

ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER P2012-03

May 24, 2012

EAGLES NEST RANCH ASSOCIATION

Case File Number P1650

Office URL: www.oipc.ab.ca

Summary: The Complainant complained that Eagles Nest Ranch Association (the “Organization”) contravened the *Personal Information Protection Act* (the “Act”) when it required her to provide her son’s Alberta Health Care number in order to register him in summer camp. She also complained that the Organization did not have proper privacy policies, did not provide a copy when she asked to see the policies, did not have proper security measures to protect personal information, and kept personal information for an unreasonable length of time.

The Adjudicator found that the Organization, in requiring the Alberta Health Care number as a condition of registering the Complainant’s son in summer camp, required the Complainant to consent to the collection of personal information beyond what was necessary, contrary to section 7(2) of the Act. While the Organization might have to deal with a health-related matter involving a child, including an emergency, an Alberta Health Care number is not needed in order for someone to obtain a health service. Rather, the number is for the purpose of billing under the Alberta Health Care Insurance Plan.

The Adjudicator found that the Organization had complied with section 6(1) of the Act, as it had developed policies and practices that are reasonable for it to meet its obligations under the Act. However, the Adjudicator found that the Organization did not comply with section 6(3), as it had failed to provide written information about its policies and practices available to the Complainant when she requested it.

The Adjudicator found that the Organization had made reasonable security arrangements to protect personal information in its custody or under its control, as required by section 34 of the Act.

The Adjudicator found that the Organization had not complied with section 35 of the Act, as it had retained some of the personal information of the Complainant and her son for longer than reasonably required for legal or business purposes. While the Organization had already meant to destroy all of the personal information of the Complainant and her son, it appeared to have overlooked their mailing address. The Adjudicator therefore ordered the Organization to destroy all copies of the Complainant's mailing address in its custody or under its control, if it had not yet done so.

Statute Cited: AB: *Personal Information Protection Act*, S.A. 2003, c. P-6.5, ss. 2, 5(2), 5(3), 6(1), 6(2), 6(3), 7(2), 34, 35, 35(1), 35(2)(a), 52, 52(3)(a) and 52(3)(e).

Authorities Cited: AB: Orders P2006-008, P2009-013/P2009-014 and P2010-001.

Other Source Cited: Office of the Privacy Commissioner of Canada, Office of the Information and Privacy Commissioner of Alberta and Office of the Information and Privacy Commissioner of British Columbia, *Getting Accountability Right with a Privacy Management Program* (Ottawa, Edmonton and Victoria: released April 17, 2012).

I. BACKGROUND

[para 1] In a form dated July 26, 2010 and an attached letter dated July 20, 2010, the Complainant complained that Eagles Nest Ranch Association (the "Organization") contravened the *Personal Information Protection Act* (the "Act" or "PIPA") when it required her to provide her son's Alberta Health Care number in order to register him in a summer camp. She refused to provide her son's number, so did not proceed with his registration. The Complainant also complained that the Organization did not have proper privacy policies, and did not provide a copy of the policies when she asked to see them. Further, she complained that the Organization did not have proper security measures in place to protect personal information, such as the personal information of her son that she had already provided. Finally, she complained that the Organization was keeping personal information for too long.

[para 2] The former Commissioner authorized a portfolio officer to investigate and attempt to resolve the matter. This was not successful, and the Complainant requested an inquiry by correspondence dated July 26, 2011.

II. INFORMATION AT ISSUE

[para 3] The information at issue in this inquiry is the Alberta Health Care number of the Complainant's son, which the Complainant alleges that the Organization improperly tried to collect. The information at issue also consists of other personal information of the Complainant and her son – such as that initially collected on his camper registration

forms – which the Complainant alleges that the Organization failed to properly protect, and retained for an unreasonable length of time.

III. ISSUES

[para 4] The Notice of Inquiry, dated December 13, 2011, set out the following issues:

Did the Organization, as a condition of supplying a product or service, require the Complainant to consent to the collection of personal information beyond what is necessary to provide the product or service, contrary to section 7(2) of the Act?

Did the Organization comply with sections 6(1) and 6(3) of the Act (policies and practices)?

Did the Organization comply with section 34 of the Act (reasonable security arrangements)?

Did the Organization comply with section 35 of the Act (retention and destruction of information)?

IV. DISCUSSION OF ISSUES

A. Did the Organization, as a condition of supplying a product or service, require the Complainant to consent to the collection of personal information beyond what is necessary to provide the product or service, contrary to section 7(2) of the Act?

[para 5] Section 7(2) of PIPA reads as follows:

7(2) An organization shall not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information about an individual beyond what is necessary to provide the product or service.

[para 6] The Organization supplies a product or service in the form of a summer camp. When processing the registration of the Complainant's son in 2010, it required the Complainant to provide his Alberta Health Care number. The Complainant submitted a copy of the Organization's 2010 registration form, which includes a line requesting "Camper Health Care #". The Complainant explains that, during a telephone conversation with the Camp Director on July 17, 2010, he indicated that the Health Care number was required in case there is an emergency and an ambulance needs to be called. The Complainant argues that this is not necessary, as an ambulance can be dispatched in Alberta without providing an Alberta Health Care number.

