

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2018-60

October 5, 2018

EDMONTON POLICE SERVICE

Case File Number 001104

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Summary: On May 27, 2015, the Complainant, who is a sworn member of the Edmonton Police Service (the Public Body), made a complaint that the Public Body had improperly disclosed the Complainant's personal information.

A complaint under the *Police Act* was made to the Chief of the Public Body about the Complainant. The complaint contained details about the Complainant's personal and medical history. The Public Body conducted an investigation into that complaint and in doing so, provided an unredacted copy down the chain of command, and also provided a copy to another police member in relation to whom it opened an investigation. The Complainant alleged that the Public Body contravened Part 2 of the FOIP Act when employees of the Public Body were provided copies of the complaint.

The Adjudicator decided that the Public Body was authorized to collect the personal information in the complaint as part of its policing function. She also decided that the Public Body had used and disclosed the personal information as part of its policing function. She also found that the Public Body had used the information necessary for meeting its policing purposes, and that it had not failed to make appropriate security arrangements in relation to the information in the complaint.

Statutes Cited: **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1, 33, 38, 39, 40, 41, 72; *Police Act*, R.S.A. 2000, c. P-17, s. 41; *Personal Information Protection Act*, S.A. 2003, c. 6.5, s. 34

Authorities Cited: AB Orders P2012-02, F2013-52

I. BACKGROUND

[para 1] On May 27, 2015, the Complainant, who is a sworn member of the Edmonton Police Service (the Public Body), made a complaint that the Public Body had improperly disclosed the Complainant's personal information.

[para 2] A complaint under the *Police Act* was made to the Chief of the Public Body about the Complainant. The complaint contained details about the Complainant's personal and medical history. The Public Body conducted an investigation into that complaint. It provided unredacted copies of the complaint down the Complainant's chain of command and down the chain of command of another police member. The Complainant alleges that the Public Body contravened Part 2 of the FOIP Act when members of the chain of command, the other police member, and administrative staff of the Public Body were provided unredacted copies of the complaint.

[para 3] The Commissioner authorized a senior information and privacy manager to investigate and attempt to settle the matter. At the conclusion of this process, the Complainant requested an inquiry.

II. ISSUE

Issue A: Did the Public Body disclose the Complainant's personal information? If yes, did it have authority to do so under section 40(1) and 40(4) of the FOIP Act?

[para 4] Section 33 of the FOIP Act establishes the circumstances in which a public body may collect personal information. It states:

33 No personal information may be collected by or for a public body unless

(a) the collection of that information is expressly authorized by an enactment of Alberta or Canada,

(b) that information is collected for the purposes of law enforcement, or

(c) that information relates directly to and is necessary for an operating program or activity of the public body.

[para 5] Section 39 of the FOIP Act establishes the circumstances in which a Public Body may use personal information. It states, in part:

39(1) A public body may use personal information only

(a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose [...]

[...]

(4) A public body may use personal information only to the extent necessary to enable the public body to carry out its purpose in a reasonable manner.

[para 6] Section 40(1) of the FOIP Act limits the circumstances in which a public body may disclose personal information. It states, in part:

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

[...]

(c) for the purpose for which the information was collected or compiled or for a use consistent with that purpose,

[...]

(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,

[...]

(h) to an officer or employee of the public body or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer, employee or member,

[...]

(x) for the purpose of managing or administering personnel of the Government of Alberta or the public body [...]

(4) A public body may disclose personal information only to the extent necessary to enable the public body to carry out the purposes described in subsections (1), (2) and (3) in a reasonable manner.

[para 7] Section 41 of the FOIP Act establishes the circumstances in which it can be said that information is or has been used or disclosed for purposes consistent with those for which the information was collected. It states:

41 For the purposes of sections 39(1)(a) and 40(1)(c), a use or disclosure of personal information is consistent with the purpose for which the information was collected or compiled if the use or disclosure

- (a) *has a reasonable and direct connection to that purpose, and*
- (b) *is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.*

[para 8] The Complainant complains that the Public Body disclosed the Complainant's personal information when it sent the complaint down the chain of command to the Complainant's supervisor, and when it provided a copy of the complaint to another police member who is referred to in the complaint, but was not intended by the complaint's author as a subject of the complaint. I will address these aspects of the Complainant's complaint separately.

Sending the complaint down the chain of command to the Complainant's supervisor

[para 9] The Complainant argues:

The starting point for considering whether an individual's personal information has been improperly disseminated is s. 38 of FOIP:

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.

