

**ALBERTA**

**OFFICE OF THE INFORMATION AND PRIVACY  
COMMISSIONER**

**ORDER F2012-27**

November 29, 2012

**HOLY FAMILY CATHOLIC REGIONAL DIVISION NO. 37**

Case File Number F5818

**Office URL:** [www.oipc.ab.ca](http://www.oipc.ab.ca)

**Summary:** The Complainant complained that the Holy Family Catholic Regional Division No. 37 (the “Public Body”) disclosed his personal information in contravention of the *Freedom of Information and Protection of Privacy Act* (the “Act”). His complaint was that the Public Body’s lawyer had revealed information to the Complainant’s lawyer about a matter before this Office when the lawyer was not representing him in that matter. The Complainant’s lawyer was representing him in a different matter, being a court action.

Under section 40(1)(c) of the Act, a public body may disclose personal information for the purpose for which the information was collected or for a use consistent with that purpose. In this case, the Complainant had written a letter to the Public Body in which he linked the matter before this Office with the court action, and made requests and demands in the court action, which contemplated a reply from the Public Body’s lawyer. The Adjudicator found that the Public Body had collected the Complainant’s letter for the purpose of the court action, albeit also for the purpose of the matter before this Office, and that when the Public Body’s lawyer replied to the Complainant’s lawyer, attaching the letter and noting the existence of the matter before this Office, the lawyer was disclosing the Complainant’s personal information for the purpose of the court action. As the two purposes were consistent with one another, the Adjudicator found that the Public Body was authorized to disclose the Complainant’s personal information under section 40(1)(c).

Under section 40(4) of the Act, a public body may disclose personal information only to the extent necessary to enable the public body to carry out an authorized purpose in a reasonable manner. The Adjudicator found that the Public Body had complied with this section. It was necessary and reasonable for the Public Body's lawyer to attach the Complainant's letter to his own letter to the Complainant's lawyer, in order for the Complainant's lawyer to understand the matters in the court action to which the Public Body's lawyer was replying. The matter before this Office related to the court action, the Complainant had linked the two matters in his letter, and there was no superfluous or extraneous information in the Complainant's letter that the Public Body arguably should have avoided disclosing.

As the Public Body had the authority to disclose the Complainant's personal information for an authorized purpose within the terms of section 40(1)(c), and did so only to the extent necessary to enable the Public Body to carry out that purpose in a reasonable manner in accordance with section 40(4), the Adjudicator concluded that the Public Body had not contravened the Act.

**Statutes Cited:** **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1(n), 1(n)(viii), 1(n)(ix), 27, 40, 40(1)(c), 40(1)(f), 40(1)(v), 40(4), 41 and 72.

**Other Sources Cited:** **AB:** Law Society of Alberta, *Code of Professional Conduct*, chapter 4, rule 6 (as it read in 2011).

**Authorities Cited:** **AB:** Orders F2006-019 and F2007-019.

## **I. BACKGROUND**

[para 1] On January 25, 2011, the Complainant made an access request to the Holy Family Catholic Regional Division No. 37 (the "Public Body") for a letter in which the Public Body referred the Complainant to a physician for the purpose of an independent medical examination (the "Referral Letter"). Its decision to withhold the record became the subject of a review by this Office in Case File Number F5678 ("File F5678"). In his request for review, the Complainant indicated that he was representing himself.

[para 2] The Complainant was also involved with the Public Body in an action before the Court of Queen's Bench (the "Court Action"). He apparently alleged that the Public Body and its Superintendent had breached various public law duties in terminating his employment, and when hearing an internal appeal of that termination. For the purpose of the Court Action, the Complainant was represented by a lawyer, and the Public Body was represented by its lawyer.

[para 3] In a letter dated May 24, 2011, the Complainant wrote to the Public Body's FOIP Coordinator in the context of File F5678. Among other things, he commented on a claim by the Public Body that the Referral Letter was privileged.

[para 4] In response to the Complainant's letter of May 24, 2011, the Public Body's lawyer wrote to the Complainant's lawyer, on the same date, in the context of the Court Action. In his letter, the Public Body's lawyer referred to the Complainant's access request and File F5678, attached the Referral Letter that had been requested by the Complainant, and attached the Complainant's letter of May 24, 2011 to which the Public Body's lawyer was replying.

