

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER P2010-019

May 24, 2011

REAL ESTATE COUNCIL OF ALBERTA

Case File Number P1166

Office URL: <http://www.oipc.ab.ca>

Summary: The Complainant alleged that Real Estate Council of Alberta (“RECA”), posted a disciplinary decision on its website, thereby disclosing his personal information in contravention of the *Personal Information Protection Act* (“PIPA”).

The Adjudicator found that RECA had the authority to disclose the Complainant’s personal information pursuant to section 20(b) of PIPA. The Adjudicator also found that RECA’s disclosure was for reasonable purposes under section 19(1) and, pursuant to section 19(2), the extent of the disclosure was reasonable for meeting those purposes.

Legislation Cited: AB: *Freedom of Information and Protection of Privacy Act* R.S.A. 2000 c.F-25 s. 4(1)(a); *Personal Information Protection Act*, S.A. 2003, c.P-6.5, ss. 1(k), 2, 3, 4(3)(k), 7(1), 7(1)(d), 8, 8(2)(a), 8(2)(b), 8(3)(a), 8(3)(b), 8(3)(c), 19(1), 19(2), 20, 20(b), 20(j), 52; *Real Estate Act*, R.S.A. 2000, c. R-5, ss. 5, 55, 55(c)

Orders Cited: AB: Orders: F2004-030, P2008-010

Decisions Cited: *Alberta (Attorney General) v. Krushell*, 2003, ABQB 252; *Hill v. Church of Scientology of Toronto*, [1995] 2 SCR 1130

I. BACKGROUND

[para 1] The Complainant is an industry member authorized by RECA to trade in real estate as a real estate associate in Alberta. In October, 2003, the Complainant was convicted of a criminal offence. The Complainant did not, however, report this conviction to RECA. RECA subsequently conducted an investigation and found that, by not reporting the conviction, the Complainant had breached Rule 15(3)(f) of the rules passed pursuant to the *Real Estate Act*, R.S.A. 2000, c. R-5 (“REA”). On November 8, 2004, RECA issued a Notice of Administrative Penalty assessing a penalty in the amount of \$1000 against the Complainant. RECA then posted the disciplinary decision on its website.

[para 2] At that time of the posting, it was RECA’s policy to post disciplinary decisions on its website for five years. In May, 2009, RECA changed its policy and now posts its disciplinary decisions on its website for two years. RECA states that at the present time, the Notice of Administrative Penalty regarding the Complainant has been removed from RECA’s website in accordance with its current publication policy.

[para 3] On December 3, 2008, the Complainant made a complaint to this Office alleging that RECA, by posting the disciplinary decision on its website, disclosed his personal information in contravention of PIPA.

[para 4] The Commissioner authorized a portfolio officer to investigate and attempt to resolve the matter. This was not successful and RECA requested an inquiry. A written inquiry was set down.

[para 5] During the inquiry, RECA provided this Office with a submission. The Complainant did not make a submission in this inquiry.

[para 6] On March 16, 2011, I wrote to RECA and requested further information and/or evidence. I requested a copy of the disciplinary decision that was posted on RECA’s website and a complete copy of RECA’s bylaws in force at the time the disciplinary decision was posted. In addition, I requested further information and/or evidence regarding the factors that RECA used to determine whether to levy an administrative penalty and the factors that it considered in determining the amount of the penalty.

[para 7] On March 30, 2011, RECA responded to my request for further information and provided an additional submission.

[para 8] This Order proceeds on the basis of PIPA as it existed prior to the amendments to PIPA coming into force on May 1, 2010.

II. ISSUES

[para 9] The inquiry notice identified the following issues:

- A. Did the Organization disclose “personal information” of the Complainant as that term is defined in PIPA?

- B. Is the disclosure excluded from PIPA by virtue of section 4(3)(k)?
- C. Did the Organization disclose the information contrary to, or in compliance with section 7(1) of PIPA (no disclosure without either authorization or consent)? In particular,
 - 1. Did the Organization have the authority to disclose the information without consent, as permitted by section 20 of PIPA?
 - 2. If the Organization did not have the authority to disclose the information without consent, did the Organization obtain the Complainant's consent in accordance with section 8 of the Act before disclosing the information? In particular,
 - a. Did the individual consent in writing or orally, or
 - b. Is the individual deemed to have consented by virtue of the conditions in section 8(2)(a) and (b) having been met? or
 - c. Is the disclosure permitted by virtue of the conditions in 8(3)(a), (b) and (c) having been met?
- D. Did the Organization disclose the information contrary to, or in accordance with, section 19(1) of PIPA (disclosure for purposes that are reasonable)?
- E. Did the Organization disclose the information contrary to, or in accordance with section 19(2) of PIPA (disclosure to the extent reasonable for meeting the purposes)?¹

