



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for
Prince Edward Island

Order No. PP-13-001

Re: English Language School Board

Prince Edward Island Information and Privacy Commissioner

Maria C. MacDonald

November 15, 2013

Summary:

The Complainant questioned the authority of the English Language School Board, formerly known as the Eastern School District (the “Public Body”), to collect and use his personal information without his knowledge or consent. The Commissioner found no wrongdoing by the Public Body in relation to collection and use of the Complainant’s personal information.

**Statutes and Regulations
Cited or Considered:**

Freedom of Information and Protection of Privacy Act, SPEI 2001, c 37, RSPEI 1988, c F-15.01, ss 1(e), 1(i)(viii), 1(i)(ix), 31, 32(1)(c), 32(3), 33(a), 36(1)(a), 36(2), 38, 64(3); *Occupational Health and Safety Act General Regulations*, PEI Reg EC180/87; *School Act*, SPEI 1993, c 35, RSPEI 1988, c S-2.1, s. 99(g); *Trespass to Property Act*, RSPEI 1988, c T-6

Case cited:

Order P2010-014, 2010 CanLII 98635 (AB OIPC)

I. BACKGROUND

- [1] The Complainant received a letter from the Eastern School District, now known as the English Language School Board (the “Public Body”), formally notifying him that he could not contact staff of the school his children attend and that he could only attend at the school on limited conditions. The authors of the letter cite two laws: the *School Act*, SPEI 1993, c 35, RSPEI 1988, c S-2.1, and the *Trespass to Property Act*, RSPEI 1988, c T-6. In its formal notice, the Public Body permits alternate arrangements for the Complainant to communicate with the school about his children’s education and for emergencies.
- [2] The Complainant’s behaviour has been a long-standing issue for the administration of the school his children attend. Among the records the Public Body provided to me for the purposes of this review are two earlier letters from the Public Body to the Complainant about the Complainant’s attendance at the school: one letter is from the Public Body confirming an agreement by the Complainant to limit his attendance at the school; the other is from the school’s administration requesting that the Complainant voluntarily limit his attendance at the school again.
- [3] Before the Public Body formally notified the Complainant of its decision to exclude him from the school, it met with the Complainant to discuss its concerns with the Complainant’s behaviour. Based on the records provided by the Public Body, it appears that the Public Body sent a letter to the Complainant following the meeting that mentions excluding the Complainant from the school. This letter is not included with the records provided; however, copies of hand-written notes of the Public Body indicate that the Complainant phoned the Public Body and questioned its authority to exclude him from the school. The Public Body issued its formal notice shortly thereafter.

- [4] The Complainant made a privacy complaint to the Office of the Information and Privacy Commissioner after receiving the Public Body's formal notice. When asked to elaborate on his complaint, he advised that he previously received a copy of a record from a different public body that attributes a statement made about the Complainant to an employee of the Public Body. The statement references personal information about the Complainant's mental health. The Complainant maintains that the information is inaccurate and he questions from whom the Public Body obtained it. The Complainant is concerned that the Public Body used the information to make a decision that affected him, that being, excluding him from the school to which his children attend.
- [5] For the purposes of this review, the Public Body provided submissions, an affidavit and a copy of the records it claims it used to make its decision to exclude the Complainant from the school. The Public Body does not claim that the records are all of the records regarding the Complainant, and some information in the records provided to me was severed without explanation.
- [6] The Public Body expressly requested that its submissions, affidavit and the records it provided not be shared with the Complainant, citing subsection 64(3) of the *Freedom of Information and Protection of Privacy Act*, SPEI 2001, c 37, RSPEI 1988, c F-15.01 [FOIPP Act], which states:

64. (3) The person who asked for the review, the head of the public body concerned and any other person given a copy of the request for the review shall be given an opportunity to make representations to the Commissioner during the inquiry, but no one is entitled to be present during, to have access to or to comment on representations made to the Commissioner by another person.

The Complainant was provided a summary of the relevant legal representations of the Public Body.

[7] The Complainant believes that the Public Body collected personal information without legal authority and used inaccurate information to make a decision that affected him. The Complainant wanted to know:

- a. what information was used to write the formal notice;
- b. when the information used to write the formal notice was collected, from whom it was collected and for what purpose; and
- c. what authority the Public Body had to use the information for a secondary purpose without his consent.