FOIP prohibits the disclosure of personal information, except as specifically permitted by ss. 39 and 40. Further, s. 40(4) requires that:

A public body may disclose personal information only to the extent necessary to enable the public body to carry out the purposes described in subsections (1) ... in a reasonable manner.

Thus, in order to demonstrate that the distribution of [the Complainant's] personal information and personal Health information was justified, EPS must bring itself within one of the enumerated exceptions, and must also establish that the distribution was reasonable.

[The Complainant] submits that this is something EPS cannot do.

The EPS has suggested, throughout the course of proceedings, that it was permitted to disseminate [the Complainant's] personal Health Information pursuant to ss. 40(1)(c), (e), (h) and (x) [...]

However, in relying on its policies and procedures as justifying the publication of [the Complainant's] intimate and personal Health Information, EPS forgets that its policies must reflect the importance of personal privacy to an individual's self-worth, and, in that way, be a reasonable interpretation of the exceptions set out in ss. 39 and 40.

[...]

[The Complainant's direct supervisor] and [a superintendent] each received copies of the Complaint that contained [the Complainant's] Health information.

EPS, has, in the course of these proceedings, suggested that it was necessary for [the direct supervisor and superintendent] to receive unredacted versions of the Complaint, in order to serve the Complaint upon [the Complainant], provide a service record to PSB and to manage any potential personnel issues arising from the investigation

However, neither serving [the Complainant] with the complaint, nor managing any potential personnel issues fall within the exceptions set out in ss. 39 or 40.

[...]

Practically speaking, since the PSB is the entity that carries out the investigation and the Chief of Police is required to receive notice of all complaints made against a police officer (pursuant to s. 43(1) of the *Police Act*) it is reasonable for either the PSB investigator, the Chief himself or the Chief's designate to serve the complaint upon the police officer. Alternately, if it is necessary for the superior officer (or anyone other than the investigating officer) to provide a copy of the complaint to the complainee, the complaint could be placed in a sealed envelope and provided to the complainee in the same way as a legal document might be served by a process server, or in any other way that would allow the investigated officer to maintain his or her personal privacy. These options are easily implemented by EPS which allow it to carry out its statutory mandates while maintaining the integrity of the investigated officer.

[para 10] The Public Body argues:

The EPS does not dispute the importance of personal privacy and takes the protection of such privacy seriously.

However, as observed by the Supreme Court in *R v Quesnell*, 2014 5CC 46 at para 39 [TAB 2], even sensitive information may be used by the police and shared with other law enforcement personnel:

Where an individual voluntarily discloses sensitive information to police, or where police uncover such information in the course of an investigation, it is reasonable to expect that the information will be used for the purpose for which it was obtained: the investigation and prosecution of a particular crime. Similarly, it is reasonable to expect individual police officers to share lawfully gathered information with other law enforcement officials, provided the use is consistent with the purposes for which it was gathered.

The FOIPP Act is not intended to impede authorized law enforcement activities or to prevent the sharing of personal information for the purposes of law enforcement investigations.

The FOIPP Act itself recognizes that there are a wide variety of purposes or circumstances in which it is reasonable for a public body like the EPS to use personal and sensitive information. These purposes and circumstances are set out in s. 39.

The EPS had the authority to use [the Complainant's] personal information pursuant to s. 39(1)(a) as it was used for the purpose for which the information was collected or compiled.

The use was reasonable and only to the extent necessary.

The FOIPP Act also recognizes that there are purposes or circumstances in which it is reasonable for a public body to disclose personal information. These are set out in s. 40.

Accordingly, the EPS also had the authority to disclose [the Complainant's] personal information pursuant to s. 40(1)(c), (e), (h), and (x) of the FOIPP Act and the disclosure was reasonable and only to the extent necessary.

When assessing the circumstances and whether the EPS complied with its obligations under the FOIPP Act, it is important to keep the following in mind:

- i. The personal information at issue was embedded within a letter of complaint against an EPS officer that contained a substantial amount of information. The personal information forms part of the narrative of the complaint and the allegations of wrongdoing against [the Complainant]. Such information cannot be easily isolated from the overarching complaint.
- ii. When processing complaints the EPS is obliged to comply with the Police Act, the Regulation, and the requirements of procedural fairness and natural justice.
- iii. The personal information was only used as part of an investigation into another EPS member who was being investigated based on the statements and was only used by other EPS employees, all of whom deal with sensitive and confidential nature on a daily basis. There was no use or disclosure outside of the EPS.
- iv. The personal information was used pursuant to the legislation and to a specific policy and procedure. It was only used by those who "needed to know" and for whom the information impacted their job duties.