[para 10] In this order, I will first address whether RECA had the authority to disclose the information without consent under section 20 of PIPA and, if so, whether it was in accordance with sections 19(1) and 19(2) of PIPA. I will then address whether RECA obtained the Complainant's consent in accordance with section 8 of PIPA. The revised list of issues read as follows:

- A. Did the Organization disclose "personal information" of the Complainant as that term is defined in PIPA?
- B. Is the disclosure excluded from PIPA by virtue of section 4(3)(k)?
- C. Did the Organization disclose the information contrary to, or in compliance with section 7(1) of PIPA (no disclosure without either authorization or consent)? In particular, did the Organization have the authority to disclose the information without consent, as permitted by section 20 of PIPA?

¹ Issue E in the inquiry notice incorrectly read "use or disclose" instead of "disclose". For the purposes of this Order I have corrected the wording of Issue E to reflect the original intent of the inquiry notice. I note that although the inquiry notice that the parties received also contained this error, the submissions received by this Office in regard to section 19(2) nevertheless only addressed the Organization's disclosure.

D. Did the Organization disclose the information contrary to, or in accordance with, section 19(1) of PIPA (disclosure for purposes that are reasonable)?

E. Did the Organization disclose the information contrary to, or in accordance with section 19(2) of PIPA (disclosure to the extent reasonable for meeting the purposes)?

F. If the Organization did not have the authority to disclose the information without consent, did the Organization obtain the Complainant's consent in accordance with section 8 of the Act before disclosing the information? In particular,

1. Did the individual consent in writing or orally, or
2. Is the individual deemed to have consented by virtue of the conditions in section 8(2)(a) and (b) having been met? or
3. Is the disclosure permitted by virtue of the conditions in 8(3)(a), (b) and (c) having been met?

III. DISCUSSION

A. Did the Organization disclose “personal information” of the Complainant as that term is defined in PIPA?

[para 11] “Personal information” is defined in section 1(k) of PIPA:

In this Act,

...

(k) “personal information” means information about an identifiable individual;

[para 12] RECA's Notice of Administrative Penalty included the Complainant's name, information regarding the Complainant's failure to report a criminal conviction which resulted in a breach of Rule 15(3)(f), as well as the type of criminal conviction the Complainant failed to report. I find that all of this information is the Complainant's personal information and falls within the definition of personal information under section 1(k) of PIPA.

B. Is the disclosure excluded from PIPA by virtue of section 4(3)(k)?

[para 13] Section 4(3)(k) of PIPA reads:

4(3) This Act does not apply to the following:

...

(k) personal information contained in a court file, a record of a judge of the Court of Appeal of Alberta, the Court of Queen's Bench of Alberta or The Provincial Court of Alberta, a record of a master in chambers of the

Court of Queen's Bench of Alberta, a record of a sitting justice of the peace or a presiding justice of the peace under the Justice of the Peace Act, a judicial administration record or a record relating to support services provided to the judges of any of the courts referred to in this clause;

[para 14] RECA states that section 4(3)(k) applies to information regarding the Complainant's criminal conviction. RECA states that information in its disciplinary decision regarding the Complainant's criminal conviction originated from a "court file" and that the information is thereby excluded from PIPA by virtue of section 4(3)(k).

[para 15] After a review of RECA's arguments I find that section 4(3)(k) of PIPA does not exclude this information. The information regarding the Complainant's criminal conviction is presumably present in a court file. However, this does not mean that this information is excluded from PIPA. In my view, in order for information to fall under section 4(3)(k), it would have to be directly taken or copied from a court file.

[para 16] In Order F2004-030, the Information and Privacy Commissioner also addressed this same issue and came to the same conclusion. The issue in that order was whether records in the possession of a public body that were identical to records in a court file fell within section 4(1)(a) of the *Freedom of Information and Protection of Privacy Act* R.S.A. 2000 c.F-25 (the "FOIP Act"). The Information and Privacy Commissioner held that only records that were taken or copied from a court file are "information in a court file" and are excluded from the scope of the Act. The remaining records, including any that emanated from the public body itself or came into its possession from some source other than a court file (though duplicates of them may also exist in a court file), are within the scope of the Act. In that order, the Information and Privacy Commissioner also held that the content of the record is not the determinant. Information in the possession of a public body is not excluded from the Act simply because it has the same content of information contained in a court file, or that a public body filed in court.

