submissions for the inquiry.

III. DECISION

[para 50] I have decided that the Complainant's complaint is subject to the *Freedom of Information and Protection of Privacy Act*.

[para 51] I have decided that the issues for inquiry are the following:

1. Did Service Alberta disclose the Complainant's personal information contrary to Part 2 of the FOIP Act?
2. Did Service Alberta make reasonable security arrangements to protect the Complainant's personal information against unauthorized disclosure, as required by section 38 of the Act?

[para 52] I have decided that Sentinel Registry is an affected party for the inquiry and is entitled to receive and make submissions for the inquiry.

Teresa Cunningham
Adjudicator