When all of the circumstances at issue in this Inquiry are considered within the context of the FOIPP Act, it is evident that the EPS complied with the FOIPP Act.

[...]

Pursuant to s. 39(1)(a) of the FOIPP Act a public body may use personal information for the purpose for which the information was collected or compiled or for a use consistent with that purpose.

[para 11] The Public Body takes the position that the aspect of the Complainant's complaint regarding the provision of the complaint to the Complainant's superior officers is a complaint regarding its use of personal information, as opposed to a disclosure. It also takes the position that section 39(1)(a) authorizes its use of the Complainant's personal information as the information was used for the purpose it was collected: investigating a complaint.

[para 12] I do not disagree with the Public Body's characterization of its provision of the complaint down the chain of command as a "use" of the personal information in the complaint, as opposed to a disclosure. I agree that there is nothing before me to suggest that the complaint was disclosed outside the Public Body. However, the language of section 40(1)(h), cited above, makes it arguable that providing information internally to an employee is a disclosure, given that this provision falls within the ambit of section 40, which addresses disclosures by a public body.

[para 13] In this case, I need not decide whether the action complained of is a use or a disclosure, as either section 39(1)(a) or section 40(1)(c), cited above, serves as authority for the Public Body's handling of the complaint against the Complainant, depending on whether its handling is termed a "use" or a "disclosure".

[para 14] As noted above, section 39(1)(a) authorizes a public body to use personal information for the same purpose or purposes for which the information was collected. Section 40(1)(c) similarly authorizes a public body to disclose personal information for the purpose for which it was collected. The question to answer, then, is whether the Public Body's actions in relation to the Complainant's personal information in the complaint, were consistent with the purpose for which the personal information in the complaint was collected within the terms of section 41 of the FOIP Act.

[para 15] Section 33 establishes the circumstances in which a public body may collect personal information.

[para 16] The Public Body argues that it was authorized to collect the personal information in the complaint for the purposes of "law enforcement", which is a defined term in the FOIP Act. Section 1(h) offers the following definition of "law enforcement":

1 In this Act,

(h) "law enforcement" means

(i) policing, including criminal intelligence operations,

(ii) a police, security or administrative investigation, including the complaint giving rise to the investigation, that leads or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the investigation or by another body to which the results of the investigation are referred, or

(iii) proceedings that lead or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the proceedings or by another body to which the results of the proceedings are referred [...]

[para 17] The Public Body argues that it accepted the complaint as part of its authority under the *Police Act* to accept and investigate complaints of misconduct made against members. It also asserts that it was required to serve the Complainant as part of this process. It reasons that it collected the Complainant's personal information for a law enforcement purpose within the terms of section 1(h)(ii) and that the collection was authorized by section 33(b) which authorizes a public body to collect personal information for the purposes of law enforcement.

[para 18] The Public Body argues that it was required to serve the Complainant with the complaint for the purposes of law enforcement, which is a use consistent with its purpose in collecting the Complainant's personal information. It states:

The evidence indicates that PSB relies upon a subject officer's chain of command to serve the Initial Notice. As such, other members of the EPS play a key role in the investigation. Further,

PSB is a branch of the EPS. As the EPS is a single public body under the FOIPP Act, there is no distinction between the different branches. This means that any member of the EPS can carry out the “law enforcement purpose” for which personal information is used.

[para 19] From the evidence before me, it is not clear to me that those who passed the complaint down the chain of command necessarily played a key role in the investigation of the Complainant’s conduct. However, I view the Public Body’s authority to collect the information in the complaint and its reasons for doing so more broadly than does the Public Body. In my view, its authority to collect the personal information in the complaint and to use it was not restricted to the investigation of a complaint, but arises from its policing function, which is included in the definition of “law enforcement” in section 1(h)(i) of the FOIP Act. For the reasons that follow, I agree with the Public Body that it collected the complaint for a law enforcement purpose, and that it sent the complaint down the chain of command for a purpose consistent with its purpose in collecting the information.