[para 17] I note that, if this was not the case, it would lead to absurd results. For example, if the name of an individual, for whatever reason appeared in a court file, arguably, that name would be excluded from PIPA and, as such, an organization would not be accountable for its collection, use and disclosure of that information. I do not find that this would be a proper interpretation of section 4(3)(k).

[para 18] In support of its argument, RECA referred to the Court of Queen's Bench decision of *Alberta (Attorney General) v. Krushell*, 2003 ABQB 252 (*Krushell*). In that decision, the Court considered whether the personal information within criminal dockets fell within section 4(1)(a) of the FOIP Act. Section 4(1)(a) of the FOIP Act is similar to section 4(3)(k) of PIPA. Section 4(1)(a) of the FOIP Act read:

4(1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:

(a) information in a court file, a record of a judge of the Court of Appeal of Alberta, the Court of Queen's Bench of Alberta or The Provincial Court of Alberta, a record of a master of the Court of Queen's Bench of Alberta,

a record of a sitting justice of the peace or a presiding justice of the peace under the Justice of the Peace Act, a judicial administration record or a record relating to support services provided to the judges of any of the courts referred to in this clause;

[para 19] In *Krushell*, the Court held that the information within the criminal dockets was derived from court files and therefore fell within section 4(1)(a) of the FOIP Act. The Court held that the purpose of the Legislature in excluding information within court files was not to merely exclude the paper format in which some of it originally appears. The Court held that information is also excluded if it is removed from a court file and put into another format.

[para 20] However, in my view, *Krushell* does not stand for the principle that all information within a court file that subsequently appears in an organization's files is excluded from the ambit of the PIPA. In *Krushell*, the information at issue in the criminal dockets was directly derived from the Court files. I also note that, in *Krushell*, one of the rationales behind the Court's decision to exclude the information in the criminal dockets from the FOIP Act was to protect the privacy of persons who are charged, but have not yet and may never be, convicted of a criminal offence. In that case, the access requestor wanted access to information in the criminal dockets in order to post the information on the internet. The Court held that it would be unjust to permit the public ready access via the internet to the names of accused. The Court held that this could result in defamatory impressions, and create concerns with courthouse security and judge-shopping. The Court held that requiring individuals to physically attend the courthouse to examine the criminal dockets protects privacy through "practical obscurity".

[para 21] These same privacy concerns do not exist in the present case which involves a complaint rather than an access request. If the Complainant's personal information in the present case was excluded from PIPA pursuant to section 4(3)(k), it would not serve to protect the privacy of individuals by precluding public access to them as it did in *Krushell*. In fact, it would have the opposite effect. It would place the personal information of individuals, such as the Complainant, outside the scope of PIPA, thereby ensuring that organizations are not subject to the limits that PIPA places on an organization's collection, use and disclosure of that information.

[para 22] In its submissions, RECA also relied on Order P2008-010. In Order P2008-010, the Adjudicator addressed whether section 4(3)(k) of PIPA excluded, from PIPA, personal information in an organization's database. I do not find, however, that this Order is particularly helpful to RECA's position.

[para 23] In Order P2008-010, the Adjudicator held that section 4(3)(k) excluded personal information in the database that is "found in or consists of a copy of court transcript or a court decision which is found in a court file or of any other information in the database of which court files are the source". I interpret this to mean that any personal information that was physically taken from or, a photocopy of, a court transcript, court decision or, portion thereof, or a photocopy of another document within a court file falls within section 4(3)(k) and is excluded from PIPA. For reasons previously

mentioned, I do not interpret that Order to mean that any and all information that is also present in a court file falls within section 4(3)(k).

[para 24] For the foregoing reasons, I find that the information regarding the Complainant's criminal conviction is not excluded from PIPA under section 4(3)(k).

C. Did the Organization disclose the information contrary to, or in compliance with section 7(1) of PIPA (no disclosure without either authorization or consent)? In particular, did the Organization have the authority to disclose the information without consent, as permitted by section 20 of PIPA?