[para 5] In correspondence dated June 13, 2011, the Complainant complained to this Office that the Public Body had disclosed his personal information in contravention of the *Freedom of Information and Protection of Privacy Act* (the "Act" or "FOIP"). His concern was that the Public Body's lawyer had revealed information to the Complainant's lawyer in relation to a matter in respect of which the Complainant's lawyer was not acting for him. He complained that the Public Body's lawyer "contact[ed] my lawyer and openly discussed File #5678 with my lawyer without my permission". While he did not elaborate, he wrote that the disclosure could cause people to think negatively of him, his access request and his ongoing Court Action.

[para 6] The former Commissioner authorized a portfolio officer to investigate and try to settle the matter. This was not successful, and the Complainant requested an inquiry in correspondence dated August 23, 2011. A combined written and oral inquiry was subsequently set down. The parties provided advance written submissions on March 19, 2012, and there was an oral hearing on September 28, 2012.

## **II. INFORMATION AT ISSUE**

[para 7] The information that the Complainant alleges the Public Body to have disclosed in contravention of the Act is the fact that he had made an access request for the Referral Letter and the fact that he was involved in File F5678. These facts were contained both in the letter from the Public Body's lawyer to the Complainant's lawyer, and in the attached letter from the Complainant to the Public Body's FOIP Coordinator. As described below, the information that is of concern to the Complainant also consists of certain statements made by the Public Body's lawyer in his letter to the Complainant's lawyer.

[para 8] For clarity, the information at issue does not include any information in the Referral Letter. The Complainant is not concerned with the fact that the Referral Letter was provided to his lawyer for the purpose of the Court Action. While he should have also personally received the Referral Letter directly from the Public Body's FOIP Coordinator in response to his access request and in the context of File F5678, the Complainant acknowledges that he sought access to the Referral Letter in order to provide it to his lawyer for the purpose of the Court Action. Even if the Complainant were concerned about the Public Body's disclosure of the Referral Letter to his lawyer, I would readily find that the disclosure was authorized under section 40(1)(v) of the Act. The Referral Letter was for use in a proceeding before a court to which the Public Body was a party. The Public Body had determined that the Referral Letter was relevant to the

Court Action, and intended to file it with the court by way of a Supplemental Certified Record of Proceedings.

### **III. ISSUE**

[para 9] The Notice of Inquiry, dated February 17, 2012, set out the issue of whether the Public Body disclosed the Complainant's personal information in contravention of Part 2 of the Act.

### **IV. DISCUSSION OF ISSUE**

#### **Did the Public Body disclose the Complainant's personal information in contravention of Part 2 of the Act?**

[para 10] In inquiries involving the alleged unauthorized disclosure of personal information, the initial burden of proof normally rests with the complainant, in that the complainant has to have some knowledge, and adduce some evidence, regarding what personal information of his or hers was disclosed, and the manner in which that personal information was disclosed; the public body then has the burden to show that its disclosure of the personal information was in accordance with the Act (Order F2006-019 at para. 51; Order F2007-019 at paras. 8 and 9).

#### **1. Did the Public Body disclose the Complainant's personal information?**

[para 11] Section 1(n) of the Act defines "personal information", in part, as follows:

*1(n) "personal information" means recorded information about an identifiable individual, including*

*...*

*(iv) an identifying number, symbol or other particular assigned to the individual,*

*...*

*(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 12] I find the fact that the Complainant made an access request for the Referral Letter and the fact that he was involved in File F5678 to be his personal information. This information reveals conduct of a personal nature on his part, namely his decisions to make an access request and to request a review by this Office of the Public Body's response to it. However, I find that other information at issue – as found in the letter from the Public Body's lawyer to the Complainant's lawyer and in the

attached letter from the Complainant to the Public Body's FOIP Coordinator – is not the Complainant's personal information, as defined in the Act.

[para 13] For information to constitute personal information for the purposes of the Act, it must be “about” an individual. The term “about” in the context of the definition is a highly significant restrictive modifier, in that “about” an individual is a much narrower idea than “related” to an individual; information that is generated or collected in consequence of some action on the part of, or associated with, an individual – and that is therefore connected to him or her in some way – is not necessarily “about” that individual (Order F2007-019 at para. 20).