[para 20] Section 1(h)(i) includes “policing” as a function of law enforcement. Section 41(1)(b) of the *Police Act* establishes that a duty of the Chief of the Public Body is the maintenance of discipline and the performance of duty within the police force. Maintaining discipline and ensuring that members perform their duties are necessary aspects of policing under the *Police Act*. As a result, if information is collected, used, or disclosed for the purpose of maintaining discipline and ensuring the performance of policing duties, then the information will have been collected, used, or disclosed for the purpose of policing. In other words, the information will have been collected used, or disclosed for a law enforcement purpose under the FOIP Act. While collecting information in a complaint to investigate the complaint is a collection for a law enforcement purpose, so, too, is collecting and using the information in the complaint for the purpose of ensuring the proper functioning of a police force. This is so, even when administrative staff members are the means by which personal information is collected, used, or disclosed. Under Part 2 of the FOIP Act, it is a public body’s purpose for collecting, using or disclosing personal information that is relevant, not the classification of the employees who do the work of the public body.

[para 21] The content of the complaint that was made against the Complainant in this case raises issues that could be seen as affecting police morale and discipline, beyond the Complainant’s conduct. For example, the fact that the author of the complaint was privy to sensitive personal information about the Complainant, which was then included in the complaint, could be viewed as a matter affecting police discipline and morale, warranting investigation.

[para 22] I infer from the fact that an investigation was opened in relation to another member to whom the complaint refers, and from the content of the complaint itself, that the complaint was likely considered to raise issues affecting the functioning of the police service and the maintenance of discipline.

[para 23] The author of the complaint against the Complainant may not have intended to raise broader issues or to make a complaint against a member other than the

Complainant; however, the Public Body is not restricted to investigating or addressing only the issues a complainant believes should be raised; rather, it has the authority to collect personal information for any law enforcement purpose and to use or disclose it for purposes consistent with that purpose. As a result, if a complaint against a member also raises a matter that may be viewed as affecting discipline or morale, the Public Body is not restricted to investigating the complaint, but may also investigate or otherwise address the issues affecting discipline or morale.

[para 24] I turn now to the question of whether the Public Body's sending the complaint down the chain of command is a purpose consistent with its purpose in collecting the Complainant's personal information.

Does the use or disclosure have a reasonable and direct connection to the Public Body's purpose in using or disclosing the Complainant's personal information?

[para 25] The Public Body informed the recipients of the complaint, "You are receiving this email because you are chain of command for the member". One way to interpret this statement would be, "You are receiving this complaint because you have oversight over the member and are responsible for ensuring that this member, along with other members under your command, is performing duties as a member satisfactorily."

[para 26] The Public Body explains:

[...] Ensuring that everyone in the chain of command is apprised of all the necessary information is essential to the proper operation of a police service. If the chain of command is broken and someone is not operating based on the same information or understanding, it can put the organization at risk, as well as have a negative impact on the management of an employee.

[para 27] I note that the affidavit of the Public Body's Intake Investigator states:

Although the Initial Notice was only copied to the Superintendent, the Superintendent was expected to provide a copy of the complaint to the subject officer's Inspector and immediate supervisor. This was to allow the Inspector and immediate supervisor to be involved in the management of the subject officer's duties and to address any concerns raised by the complaint and PSB [Professional Standards Branch] investigation.

However, given the Superintendent's workload, sometimes the notification was delayed. As a result, PSB modified its process and began sending copies of the Initial Notice to the subject officer's Inspector, along with the Superintendent. The subject officer's immediate supervisor was sometimes copied as well.

Besides providing more timely notice of the complaint to the chain of command, this modification was intended to allow the subject officer's inspector or immediate supervisor to be more supportive to a member at the time when the subject officer first received notice of the complaint and investigation.

[para 28] The evidence of the Public Body is that complaints are sent down the chain of command in order to ensure that an officer who is the subject of a complaint receives employment support and for the inspector and supervisor to address any concerns raised by the complaint and the investigation with regard to the police member

and to the police service generally. I find that these purposes are consistent with the purpose of ensuring that the police service maintains discipline and that members are performing their duties satisfactorily. Moreover, I find that ensuring the maintenance of discipline and the satisfactory performance of duties was an authorized purpose of the Public Body in collecting the personal information in the complaint.

Was the use or disclosure necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information?

[para 29] As the Public Body notes, prior orders of this office have interpreted the word “reasonable” where it appears in section 41. As I stated in Order F2013-52, to which the Public Body drew my attention:

I also find that it was necessary for the Public Body to use the Complainant’s personal information in order to adjudicate his claim for compensation.