II. INFORMATION AT ISSUE

[8] The Public Body provided 28 records. Not all of the information in the records is the Complainant's personal information, and not all of the information in the records is information at issue.

[9] The definition of "personal information" is found at clause 1(i) of the *FOIPP Act, supra*. It includes two subclauses about views and opinions, as follows:

1. (i) "personal information" means recorded information about an identifiable individual, including
 - ...
 - (viii) anyone else's opinions about the individual, and
 - (ix) the individual's personal views or opinions, except if they are about someone else;

[10] One of the records the Public Body provided is referred to as a risk assessment. The record is in the form of typewritten notes taken at a meeting held almost a year before the Public Body made the formal decision to exclude the Complainant from the school. At that time, the Public Body surveyed its employees and noted their opinions about the

Complainant. The issues discussed are noted under the headings:

- What is your history with the father?
- Can you speak about this parent's threatening behaviours? and
- What actions do you feel should be taken?

[11] A few other records provided by the Public Body contain opinions of employees of the Public Body about the Complainant in the form of interoffice correspondence.

[12] Applying subclause 1(i)(viii) of the *FOIPP Act*, opinions of employees of the Public Body about the Complainant are personal information of the Complainant and are subject to this review.

[13] Employees of the Public Body recorded the Complainant's actions and words spoken during meetings, phone conversations and other interactions with him, by handwritten notes and correspondence between employees. The records include the Complainant's views and opinions about other people. These views and opinions are personal information of the individuals about whom the views and opinions are expressed and, therefore, are not subject to this review.

[14] Other records the Public Body provided contain threats made by the Complainant against some of its employees. The threats are directly attributed to the Complainant and are considered personal information of the Complainant. The threats are recorded information about an identifiable individual and are subject to this review.

[15] The Public Body provided correspondence and notes taken at meetings of the Public Body regarding the Complainant and include options and proposed plan of action to address its issues with the Complainant. Although the Public Body created these records, they contain personal information about the Complainant. The options and proposed plan are recorded information about an identifiable individual and are subject to this review.

[16] The *FOIPP Act* stipulates that “personal information” is recorded information about an identifiable individual. The Public Body advises that a couple of its employees orally received information about the Complainant’s mental health, but did not create a record; however, two records provided by the Public Body briefly reference the Complainant’s mental health. Neither reference is derogatory and they are not the personal or professional opinions of the authors, but rather notes taken by the authors. Neither reference has any particulars and one reference only alludes to the possibility of a mental health issue. Although it is vague and may be inaccurate, this small amount of information is personal information of the Complainant. The references to the Complainant’s mental health are recorded information about an identifiable individual and subject to this review.

- [17] In summary, the personal information at issue includes:
- a. threats the Complainant made toward various employees of the Public Body;
 - b. views and opinions of employees of the Public Body about the Complainant;
 - c. options and plan of action of the Public Body to address the Complainant; and
 - d. personal information about the Complainant’s mental health.

III. FACTS

- [18] No one disputes the following facts:
- a. the Public Body collected information about the Complainant;
 - b. some information collected by the Public Body is personal information within the definition of the *FOIPP Act*; and
 - c. the Public Body used personal information about the Complainant to make a decision affecting the Complainant.

IV. PRELIMINARY ISSUES

[19] By interim order, Acting Commissioner Judy Haldemann addressed preliminary issues of jurisdiction, deadlines for submissions and the complaint that the Public Body breached the Complainant's personal privacy by disclosing personal information to the Public Body's lawyer. The interim order resolved these preliminary issues and they are no longer issues of this review.

V. ISSUES

[20] The Information and Privacy Commissioner does not have the jurisdiction to review the Public Body's decision to exclude the Complainant from the school. I restrict my analysis and observations to protection of privacy.

[21] Questions posed by the Complainant are not framed within the provisions of the *FOIPP Act*; however, I address them briefly before addressing the issues that fall under Part II of the *FOIPP Act* and deal with protection of privacy.

[22] The Complainant questions what information was used by the Public Body when making its decision to exclude him from the school. In its formal notice, the Public Body provides the Complainant with brief reasons about its decision, namely, that he has "repeatedly used loud, offensive, threatening and demeaning language" when dealing with the employees of the school. I carefully reviewed the records provided by the Public Body, and the content of the records do not contradict the reasons set out in the Public Body's formal notice to the Complainant.

