

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER P2010-016

December 22, 2010

THE CHURCHILL CORPORATION

Case File Number P1153

Office URL: www.oipc.ab.ca

Summary: The Applicant requested information from The Churchill Corporation (“the Organization”) on September 8, 2008. The Organization did not respond to the Applicant’s request until February 3, 2009.

The Adjudicator found that the Applicant’s request included a request for his personal information as defined in section 1(k) of the *Personal Information Protection Act* (“the Act”).

Further, the Adjudicator found that the Organization did not respond to the Applicant within the timelines set out in section 28(1) of the Act.

Statutes Cited: AB: *Personal Information Protection Act*, S.A. 2003, c. P-6.5 ss. 1(k), 24(2)(a), 28(1), 31, and 52.

I. BACKGROUND

[para 1] On September 8, 2008, the Applicant wrote a letter to The Churchill Corporation (“the Organization”) requesting access to the following records and information pursuant to the *Personal Information Protection Act* (“the Act”):

1. All personal records pertaining to myself held by the [Organization] and/or any of its subsidiaries.

2. Any notes regarding telephone conversations, meetings or discussions with regard to or referencing myself, during or subsequent to my employment, with or between any subsidiary of the [Organization] or any individual or organization.
3. Electronic information in any format with regard to or referencing myself, during or subsequent to my employment, with or between any subsidiary of the [Organization] or any individual or organization.
4. Any material with regard to my performance and/or competence, including reference to such, including any comments made verbally by officers of the [Organization] and/or any of its subsidiaries, or with or between any individual or organization.
5. Any material with regard to any contract or conditions of such or agreements, including reference to such, including any comments made verbally by officers of the [Organization] and/or any of its subsidiaries.

[para 2] In November of 2008, the Applicant contacted the Office of the Information and Privacy Commissioner (“this office”) and complained that the Organization had not responded to his request.

[para 3] On February 3, 2009, the Organization responded to the Applicant, providing him access to hardcopy and electronic records, with the exception of those which were severed or withheld pursuant to section 24(2)(a) of the Act. The content of the Organization’s response is the subject matter of Order P2010-017.

[para 4] On February 25, 2009, the Applicant wrote to this office and requested a review. A written inquiry was initiated and the Applicant and the Organization provided both initial and rebuttal submissions.

II. ISSUES

[para 5] The Notice of Inquiry dated February 17, 2010 lists the issues for this inquiry as follows:

Issue A:

Is the access request for the Applicant’s personal information as defined in PIPA section 1(k)?

Issue B:

Did the Organization respond to the Applicant in accordance with section 28(1) of the Act?

III. DISCUSSION OF ISSUES

A: Is the access request for the Applicant's personal information as defined in PIPA section 1(k)?

[para 6] Section 1(k) of the Act defines personal information as follows:

1(k) "personal information" means information about an identifiable individual;

[para 7] The Applicant's request was extensive and may include a request for information that is not his personal information. However, the Applicant's request does encompass a request for records about himself, an identifiable individual.

B: Did the Organization respond to the Applicant in accordance with section 28(1) of the Act?

[para 8] Section 28(1) of the Act states:

28(1) Subject to this section, an organization must respond to an applicant not later than

(a) 45 days from the day that the organization receives the applicant's written request referred to in section 26, or

(b) the end of an extended time period if the time period is extended under section 31.

[para 9] The Applicant's request was made September 8, 2008. In accordance with section 28(1) of the Act, the Organization had until October 23, 2008 to respond or extend the time period under section 31 of the Act. The Organization did neither.

[para 10] In its submissions, the Organization states that it does not know why it did not respond to the Applicant's request within the time limits set out in section 28(1) of the Act, but does mention that it was in the process of moving its head office and that there were personnel changes at that time. While this may be the reason for the delay in responding to the Applicant, it does not excuse the Organization from meeting its obligations under section 28(1) of the Act.

III. ORDER

[para 11] I make this Order under section 52 of the Act.

[para 12] I find that the Organization failed to meet its obligations in responding to the Applicant in accordance with section 28(1) of the Act.

Keri H. Ridley
Adjudicator