In Order F2008-029, the Director of Adjudication interpreted the meaning of “necessary” within the terms of section 41(b). She said:

In the context of section 41(b), I find that "necessary" does not mean "indispensable" - in other words it does not mean that the CPS [the Calgary Police Service] could not possibly perform its duties without disclosing the information. Rather, it is sufficient to meet the test that the disclosure permits the CPS a means by which they may achieve their objectives of preserving the peace and enforcing the law that would be unavailable without it. If the CPS was unable to convey this information, the [domestic violence] caseworkers would be less effective in taking measures that would help to bring about the desired goals. Because such disclosures enable the caseworkers to achieve the same goals as the CPS has under its statutory mandate, the disclosure of the information by the CPS also meets the first part of the test under section 41(b).

I agree with the reasoning in Order F2008-029. Information that is necessary for performing statutory duties is not information that is indispensable, but information that is necessary for performing statutory duties effectively or in a reasonable way. In this case, the case manager who made the decision of March 13, 2008, reviewed the Complainant’s health history and traced the origin of symptoms he had reported in order to decide whether the disability he was experiencing was related to the work-related accident that had been accepted in 1989. In my view, it was necessary within the terms of section 41(b) for the case manager to review this information in order to make her decision.

[para 30] As discussed above, section 41(1)(b) of the *Police Act* imposes duties on Chief of Police to maintain discipline and to ensure the performance of duty. Informing the chain of command of the complaint was *necessary* in order to carry out the purpose of maintaining discipline and ensuring the performance of duty in a reasonable way, as providing the complaint would enable members of the chain of command to decide whether to take measures to maintain discipline or to ensure the performance of duty. In addition, it would enable members of the chain of command to provide advice to the Chief of Police regarding matters of discipline and the performance of duties.

Did the Public Body use or disclose only the Complainant’s personal information only to the extent necessary for meeting its purposes in a reasonable manner?

[para 31] The Complainant also complains that the Public Body did not sever sensitive personal information from the complaint before sending it down the chain of command. She argues that it was unnecessary for the purpose of acknowledging and administering the complaint to provide the whole complaint to members of the chain of command.

[para 32] As discussed above, I find that the complaint was not sent down the chain of command for the sole purpose of acknowledging and administering the complaint, as the Complainant argues, but for the broader policing purpose of maintaining discipline and ensuring the performance of duties. In my view, the complaint could not be severed reasonably, as its content, including the Complainant's sensitive personal information, was relevant to the question of whether the Public Body needed to take measures to maintain discipline and ensure the performance of duty. As discussed above, the very fact that the sensitive personal information appeared in the complaint could be viewed as a matter affecting discipline, morale, and the performance of duty. That matter could not be addressed if this information were removed from the complaint before it was provided down the chain of command.

[para 33] For the foregoing reasons, I find that section 39(4) (or 40(4) if passing the complaint down the chain of command is viewed as a disclosure) did not require the Public Body to redact personal information from the complaint.

Providing the Complaint to the other member

[para 34] As noted above, the Public Body also provided the complaint to another member, and instituted an investigation into his conduct. The complaint was also sent down that member's chain of command.

[para 35] Given that the other member was provided the complaint in order to respond to a complaint about conduct, the information was served on him in a personal capacity. In other words, the complaint could be viewed as leaving the Public Body, particularly as the other member might provide the complaint to legal counsel. This aspect of the Complainant's complaint may be viewed as complaint regarding disclosure of her personal information.

[para 36] I have already found that the Public Body collected the personal information in the complaint for the purpose of maintaining discipline and ensuring the performance of duties. I also find that using the personal information in the complaint as part of an investigation into the other member's conduct is a purpose that is consistent with the Public Body's policing purpose, for which it collected the Complainant's personal information in the complaint.

[para 37] The Public Body provided the following explanation of its purpose in disclosing the complaint to the other police member:

It is easy to imagine that an EPS member would be very upset if information was redacted from the content of a *Police Act* complaint. The member would not know what information was redacted, what relevance it may or may not have, why it was redacted, and who made the decision to redact. A member should not be left to speculate about what is alleged against them within any redactions.