[23] The Complainant questions when, from whom and for what purpose the information was collected. Based on the records provided by the Public Body, most of the personal information was collected a year before the Public Body notified the Complainant of its

decision to exclude him from the school. Three records are from earlier years and note threats attributed to the Complainant during phone calls with employees of the Public Body. The personal information contained in the records was collected from the Complainant, from witnesses to the behaviour and statements of the Complainant and from employees of the Public Body in their personal and professional capacity.

[24] The issues I canvass under the *FOIPP Act* for this review are:

- a. Did the Public Body have authority to collect the Complainant's personal information, pursuant to section 31 of the *FOIPP Act*?
- b. Did the Public Body have authority to collect the Complainant's personal information from sources other than the Complainant, pursuant to section 32 of the *FOIPP Act*?
- c. Did the Public Body make every reasonable effort to ensure that the personal information it used to make a decision affecting the Complainant was accurate and complete, pursuant to section 33 of the *FOIPP Act*? and
- d. Did the Public Body have the authority to use the Complainant's personal information, pursuant to sections 36 and 38 of the *FOIPP Act*?

VI. DISCUSSION

Issue a: Did the Public Body have authority to collect the Complainant's personal information, pursuant to section 31 of the *FOIPP Act*?

[25] The Complainant did not consent to the Public Body collecting personal information about him; however, collection of personal information without an individual's consent is legal if the circumstances fit any of the allowable conditions under section 31 the *FOIPP Act*. The Public Body says it had the authority to collect the Complainant's personal information under all three clauses of section 31 of the *FOIPP Act*, *supra*, which says:

31. No personal information may be collected by or for a public body unless
- (a) the collection of that information is expressly authorized by or under an enactment of Prince Edward Island 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.

[26] The Public Body refers to the *Occupational Health and Safety Act General Regulations*, PEI Reg EC180/87, to support its claim of authorization to collect the Complainant's personal information under clause 31(a) of the *FOIPP Act*. The Public Body also refers to specific provisions of the *School Act*, the *Trespass to Property Act* and, without specifics, the *Criminal Code of Canada*, to support its claim under clause 31(b) of the *FOIPP Act*.

[27] The wording of clause 31(a) of the *FOIPP Act* requires another enactment to expressly authorize the collection of personal information. I reviewed the enactments of Prince Edward Island noted by the Public Body. The *Occupational Health and Safety Act General Regulations*, the *School Act* and the *Trespass to Property Act* do not expressly authorize the collection of personal information. As such, I find that clause 31(a) of the *FOIPP Act* does not apply and that the Public Body did not have authorization to collect the Complainant's personal information under clause 31(a) of the *FOIPP Act*.

[28] To satisfy clause 31(b) of the *FOIPP Act*, the Public Body must show that the Complainant's personal information was collected for the purposes of law enforcement. The expression "law enforcement" is defined at clause 1(e) of the *FOIPP Act, supra*, and states:

1. (e) "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;

- [29] The definition of “law enforcement” under subclause 1(e)(ii) of the *FOIPP Act* has two requirements: (i) that there is a police, security or administrative investigation; and (ii) that the investigation has the potential of a penalty or sanction. The Public Body advises that the Complainant’s personal information was collected for a risk assessment in response to threats made by the Complainant about a few specific employees of the Public Body. I find that an investigation to gather information about the behaviour of the Complainant and to gauge the risk of violence to the employees of the Public Body is a “security or administrative investigation”. Although the Public Body is not empowered to impose a sanction or penalty, it appears from the content of some records that the Public Body sought advice from the police about legal remedies available to it with respect to the aggressive and threatening behaviour of the Complainant. Though no criminal charges resulted from this administrative investigation, there was the potential of a penalty or sanction.
- [30] I find that the Complainant’s personal information was collected by the Public Body for the purpose of law enforcement, and that the Public Body had authority to collect the Complainant’s personal information under clause 31(b) of the *FOIPP Act*.
- [31] Only one part of section 31 of the *FOIPP Act* is necessary to authorize collection of personal information. Having found that clause 31(b) of the *FOIPP Act* applies, I do not need to analyze clause 31(c) of the *FOIPP Act*, which permits collection of personal information if it is necessary for an operating program or activity of a public body. Even so, I find, in the alternative, that there is evidence the Public Body was authorized to collect personal information about the Complainant under clause 31(c) of the *FOIPP Act*.
- [32] Although the *Occupational Health and Safety Act General Regulations*, the *School Act*, and the *Trespass to Property Act* do not support the Public Body’s claim that it was