[para 14] The Complainant complains that the letter from the Public Body's lawyer to the Complainant's lawyer stated that the Public Body would be advising the Commissioner that the Referral Letter had now been released, and that File F5678 was therefore resolved. Specifically, the Complainant considers it inappropriate for the Public Body's lawyer to have determined that File F5678 was resolved, as the Complainant says that this should be a decision of the Commissioner. However, information as to whether or not File F5678 was resolved is about the file, not about the Complainant. The fact that the Complainant made the request for review that gave rise to File F5678 is not sufficient to make a statement about resolution of that matter a statement about the Complainant. While I have found that the Complainant's decision to request a review by this Office constitutes his personal information – and the steps that the Complainant might have taken in the course of resolving the matter might be his personal information – the mere assertion by the Public Body's lawyer that the file was resolved says nothing about the Complainant. If it is anybody's personal information, it is possibly the view or opinion of the Public Body's lawyer, within the terms of section 1(n)(ix) (yet it is further likely that the view or opinion of the lawyer constitutes his work product and is therefore not his personal information either). For further clarity, the lawyer is expressing a view or opinion about the file, not about the Complainant within the terms of section 1(n)(viii).

[para 15] The Complainant is also concerned that the letter from the Public Body's lawyer to the Complainant's lawyer stated that the Referral Letter does nothing to change the fact that the Court Action is improper at law and that no public law duties are owed in law by the Public Body to the Complainant. The Complainant takes issue with this statement, as he believes that it trivialized his lawsuit. However, for the same reasons just set out, the statement by the Public Body's lawyer is his view or opinion about the merits of the Court Action, as a matter of law. It is not information about the Complainant.

[para 16] I conclude that, with respect to the information the disclosure of which is of concern to the Complainant, the only personal information of his that was disclosed by the Public Body is the fact that he had made an access request for the Referral Letter, and the fact that he was involved in File F5678. Having said this, even if the aforementioned statements made by the Public Body's lawyer do constitute the Complainant's personal

information, the disclosure of that information by the Public Body was authorized for the same reasons that are set out in the parts of this Order that follow.

**2. Did the Public Body have the authority to disclose the Complainant's personal information?**

[para 17] Under Part 2 of the Act, a public body may disclose an individual's personal information if one or more of the purposes or circumstances set out in section 40 is present. Section 40 reads, in part, as follows:

*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,*

...

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

...

*(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 18] The Public Body submits that it had the authority to disclose the Complainant's personal information under section 40(1)(c). It submits that it also had the authority to do so under section 40(1)(f).

[para 19] The Complainant argues that the Public Body improperly disclosed his personal information, given that his lawyer had no direct involvement in his FOIP requests, and all legal research and communications in relation to them were done by himself. He submits that the Public Body, and its lawyer in particular, should have known that he represented himself in the FOIP matters. The Complainant's request for review dated February 28, 2011, which gave rise to File F5678, clearly indicated that he was representing himself.

[para 20] The Public Body responds that the Complainant's letter to the Public Body's FOIP Coordinator in the context of File F5678 conflated matters in relation to that File and the Court Action. The Public Body notes that the letter set out steps that the Complainant intended to take in the Court Action, and made requests or demands in relation to the Court Action. The Public Body argues that its lawyer had an obligation to respond to the Complainant's lawyer in the context of the Court Action, and not to the Complainant directly, and that in order to respond to the matters raised in the Complainant's letter, the Public Body's lawyer necessarily had to attach the Complainant's letter to which he was replying. In this way, the Public Body submits that

its provision of the Complainant's letter to the Complainant's lawyer, and its disclosure of other facts in the letter from the Public Body's lawyer, was for a purpose consistent with the purpose for which the Complainant's letter was collected by the Public Body, through its FOIP Coordinator, in the first place.

(a) Disclosure for a use consistent with the purpose of collection

[para 21] Section 41 of the Act reads as follows:

*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 22] As explained in the letter of May 24, 2011 from the Public Body's lawyer to the Complainant's lawyer, the Referral Letter was not originally included in the Certified Record of Proceedings in the Court Action because the Public Body considered it privileged as well as irrelevant to those proceedings. However, the Complainant does not seem to have been aware that the Referral Letter was not being included for the purpose of the Court Action on the basis of privilege. Rather, the Complainant learned that this was or might be the case only after he received a letter dated April 5, 2011 from the Public Body in the context of File F5678, in which the FOIP Coordinator advised that the Referral Letter was being withheld in response to the Complainant's access request in reliance on section 27 of the Act. It was then that the Complainant decided to challenge the Public Body's claim of privilege in the context of the Court Action, and to write to the FOIP Coordinator on May 24, 2011 in order to do this.