[para 25] Section 7(1)(d) of PIPA states that an organization must not disclose the personal information of an individual, unless it is disclosed pursuant to another provision of PIPA such as section 20, or the individual consents to the disclosure. Section 7(1)(d) reads:

7(1) Except where this Act provides otherwise, an organization shall not, with respect to personal information about an individual,

...

(d) disclose that information unless the individual consents to the disclosure of that information.

[para 26] Section 20 states that an organization may disclose personal information about an individual without the consent of the individual if one or more of the enumerated criteria under section 20 are fulfilled. RECA applied sections 20(b) and 20(j) to the information at issue.

1. Section 20(b)

[para 27] At the time of RECA's disclosure, 20(b) of PIPA read as follows:

20 An organization may disclose personal information about an individual without the consent of the individual but only if one or more of the following are applicable:

...

(b) the disclosure of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the disclosure;²

² Effective May 1, 2010, section 20(b) was amended. Section 20(b) now also permits an organization to disclose personal information without consent if the disclosure is authorized or required by a legislative instrument of a professional regulatory organization. However, as this amendment was not in force on the date of the RECA's disclosure, I will not address whether RECA had the authority to disclose this information under the amended version of section 20(b).

[para 28] RECA states that section 55(c) of the REA authorized its disclosure of the Complainant's personal information. At the time of the RECA's disclosure, section 55(c) of the REA read as follows:

55 The executive director may publish information respecting

...

*(c) prosecutions and disciplinary actions taken under this Act
and those publications have qualified privilege.*

[para 29] I find that RECA had the authority to disclose the disciplinary decision regarding the Complainant under section 20(b) of PIPA. I find that RECA's disclosure of the disciplinary decision was authorized by section 55(c) of the REA. Section 55(c) permits the Executive Director of RECA to publish information respecting "prosecutions and disciplinary actions" taken under the REA. I find that the disciplinary decision at issue constitutes information regarding a "disciplinary action" and falls within section 55(c). I note that section 55 does not place a limit on the extent of the information that may be disclosed. I also note that the reference in section 55 to "qualified privilege" does not limit the Executive Director's ability to publish the information but instead provides RECA with a defence to allegations of defamation arising from the publication. See *Hill v. Church of Scientology of Toronto*, [1995] 2 SCR 1130 for a discussion regarding the principle of qualified privilege.

2. Section 20(j)

[para 30] Section 20(j) reads:

20 An organization may disclose personal information about an individual without the consent of the individual but only if one or more of the following are applicable:

...

(j) the information is publicly available;

[para 31] As I have found that RECA had the authority to disclose the information without consent pursuant to section 20(b), I will not address whether RECA also had the authority to disclose that information pursuant to section 20(j).

D. Did the Organization disclose the information contrary to, or in accordance with, section 19(1) of PIPA (disclosure for purposes that are reasonable)?

[para 32] Section 19(1) reads:

19(1) An organization may disclose personal information only for purposes that are reasonable.

[para 33] Section 2 of PIPA states that the standard for determining whether a thing or matter is reasonable is what a reasonable person would consider appropriate in the circumstances:

2 *Where in this Act anything or any matter*

(a) is described, characterized or referred to as reasonable or unreasonable, or

(b) is required or directed to be carried out or otherwise dealt with reasonably or in a reasonable manner,

the standard to be applied under this Act in determining whether the thing or matter is reasonable or unreasonable, or has been carried out or otherwise dealt with reasonably or in a reasonable manner, is what a reasonable person would consider appropriate in the circumstances.

[para 34] Section 3 of PIPA states that the purpose of PIPA is to recognize the right of an individual to have his or her personal information protected and the need of organizations to collect, use or disclose personal information for purposes that are reasonable:

3 The purpose of this Act is to govern the collection, use and disclosure of personal information by organizations in a manner that recognizes both the right of an individual to have his or her personal information protected and the need of organizations to collect, use or disclose personal information for purposes that are reasonable.

[para 35] In determining whether the purposes are reasonable under PIPA, all of the relevant circumstances of the case must be considered. I must consider and apply the standard which is “what a reasonable person would consider appropriate in the circumstances”. This is an objective standard and does not include the subjective preferences of the particular individual. Rather, this standard is what a reasonable person in the circumstances of the case would find appropriate.