expressly authorized to collect the Complainant's personal information, provisions of the *Occupational Health and Safety Act General Regulations* and the *School Act* are relevant to clause 31(c) of the *FOIPP Act*. The *Occupational Health and Safety Act General Regulations* require employers to assess and plan to avoid violent incidents in the workplace. Further, under the *School Act*, the Public Body has a responsibility to maintain proper order in the school. Specifically, clause 99(g) of the *School Act, supra*, says:

99. The principal of a school shall, subject to the Minister's directives and the policies of the school board,

...
(g) maintain proper order and discipline in the school and on the school premises and during activities sponsored or approved by the school board;

[33] The Public Body was collecting the Complainant's personal information in response to staff concerns of aggressive and threatening behaviour by the Complainant toward them. I accept that providing a safe environment for staff and maintaining proper order in a school relate directly to the administration of the school and are necessary for an operating program or activity of the Public Body.

Issue b: Did the Public Body have authority to collect the Complainant's personal information from sources other than the Complainant, pursuant to section 32 of the *FOIPP Act*?

[34] While section 31 of the *FOIPP Act* addresses the question of whether a public body may collect personal information, section 32 of the *FOIPP Act* addresses the question of the manner in which the Public Body may collect personal information, either directly or indirectly. The general rule is to collect personal information directly from the individual, but a public body may collect personal information indirectly if any of the clauses of subsection 32(1) of the *FOIPP Act* apply. Clause 32(1)(c) of the *FOIPP Act*,

supra, permits a public body to collect personal information indirectly for the purposes of law enforcement, and states as follows:

32. (1) A public body shall collect personal information directly from the individual the information is about unless

...
(c) the information is collected for the purpose of law enforcement;

I have already found that the Complainant's personal information was collected by the Public Body for law enforcement.

[35] Subsection 32(3) of the *FOIPP Act* tempers the authority of a public body to collect personal information indirectly, as the head of the public body has to have a reasonable expectation that the personal information being collected indirectly will be accurate. Subsection 32(3) of the *FOIPP Act, supra*, states as follows:

32. (3) Subsections (1) and (2) do not apply if, in the opinion of the head of the public body concerned, compliance with them could reasonably be expected to result in the collection of inaccurate information.

The obligation of a public body is not to be certain that the personal information being collected indirectly is accurate, but to have a reasonable expectation that it is accurate.

[36] The recorded threats are personal information collected directly from the Complainant through his own words and activities. The Public Body's options and plan of action to address the Complainant are also the Complainant's personal information, but they were created by the Public Body and not collected.

[37] The Public Body indirectly collected two types of the Complainant's personal information: (i) opinions of employees about the Complainant; and (ii) statements made about the Complainant's mental health.

- [38] The Complainant expressed his concern that the Public Body's decision to exclude him from the school to which his children attend was based on "hearsay" information and is false. "Hearsay" is an unverified statement not within the personal knowledge of whoever made the statement. This type of evidence is often disallowed or given little weight in the court setting. The Public Body did not respond to the Complainant's concern.
- [39] Based on my review of the records, the employees' opinions about the Complainant are lay opinions and not opinions made in the employees' area of expertise. The opinions are not unanimous or uniform, and any recorded remarks that are not based on first-hand experience and knowledge are expressly noted as hearsay. It appears that the unidentified recorder was aware of the concept of hearsay and of the reduced value of this type of evidence.
- [40] It is possible that one's opinion may be based on inaccurate information and that such an opinion may be discredited, but the opinion itself cannot be inaccurate. This principle is reflected in section 34 of the *FOIPP Act*. Although an individual may request a correction of inaccurate information, a public body cannot correct or alter an opinion. Adjudicator Kerri H. Ridley, in Alberta *Order P2010-014*, 2010 CanLII 98635 (AB OIPC), considers a similar provision about the accuracy of an opinion and remarks at paragraph 24:
- . . . The significant point is that the Organization formed the opinion, and because it held this opinion, it cannot be said to be inaccurate. The question with respect to accuracy in this case is not whether the Organization should have formed the opinion, but whether it did so.
- [41] I find that the Public Body had a reasonable expectation that the opinion information it collected from its employees was accurate and that the Public Body was permitted to collect the personal information about the Complainant from its employees for the purposes of law enforcement.