[para 23] The Complainant's letter to the FOIP Coordinator referred not only to matters relating to File F5678, but also to matters relating to the Court Action. In the letter, the Complainant noted that the court brief of the Public Body's lawyer had not dealt with the Public Body's view that the Referral Letter was privileged, which the Complainant referred to as "new information". He further stated that he expected the Superintendent of the Public Body to appear at an upcoming court hearing to explain this new information, added that he would make an application to compel her attendance if she did not appear, and reiterated his position in the Court Action that the Superintendent did not fulfill a public duty of fairness toward him. Moreover, the Complainant's letter twice asked the FOIP Coordinator to inform the Public Body's lawyer of the foregoing points.

[para 24] Given that the Complainant's letter to the FOIP Coordinator related largely to the Court Action, and asked that information in the letter be passed along to the

Public Body's lawyer for the purpose of the Court Action, I find that the Complainant sent the letter to the FOIP Coordinator not only for the purpose of File F5678, but also for the purpose of the Court Action. Further, the Complainant effectively indicated that he needed the Referral Letter, which was the subject of his access request and of File F5678, for use in the Court Action. In short, the Complainant himself linked Case File F5678 to the Court Action, and contemplated a reply to the letter in which he linked the two matters. At the oral hearing the Complainant acknowledged that he had intermingled File F5678 and the Court Action in his letter of May 24, 2011, although he said that it had not been his intention to do so.

[para 25] In turn, the response of the Public Body's lawyer to the Complainant's challenge to the privileged status of the Referral Letter, which response he sent to the Complainant's lawyer, was in the context of the Court Action. The Public Body's lawyer provided the Referral Letter to the Complainant's lawyer for that purpose, explaining that the Public Body had decided to reverse its earlier position in the Court Action that the letter was subject to privilege and irrelevant to those proceedings. In order for his response to the Complainant's lawyer to be understandable, the Public Body's lawyer disclosed the fact that the Complainant was challenging the claim of privilege, which the Complainant had referred to as "new information" and had considered to be associated not only with File F5678, but also with the Court Action.

[para 26] In view of the foregoing, I find that it was appropriate for the Public Body's lawyer to reply to the Complainant's letter that had been written to the FOIP Coordinator, and in which the Complainant had made his points regarding the Court Action. The lawyer was acting for the Public Body in relation to the Court Action. For the purpose of the Court Action, it was also appropriate for the Public Body's lawyer to correspond with the Complainant's lawyer, and not the Complainant directly, given that the Complainant had engaged a lawyer for that purpose. The Public Body notes a rule in the Law Society of Alberta's *Code of Professional Conduct*, by which a lawyer must not communicate with a party in connection with a particular matter if the lawyer is aware that the party is represented by counsel. As the letter from the Public Body's lawyer had to be sent to the Complainant's lawyer rather than to the Complainant, I also find that it was appropriate for the Public Body's lawyer to attach, to his own letter to the Complainant's lawyer, the Complainant's letter of May 24, 2011 to the FOIP Coordinator. It was the Complainant's letter in which his concerns and demands in relation to the Court Action had been raised, and attachment of the letter provided the Complainant's lawyer with necessary background in order to make the letter of the Public Body's lawyer coherent and understandable.

[para 27] I now turn specifically to the requirements of section 41 of the Act, which sets out when a disclosure of personal information is consistent with the purpose for which the information was collected. First, I find that the disclosure by the Public Body's lawyer of the contents of the Complainant's letter to the Public Body's FOIP Coordinator, which revealed the existence of the Complainant's access request and his involvement in File F5678, had a reasonable and direct connection to one of the purposes for which the Complainant's letter had been collected by the Public Body in the first



place, which was for the purpose of the Court Action. The Complainant had noted that the Public Body was claiming that the Referral Letter was privileged (i.e., being withheld under section 27 of the Act), and then sought to address the question of privilege in the context of the Court Action by demanding that the Superintendent appear to explain. Second, the disclosure of the Complainant's personal information in the letter that he had sent to the Public Body's FOIP Coordinator was necessary for performing the statutory duties of, or for operating a legally authorized program of, the Public Body. The Public Body, through its lawyer, was responding to matters raised in a lawsuit that the Complainant had initiated against it, which is part of the program or activities of a public body when it is involved in a lawsuit.