[para 38] Turning to the question of whether the disclosure to the other member is for a purpose consistent with its purpose in collecting the personal information, I agree with the Public Body that it is. The Public Body collected the Complainant's personal information in the complaint as part of its policing function. It then used that personal information to conduct an investigation into the Complainant and the other police member, also as part of its policing function and within its statutory authority under the *Police Act*. Finally, the complaint investigation process, which the Public Body followed as part of its policing function, required the Public Body to adhere to principles of fairness. In this case, fairness required that the other member be able to know the substance of the conduct giving rise to the investigation and to respond to it. In my view, it was necessary to disclose the personal information in the complaint, as this information was related to the other member's conduct under investigation. The other member could not respond to a complaint of misconduct without knowing the substance of the complaint. I find that it was necessary within the terms of section 41 for the Public Body to provide the entire complaint to the other member in order to conduct a fair complaint investigation process.

[para 39] I find that the Public Body's disclosure of the Complainant's personal information to the other member and the other member's chain of command is authorized by sections 39(1)(a) and section 40(1)(c). In addition, I find that the disclosure does not offend section 40(4), as disclosure of the entire complaint was required to ensure fairness.

Section 38

[para 40] The Complainant also raised the issue of whether the Public Body complied with section 38 of the FOIP Act.

[para 41] In Order P2012-02, the Adjudicator interpreted section 34 of the *Personal Information Protection Act* (PIPA). Section 34 of PIPA is similar to section 38 of the FOIP Act, and states:

34 An organization must protect personal information that is in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction.

[para 42] The Adjudicator stated:

To be in compliance with section 34, an organization is required to guard against reasonably foreseeable risks; it must implement deliberate, prudent and functional measures that demonstrate that it considered and mitigated such risks; the nature of the safeguards and

measures required to be undertaken will vary according to the sensitivity of the personal information (Order P2006-008 at para. 99).

[para 43] In Order P2012-02, the Adjudicator determined that “sensitivity” refers to the potential consequences if personal information is disclosed without authority. For example, whether the individual whom the information is about could suffer harm as a result of the disclosure, or could become the victim of identity theft, are relevant questions when determining whether information is sensitive. In this case, I find that the personal information in the complaint is sensitive, given that it could have personal and emotional consequences for the Complainant if the information in the complaint were the subject of unauthorized access or disclosure.

[para 44] Like section 34 of PIPA, section 38 imposes a duty on a public body to make reasonable security arrangements to protect personal information. In my view, a public body will have met the duty under section 38 if it demonstrates that deliberate, prudent, and functional measures have been adopted to guard against, or mitigate, a foreseeable risk of unauthorized access, collection, use, destruction, or disclosure. The extent to which security measures are necessary will depend on the sensitivity of the information, as discussed above.

[para 45] The Complainant’s concern regarding section 38 is that the Public Body distributed the complaint against her down the chain of command in its entirety and that administrative staff would have been in a position to view it.

[para 46] The Public Body states that it has appropriate security measures in place to protect personal information in its custody or control:

Members of the EPS routinely handle extremely sensitive information regarding members of the public, victims, criminals and other EPS members. EPS members receive FOIPP Act training and are governed by policy regarding the appropriate use, disclosure and security of information. Sworn EPS members are also subject to the Police Act and the Regulation that provide that it is a misconduct to divulge any matter that is the member’s duty to keep in confidence.

[para 47] It has not been established in this inquiry that the Public Body failed to take reasonable security measures to protect the Complainant’s personal information. I acknowledge that the Complainant is concerned that her personal information could be or has been viewed by members or non-members of the Public Body. However, there is no evidence that any members or non-members reviewed her personal information except in accordance with the FOIP Act and the *Police Act*.

[para 48] The Public Body is required to collect and use personal information in the performance of its policing functions. It requires administrative staff to ensure that the personal information collected is available for use and disclosure when necessary. Provided that its administrative staff members have adequate training and appropriate tools for storing and organizing personal information, a public body will not fail to meet the terms of section 38 if its administrative staff handle personal information in the course of their duties.

[para 49] I find that the Public Body did not fail to make reasonable security arrangements in relation to the complaint.

[para 50] In arriving at this decision, I acknowledge the Complainant's position that the Complainant's self-worth had been diminished by the fact that the chain of command was made aware of the personal information in the complaint. However, the issues I may decide are whether the FOIP Act, authorizes the collection, use, and disclosure of the Complainant's personal information for the purposes for which the Public Body collected, used, and disclosed it. In this case, I find that the actions of the Public Body did not contravene Part 2 of the FOIP Act.

IV. ORDER

[para 51] I make this Order under section 72 of the Act.

[para 52] I confirm that the Public Body did not fail to meet its duties under the FOIP Act in relation to the Complainant's personal information.

Teresa Cunningham
Adjudicator