[42] There are two instances where the Public Body indirectly collected brief remarks about the Complainant's mental health. The information in one record is inconclusive, and the information in the other is a statement attributed to a coworker. The information in both records is vague and mentions no symptoms or condition. At the collection stage, the law does not require a public body to actively ensure that the information being collected is accurate. I do not fault the Public Body for having in its possession a small amount of vague personal information about the Complainant that may be inaccurate.

[43] As a public body may collect personal information indirectly if it has a reasonable expectation that it is accurate information, the question I must ask is whether it is reasonable for the Public Body to expect that the information it collected from its employees is accurate. Without any indication to the contrary, I find that it is reasonable for the Public Body to expect the information it collected from its employees to be an accurate depiction of the employees' understanding and memory of statements made by others.

[44] I find that the Public Body had the authority to collect the Complainant's personal information from sources other than the Complainant, pursuant to section 32 of the *FOIPP Act*.

Issue c: Did the Public Body make every reasonable effort to ensure that the personal information it used to make a decision affecting the Complainant was accurate and complete, pursuant to section 33 of the *FOIPP Act*?

[45] While section 32 of the *FOIPP Act* addresses the collection of accurate information, section 33 of the *FOIPP Act* addresses the use of accurate and complete information. If a public body intends to use personal information in a way that directly affects an individual, the public body has a greater burden. Rather than merely relying on a reasonable expectation of accuracy, being the standard for collecting information under

section 32 of the *FOIPP Act*, a public body must make efforts to ensure that the information it uses is accurate and complete.

[46] Clause 33(a) of the *FOIPP Act* imposes a duty on a public body to make every reasonable effort to ensure that any personal information it uses to make a decision directly affecting an individual is accurate and complete. Clause 33(a) of the *FOIPP Act*, *supra*, reads:

33. If an individual's personal information will be used by a public body to make a decision that directly affects the individual, the public body shall

(a) make every reasonable effort to ensure that the information is accurate and complete;

[47] The first part of the analysis for section 33 of the *FOIPP Act* must determine whether the Public Body relied on personal information to make a decision affecting the Complainant. I accept that the decision to exclude the Complainant from the school is a decision that affected him. The standard of proof under section 33 of the *FOIPP Act* is a balance of probabilities. I must be persuaded that it is more likely than not the Public Body relied on the Complainant's personal information when making its decision to exclude the Complainant from the school. The second part of the analysis for section 33 of the *FOIPP Act* is to assess whether the Public Body took every reasonable effort to ensure the information it used to make its decision was accurate and complete.

[48] The information at issue includes the views and opinions of employees of the Public Body about the Complainant, the threats the Complainant made toward various employees of the Public Body, the Public Body's options and plan of action to address the Complainant and the personal information about the Complainant's mental health.

[49] The Public Body acknowledges that it relied on the opinion information of its employees when making its decision to exclude the Complainant from the school. The Public Body took measures to ensure the opinion information was accurate and complete. The person

who recorded the opinions of the employees wrote the word “hearsay” beside some of the opinion information. This persuades me that the recorder endeavoured to ensure that the information collected was accurate. It appears that the Public Body initially canvassed nearly all of the staff of the school. Canvassing nearly all of the employees of the school is a reasonable effort to ensure that the information collected was accurate and complete. By its nature, opinion information is subjective, but I am persuaded that the Public Body made all reasonable efforts to ensure that the opinion information of the employees of the Public Body is accurate and complete.

[50] The Public Body acknowledges that it relied on threat information when making its decision to exclude the Complainant from the school. Most of the threat information was recorded at the time the Complainant made the threats to various people. The Complainant repeated a couple of the threats to other employees, who then substantiated the threat information. It is reasonable for the head of the Public Body to believe that the threat information is accurate and complete.

[51] The Public Body’s options and plan of action to address the Complainant is personal information of the Complainant. It was considered by the head of the Public Body when it made its decision affecting the Complainant and formed part of the decision-making process. I have no concerns about the accuracy and completeness of the Public Body’s options and plan of action.