[para 28] To summarize, the Public Body received the Complainant's letter to the FOIP Coordinator, and therefore collected the personal information that the letter contained – which included the fact that the Complainant had made an access request for the Referral Letter and the fact that he was involved in File F5678 – for the purpose of the Court Action, albeit also for the purpose of File F5678. By then writing to the Complainant's lawyer in the context of the Court Action, the Public Body's lawyer disclosed the Complainant's personal information, as contained in his letter, for a use consistent with one of the purposes for which the Complainant's letter was initially collected. I accordingly find that the Public Body was authorized to disclose the Complainant's personal information under section 40(1)(c) of the Act.

(b) Disclosure only to the extent necessary

[para 29] Under section 40(4) of the Act, a public body may disclose personal information only to the extent necessary to enable the public body to carry out the purposes for which the information is disclosed in a reasonable manner.

[para 30] As already noted, the Public Body's lawyer attached the Complainant's letter to the FOIP Coordinator to his own letter to the Complainant's lawyer, as well as indicated in his own letter that the Complainant had made the access request for the Referral Letter and was involved in File F5678. The Public Body submits that its lawyer necessarily had to attach the Complainant's letter to his own letter, in order for the Complainant's lawyer to understand the requests and demands made by the Complainant in the context of the Court Action, and to which the Public Body's lawyer was replying. As for the Public Body's specific disclosure that the Complainant had made an access request for the Referral Letter and was involved in File F5678, the Public Body's lawyer states in an affidavit that the Complainant's lawyer had previously referred in a conversation to the existence of the Complainant's "outstanding matters under FOIP" (although he did not refer to any specific case file number), which suggests that he was aware of the Complainant's access request that was the subject of File F5678. At the oral hearing, the Complainant acknowledged that his lawyer was "generally aware" that he had made access requests to the Public Body.

[para 31] In the previous part of this Order, I found that the Public Body's lawyer attached the Complainant's letter for the purpose of responding to matters raised in that

letter that related to the Court Action. In attaching the entire letter, the Public Body disclosed information to the extent necessary to enable it to respond to the letter in a reasonable manner.

[para 32] The Public Body's lawyer was not required for instance, in order to comply with section 40(4), to summarize or paraphrase the requests and demands made in the Complainant's letter, rather than attaching the letter. While this might have enabled the Public Body's lawyer to avoid referring to the access request and to File F5678, such a requirement imposed on the Public Body would be unreasonable. This is not to say that, in another case, a person responding to matters raised in a letter might be required to attach or reference only the relevant parts of that letter. However, this is not one of those cases. The Complainant himself linked his access request and File F5678 to the requests and demands in the Court Action that he made later in his letter to the FOIP Coordinator. Including the Complainant's personal information, as contained in the letter, with the response of the Public Body's lawyer to the Complainant's lawyer was the only coherent and sensible way in which the Public Body's lawyer could address the points that the Complainant had made to the FOIP Coordinator, and the only way in which he could explain the related circumstances to the Complainant's lawyer in fulfilling his role as counsel for the Public Body in the Court Action. For these reasons, the Public Body was not required to redact the parts of the Complainant's letter that referred to his access request and to File F5678. Finally, the Complainant's letter contained no superfluous or extraneous information that the Public Body arguably should have redacted on the basis that its disclosure to the Complainant's lawyer might be contrary to the Act. Virtually the entire letter dealt with the Court Action, with only a relatively small amount dealing with the access request and File F5678.

[para 33] It would also be very inefficient, if not nonsensical, for the Public Body's lawyer to tell the FOIP Coordinator to tell the Complainant to tell his lawyer to write to the Public Body's lawyer about the matters pertaining to the Court Action. According to an affidavit sworn by the Public Body's lawyer, the Public Body's lawyer had previously asked the Complainant's lawyer to ensure that issues pertaining to the Court Action were addressed solely between the two lawyers, yet the Complainant again chose to write to the Public Body's FOIP Coordinator about the Court Action. Given the foregoing, the Public Body's lawyer reasonably chose to write directly to the Complainant's lawyer, in response to the Complainant's letter to the FOIP Coordinator.