[para 36] RECA states that the purposes for disclosing the disciplinary decision regarding the Complainant on its website were directly related to its mandate as set out in section 5 of the *REA*. At the time RECA posted the administrative notice on its website, section 5 read as follows:

5 *The purposes of the Council are*

(a) to set and enforce standards of conduct for the industry and the business of industry members as the Council determines necessary in order to promote the integrity of the industry and to protect consumers affected by the industry;

(b) to provide services and other things that, in the opinion of the Council, enhance and improve the industry and the business of industry members;

(c) to administer this Act as provided in this Act, the regulations, the bylaws and the rules.

[para 37] RECA states that pursuant to this mandate, one of its primary functions is to promote the integrity of the industry and protect the interests of the general public. It states that it achieves this goal through the oversight of its members and enforcing standards of conduct for its members. RECA states that publishing its disciplinary

decisions regarding members who have been sanctioned by RECA promotes the integrity of the industry and protects the general public in a number of ways, including the following:

- a) It provides the public with information regarding individual members who have engaged in conduct deserving sanction including a member's failure to comply with rules and bylaws, professional misconduct and fraud. By providing the public with this information it gives consumers the information they need to make an informed decision about whether they want to engage the services of that member;
- b) It provides transparency and demonstrates RECA's accountability to its members and the public regarding its disciplinary process. This transparency assists in maintaining the public confidence in the self-governing nature of RECA and assists the public in understanding the decision-making process;
- c) It deters industry members from engaging in such conduct; and
- d) It provides access to precedential decisions that other members may access should they also be subject to the disciplinary process. This contributes to the fairness and consistency of RECA's disciplinary processes.

[para 38] I find that these purposes are reasonable under section 19(1). I find that a reasonable person would consider these purposes to be appropriate and that it is reasonable to assume that RECA disclosed the Complainant's personal information for these purposes.

[para 39] In coming to the conclusion that these purposes were reasonable, I took into account that these purposes fall within its mandate under section 5 of the REA and that section 55 of REA explicitly states that RECA may publish information respecting "prosecutions and disciplinary actions" taken under the REA.

E. Did the Organization disclose the information contrary to, or in accordance with section 19(2) of PIPA (disclosure to the extent reasonable for meeting the purposes)?

[para 40] Section 19(2) reads:

19(2) Where an organization discloses personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is disclosed.

[para 41] Section 19(2) of PIPA allows an organization to disclose personal information only to the extent reasonable for meeting the purposes for which the information was disclosed. In other words, RECA must establish that its disclosure of personal information is reasonably related to RECA's purposes for disclosure.

[para 42] In this inquiry, I found that RECA disclosed the Complainant's personal information for the purpose of promoting the integrity of the industry and protecting the interests of the general public. After a review of the submissions before me, I find that, pursuant to section 19(2), a reasonable person would consider the extent of the personal

information that RECA disclosed was reasonable for meeting these purposes. RECA disclosed four types of personal information in its disciplinary decision, the Complainant's name, the Complainant failure to report a criminal conviction under Rule 15(3)(f), the administrative penalty assessed by RECA and the type of criminal conviction the Complainant failed to report.

1. Complainant's name, Complainant's failure to report a criminal conviction under Rule 15(3)(f) and the administrative penalty assessed by RECA

[para 43] I find that RECA's disclosure of the Complainant's name, the Complainant's failure to report a criminal conviction and information regarding the administrative penalty was reasonable for meeting the purposes of the disclosure. I find that this type of disclosure provided the public with information regarding a member's failure to comply with its rules. By providing the public with this type of information it gives the public the information they require to make an informed decision about a member. It also provides the public with transparency and accountability regarding the disciplinary process which is essential to maintaining public confidence. It also deters other members from engaging in such conduct and provides a precedent for members who may face the same type of disciplinary process.

2. The type of criminal conviction the Complainant failed to report

[para 44] I find that RECA's disclosure of the type of the criminal conviction was also reasonable for meeting the purposes of the disclosure for the following reasons.

[para 45] First, RECA's disclosure of this information provides the public with information they need to make an informed decision. In the present case, I found that RECA had the authority to disclose the Complainant's name and information regarding his failure to report a criminal conviction. If RECA were required to sever and withhold the type of the criminal conviction from publication within the disciplinary report, it would leave the general public and, in particular, consumers, with unanswered questions. It also might leave them to draw their own conclusions about the nature of the criminal conviction and could result in consumers assuming that the criminal conviction was more serious than what actually transpired. It could also, in the future, harm and unfairly damage the reputation of members who may be convicted of a criminal offence that is of a less serious nature. In my view, severing the information within the disciplinary decision in this manner would not promote the integrity of the industry nor would it protect the general public.