[52] The Public Body expressly denies relying on the statements about the Complainant’s mental health when making its decision to exclude the Complainant from the school. Although it is possible that the Public Body used the information about the Complainant’s mental health, there is nothing in the records I received that contradicts the Public Body’s assertion. I am aware of the powerful stigma attached to a label of mental illness, but a mere possibility of its use is not enough to satisfy the burden of proof under section 33 of the *FOIPP Act*. I am not persuaded on a balance of

probabilities that the Public Body relied on the minimal information about the Complainant's mental health when making its decision to exclude the Complainant from the school to which his children attend.

[53] It is not my role to assess the Public Body's decision, but only to assess whether the Public Body made every reasonable effort to ensure that the personal information on which it relied to make its decision is accurate and complete. I find that the Public Body met its duty under clause 33(a) of the *FOIPP Act*.

Issue d: Did the Public Body have the authority to use the Complainant's personal information, pursuant to section 36 and 38 of the *FOIPP Act*?

[54] Sections 36 and 38 of the *FOIPP Act* speak to a public body's use of personal information. Clause 36(1)(a) of the *FOIPP Act* says that a public body may use personal information if the use is consistent with the purpose for which it was collected. Subsection 36(2) of the *FOIPP Act* limits the public body's use of the personal information it collected to the extent necessary to carry out its purpose. Clause 36(1)(a) and subsection 36(2) of the *FOIPP Act*, *supra*, state:

36. (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.

...

(2) 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.

[55] The language of clause 36(1)(a) of the *FOIPP Act* is elaborated in section 38 of the *FOIPP Act*, *supra*, as follows:

38. For the purposes of clauses 36(1)(a) and 37(1)(b), 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.

[56] The Public Body says that it used the Complainant's personal information for the purpose for which it was originally collected and that its subsequent use is also consistent with that purpose. Initially, the Public Body used the Complainant's personal information to seek advice from the police about available legal remedies respecting the aggressive and threatening behaviour of the Complainant towards its employees. The Public Body was permitted to use the personal information it collected for that purpose.

[57] The Complainant again displayed aggressive and threatening behaviour toward staff members of the school. The Public Body used the personal information obtained the preceding year to seek advice from a lawyer about potential legal remedies with respect to the Complainant's behaviour and decide whether to exclude the Complainant from the school.

[58] I accept that the Public Body's use of the Complainant's personal information is consistent with the purpose for which it was collected. Further, I accept that the Public Body used the Complainant's personal information only to the extent necessary to enable it to carry out its purpose in a reasonable manner.

[59] I find that the Public Body's use of the Complainant's personal information had a reasonable and direct connection to the purpose of seeking a legal remedy respecting the aggressive and threatening behaviour of the Complainant towards its employees and that the use was necessary for performing the statutory duties of, or for operating a legally authorized program of the Public Body. I accept that the two conditions of section 38 of the *FOIPP Act* are met and that the Complainant's personal information was used for a purpose consistent with its collection.

[60] I find that the Public Body's initial use of the Complainant's personal information to seek advice about a legal remedy from the police and its subsequent use to seek advice from a lawyer complies with clause 36(1)(a) and subsection 36(2) of the *FOIPP Act*. I find the manner in which the Public Body used the Complainant's personal information in both instances fulfils the requirements of section 38 of the *FOIPP Act*.

VII. FINDINGS

[61] I make the following findings:

- a. I find that the Public Body was permitted to collect the Complainant's personal information for the purpose of law enforcement, as set out in clause 31(b) of the *FOIPP Act*;
- b. In the alternative, I find that the Public Body was permitted to collect the Complainant's personal information as it was directly related to and necessary for an operating program or an activity of the Public Body, pursuant to clause 31(c) of the *FOIPP Act*;
- c. I find that the Public Body was permitted to collect the Complainant's personal information from sources other than the Complainant, pursuant to section 32 of the *FOIPP Act*;
- d. I find that the Public Body met its duty under clause 33(a) of the *FOIPP Act* to make every reasonable effort to ensure that the personal information on which it relied was accurate and complete; and
- e. I find that the Public Body's use of the Complainant's personal information was for the purpose for which the information was collected, was for a use consistent

with this purpose and is a use that complies with clause 36(1)(a), subsection 36(2) and section 38 of the *FOIPP Act*.

VIII. CONCLUSION

[62] I make no finding of wrongdoing by the Public Body and, as such, have no recommendations or orders for the Public Body.

Maria C. MacDonald
Information and Privacy Commissioner