[para 34] In the event that the view of the Public Body's lawyer that File F5678 was resolved constitutes the Complainant's personal information, contrary to my finding earlier in this Order, I would find that this disclosure to the Complainant's lawyer was also to the extent necessary to enable the Public Body to carry out the purpose of disclosure in a reasonable manner. As the Complainant himself linked his access request and File F5678 to the Court Action, it was reasonable for the Public Body's lawyer to express his view that File F5678 was resolved. The Complainant had revealed to the Public Body, through its FOIP Coordinator, that its decision to withhold the Referral Letter under the Act on the basis of privilege was "critical" to the Court Action, and the Public Body's decision to include the Referral Letter in the Supplemental Certified

Record of Proceedings did, in fact, have a bearing on File F5678. While it would have been more appropriate for the FOIP Coordinator to also give the Complainant access to the Referral Letter directly in the context of File F5678 and to obtain resolution of the matter in that context, this does not mean that the disclosure by the Public Body's lawyer to the Complainant's lawyer, to the effect that he considered File F5678 to be resolved, was contrary to section 40(4).

[para 35] Finally, in the event that the other statement of the Public Body's lawyer, to the effect that the Referral Letter did not alter his view that the Court Action lacked merit, amounts in some way to the Complainant's personal information, contrary to my finding earlier in this Order, I would find that this disclosure was also in compliance with section 40(4). It was necessary and reasonable to make this statement for the purpose of the Court Action, as the statement was about the merits of the Court Action.

[para 36] As the Public Body had the authority to disclose the Complainant's personal information for an authorized purpose under section 40(1)(c), and did so only to the extent necessary to enable the Public Body to carry out that purpose in accordance with section 40(4), I conclude that the Public Body did not disclose the Complainant's personal information in contravention of Part 2 of the Act.

(c) Disclosure for a purpose in accordance with an enactment that authorizes or requires the disclosure

[para 37] The Public Body submits that it also had the authority to disclose the Complainant's personal information under section 40(1)(f) of the Act, on the basis that the disclosure was authorized and required by the *Code of Professional Conduct* of the Law Society of Alberta. At the time of the disclosure of the Complainant's personal information by the Public Body's lawyer, rule 6 of chapter 4 read:

*6. If a lawyer is aware that a party is represented by counsel in a particular matter, the lawyer must not communicate with that party in connection with the matter except through or with the consent of its counsel.*

The Public Body accordingly argues that its lawyer had to reply to the matters raised in the Complainant's letter in relation to the Court Action by writing to the Complainant's lawyer, rather than to the Complainant directly.

[para 38] For his part, the Complainant argues that the Public Body's lawyer failed to follow what he calls "proper legal protocol" when he communicated to the Complainant's lawyer about File F5678.

[para 39] Earlier in this Order, I found that the rule cited by the Public Body made it appropriate for the Public Body's lawyer to communicate with the Complainant's lawyer about the matters pertaining to the Court Action that were raised in the Complainant's letter to the Public Body's FOIP Coordinator, rather than communicate with the Complainant directly. However, the rule does not provide a complete answer to the

question of whether disclosure of the matters pertaining to File F5678, and the Complainant's personal information in this regard, was authorized under the Act. While the rule in the *Code of Professional Conduct* authorized the Public Body's lawyer to communicate with the Complainant's lawyer, the rule does not, in and of itself, justify the content of the communication.

[para 40] As the Complainant's lawyer was representing the Complainant in the Court Action, the matter to which the foregoing rule refers is the Court Action, not File F5678. In the circumstances of this inquiry, the reason why the Public Body's lawyer was authorized to disclose to the Complainant's lawyer matters pertaining to File F5678 is because the disclosure was for a purpose consistent with the purpose for which the information was originally collected from the Complainant, within the terms of section 40(1)(c).

[para 41] In any event, I do not have to consider whether the Public Body was authorized to disclose the Complainant's personal information under section 40(1)(f) of the Act, given that I have already concluded that it was authorized to do so under section 40(1)(c).

## **V. ORDER**

[para 42] I make this Order under section 72 of the Act.

[para 43] I find that the Public Body had the authority to disclose the Complainant's personal information under section 40(1)(c) of the Act, on the basis that the disclosure was for a use consistent with the purpose for which the information was collected. I also find that the Public Body disclosed the Complainant's personal information only to the extent necessary to enable it to carry out the authorized purpose in a reasonable manner, in accordance with section 40(4).

[para 44] I conclude that the Public Body did not disclose the Complainant's personal information in contravention of Part 2 of the Act.

Wade Raaflaub  
Adjudicator