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The Importance of Responding to Privacy Complaints

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A recent decision from the Alberta Office of the Information and Privacy Commissioner (the “Alberta Privacy Commissioner”) highlights the importance of responding to all privacy complaints and cooperating, to the extent possible, with the Information and Privacy Commissioner during investigations.

In Order P2013-18, an employee alleged that her employer, Sobeys Group Inc. (“Sobeys”) improperly collected, used and disclosed her personal information. In particular, the employee’s foreman reviewed correspondence between the employee and the insurance provider regarding the employee’s claim for disability benefits and its subsequent denial. The foreman then disclosed this information to the employee’s co-worker and friend and attempted to collect more personal information regarding the employee’s absence from the co-worker.

The Alberta Privacy Commissioner found that it may have been reasonable for the foreman to review the employee’s medical claim to access when the employee would be able to return to work. However, since Sobeys did not participate in the investigation and provide any purpose for the foreman collecting the information, the adjudicator could not determine Sobeys’ collection and use of this information was reasonable and concluded that Sobeys’ breached Alberta’s Personal Information Protection Act (“PIPA”).

The disclosure of the employee’s personal information to a co-worker/friend and the attempt to solicit further personal information from the co-worker/friend were also held to be in breach of PIPA.

This decision serves as a reminder to employers to participate in and cooperate with privacy investigations. In this case the foreman’s collection and use of the medical information may well have been in compliance with PIPA, however, the adjudicator concluded that there was a breach of PIPA because Sobeys did not provide an explanation of why the foreman was accessing the information.



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This decision also highlights the importance of training employees on the collection, use and disclosure of personal information. Having a privacy policy in place and training supervisory and management employee will help reduce privacy complaints and make it easier to respond to any privacy complaints brought forward. Alberta's PIPA is substantially similar to B.C.'s Personal Information Protection Act and the same analysis would apply in British Columbia.

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