[para 46] Second, RECA's disclosure of this information provided full transparency regarding the circumstances surrounding the Complainant's breach of Rule 15(3)(f). I find that this type of transparency contributes to the public confidence in the system. As previously mentioned, if RECA had withheld the type of the criminal conviction, it would have left the public assuming or questioning the nature of that criminal conviction. I note that my decision in this regard is further supported by section 55 of RECA, which does not limit the amount of information within a disciplinary decision that may be disclosed.

[para 47] Third, RECA's disclosure of this type of information encourages members to adhere to RECA's rules and bylaws and may also deter members from engaging in

similar conduct. By disclosing this information, members are made aware that RECA will publish its disciplinary decisions including the particulars of the offence and that this information will not be withheld from the public.

[para 48] Fourth, RECA's decision provides precedential value for members who may face similar disciplinary proceedings in the future. In RECA's additional submission, RECA stated that the type of the criminal conviction is not a factor that RECA considers in deciding whether to issue an administrative penalty or whether to refer the matter to a disciplinary hearing. In addition, RECA states that the type of the criminal conviction would not be a factor in determining the amount of the administrative penalty. RECA states that once it decides to proceed with an administrative penalty, the amount of the penalty is automatically set out in Schedule 1 of the Real Estate Council Bylaws.

[para 49] However, notwithstanding the foregoing, I find that RECA's disclosure of the type of the criminal conviction provided some precedential value. I find that RECA's disclosure of this type of information as part of its disciplinary decision provides the reader with context surrounding the failure to report and, at a minimum, informs members of the type of penalty and amount of penalty they could expect for failing to report a criminal conviction. Disclosing this information also encourages RECA to consistently apply its bylaws so that that every member who, in similar circumstances, fails to report a criminal conviction, will be treated in a similar manner, regardless of the member's standing within the organization or their reputation in the community and regardless of the type of criminal conviction the member failed to report.

[para 50] In the Complainant's complaint to this Office, the Complainant attached a copy of the pardon he received on May of 2007 for his criminal conviction. The Complainant appears to suggest in his complaint and attachments that it was not reasonable for RECA to continue disclosing the disciplinary decision once a pardon was granted.

[para 51] In the present case, RECA issued an administrative penalty to the Complainant for failing to report a criminal conviction, not for the conviction itself. As such, I agree with RECA that the Complainant's pardon after the fact should not have a retroactive effect on the penalty imposed by RECA for failing to disclose the criminal conviction nor on its ability to publish its disciplinary decision in that regard.

[para 52] Lastly, I note that in reviewing the Complainant's complaint, I was struck by the content of the reference letters submitted by the Complainant, including a letter submitted by the arresting officer which described the remorse the Complainant had for his actions. Other letters outlined the actions the Complainant took in order to accept responsibility for his actions, which I found were particularly commendable. However, I do not find that these factors are directly relevant to whether RECA had the authority to disclose the Complainant's personal information under section 20(b), whether the disclosure was for reasonable purposes under section 19(1), and whether the extent of the disclosure was reasonable under section 19(2).

F. If the Organization did not have the authority to disclose the information without consent, did the Organization obtain the Complainant's consent in accordance with section 8 of the Act before disclosing the information?

[para 53] I have found that RECA had the authority to disclose the Complainant's personal information under section 20(b) of PIPA. I also found that the disclosure was for reasonable purposes under section 19(1) and that the extent of the disclosure was reasonable for meeting those purposes under section 19(2). As such, I will not address whether RECA obtained the Complainant's consent in accordance with section 8 prior to disclosing the information.

IV. ORDER

[para 54] I make the following order under section 52 of PIPA:

[para 55] I find that section 4(3)(k) of PIPA does not exclude the information at issue from PIPA.

[para 56] I find that RECA had the authority to disclose the Complainant's personal information under section 20(b) of PIPA. I also find that the disclosure was for reasonable purposes under section 19(1) of PIPA and that the extent of the disclosure was reasonable for meeting those purposes under section 19(2) of PIPA.

[para 57] I find that RECA's disclosure of the Complainant's personal information was not in contravention of PIPA.

Lisa McAmmond
Adjudicator