

**ALBERTA
INFORMATION AND PRIVACY COMMISSIONER**

**Report on Investigation into Complaint
Regarding Disclosure of Personal Information**

May 27, 2004

Northern Alberta Institute of Technology

Investigation #2940

I. THE COMPLAINT

[1] On March 8, 2004, the Commissioner received a privacy complaint against the Northern Alberta Institute of Technology ("NAIT"). The Complainant says a NAIT employee ("the Employee") breached privacy by disclosing information about the Complainant in a news article.

[2] Section 53(2)(e) of the *Freedom of Information and Protection of Privacy Act* ("the FOIP Act") allows the Commissioner to investigate complaints that personal information has been collected, used or disclosed in contravention of Part 2 of the FOIP Act. Consequently, the Commissioner authorized me to investigate the complaint. This report outlines the findings and analysis of my investigation.

II. ISSUE

[3] The issue of this investigation is:

Did NAIT disclose personal information in contravention of Part 2 of the FOIP Act?

III. FINDINGS AND ANALYSIS

A. What is the information at issue?

[4] In the news article, the Employee makes reference to a specific individual who is also employed with NAIT. The Employee does not identify the individual by name. However, the Employee indicates the individual's gender and position, the program area where the individual was employed, the individual's years of service and issues that the individual had with NAIT. The Employee also indicates the individual is currently on leave and comments on the kind of leave and the basis for the leave.

B. Is the information at issue “personal information”?

[5] The FOIP Act defines “personal information” as “recorded information about an identifiable individual” and provides a non-exhaustive list of personal information in section 1(n). In Order 99-018, the Commissioner said:

[para 21]... it is not necessary to specifically name employees for there to be recorded information about an identifiable individual. Facts and events, the context in which information is given, as well as the nature and content of the information may also be personal information if it is shown to be recorded information about an identifiable individual. The key here is whether there is an “identifiable” individual”.

[6] Given the amount of information disclosed and the number of individuals who could fit the description outlined in the news article, I find the information disclosed is information about an identifiable individual. Therefore, the information at issue is “personal information” and is subject to the FOIP Act.

C. Is the disclosure in contravention of Part 2 of the FOIP Act?

[7] NAIT advises the contact with the media that resulted in the news article was “an inadvertent deviation” from its normal practice. NAIT says it is reviewing its practices and internal communication of those practices to prevent future similar recurrences.

[8] I find that the disclosure did not fall under any of the authorized disclosure provisions set out in section 40(1) of the FOIP Act.

IV. CLOSING COMMENTS

[9] In summary, I find that NAIT did disclose personal information in contravention of Part 2 of the FOIP Act. As NAIT is addressing this matter, no further action is warranted by this Office and this case is now closed.

Submitted by,

Marilyn Mun
Team Leader, FOIP