[para 7] The Organization does not squarely address whether it properly required the Alberta Health Care number of the Complainant's son, as it has now decided not to

collect such numbers from camp registrants. It submitted a copy of its 2012 registration form, which does not include a line for a Health Care number.

[para 8] In deciding no longer to collect Alberta Health Care numbers, I take the Organization to be conceding that it improperly required the Complainant to provide her son's Health Care number in 2010. Considering this, and the Complainant's argument above, I find that the Organization required consent to the collection of personal information beyond what was necessary to provide a product or service, and therefore contravened section 7(2) of PIPA. It was not necessary for the Organization to collect Alberta Health Care numbers for the purpose of offering the summer camp, including for the purpose of dealing with a health matter or emergency.

[para 9] An ambulance dispatcher, emergency medical technician or other health care provider would not refuse to assist an individual because his or she did not provide, or even have, a Health Care number. An Alberta Health Care number is for the purpose of billing under the Alberta Health Care Insurance Plan. Even uninsured individuals can obtain health care, although they will have to pay for the service before or after it is provided. In short, if the Organization were to be faced with a health matter or emergency, it could seek and obtain assistance or treatment without the child's Alberta Health Care number. The health care provider would then follow up with the parent or guardian in order to obtain the child's Health Care number and/or arrange any necessary payment.

[para 10] In her initial submission, the Complainant indicated that a line for the camp registrant's Alberta Health Care number was still included on the Organization's registration form in 2011, and she asked that the Organization be required to remove that line entirely. With its initial submission in response, the Organization provided the 2012 registration form, which no longer includes a line requesting a Health Care number. Still, in her rebuttal submission, the Complainant asks for an order from this Office to ensure that the change remains permanent. She also notes that the Organization's registration form no longer includes an "immunizations up-to-date" line, and expects that to remain the case. In its rebuttal submission, the Organization says that it "understand[s] that a decision rendered by the OIPC is indeed an order to be complied with".

[para 11] Given that the Organization's registration form no longer includes a line requesting Alberta Health Care numbers, it is not strictly necessary for me to order the Organization to remove any line, or otherwise order it to stop trying to collect Alberta Health Care numbers. I will nonetheless make an order to that effect, given that the Complainant would like one and the Organization does not object. As for the information regarding immunizations, the Complainant did not raise a concern about this in her initial complaint or request for inquiry, and the parties made no submissions on whether or not information regarding the immunizations of camp registrants is necessary for the purpose of offering the summer camp. I will therefore not take jurisdiction over this aspect of the Complainant's concern, or make any related order.

B. Did the Organization comply with sections 6(1) and 6(3) of the Act (policies and practices)?

[para 12] Sections 6(1) and 6(3) of PIPA read as follows:

6(1) An organization must develop and follow policies and practices that are reasonable for the organization to meet its obligations under this Act.

...

(3) An organization must make written information about the policies and practices referred to in subsections (1) and (2) available on request.

[para 13] In deciding whether an organization has developed and followed policies and practices that are “reasonable” for it to meet its statutory obligations, section 2 of PIPA must also be borne in mind. It reads as follows:

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 14] The Complainant says that, during her telephone conversation with the Camp Director on June 17, 2010, he indicated that he created the Organization’s privacy policies. She says that when she asked to see the policies, the Camp Director replied that the Organization did not provide copies.

[para 15] With its inquiry submissions, the Organization included a copy of the *Eagles Nest Ranch Association Commitment to Privacy* and its *Policies regarding retention of documents*. The Organization says that these were adopted by its Board of Directors on January 30, 2012. The Organization did not provide copies of any policies as they might have existed in 2010, which is when the events giving rise to the Complainant’s complaint took place. However, the Complainant appears no longer to take issue with any policies or lack thereof in 2010, instead making her submissions in relation to the 2012 policies. As both parties agree to address the adequacy of the Organization’s policies from the standpoint of the present, I will do likewise. Indeed, it is more useful and productive to consider whether the Organization’s current, rather than past, policies satisfy the requirements of section 6(1).

[para 16] Still, in reference to the Organization's prior policies, I find that it did not comply with the section 6(3) of PIPA. The Organization does not dispute the Complainant's account of her telephone conversation with the Camp Director. When the Complainant requested written information about the Organization's policies, the Organization did not make that information available to her.

[para 17] Returning to the 2012 policies, the Complainant says that they are "a good start" but that they lack accountability and clarity. In determining whether the Organization's policies satisfy the requirements of section 6(1), I will limit my review to the concerns raised by the Complainant in her complaint, request for inquiry and initial round of inquiry submissions.

[para 18] The Complainant first submits that it is unclear who is responsible for keeping and changing computer passwords to protect electronic records, and unclear who retains the electronic records. The Organization responds that its Board of Directors has delegated much of the foregoing to an Assistant Administrator. Its *Policies regarding retention of documents* additionally indicate that the Organization's electronic records are accessible to the Camp Director, Registrar and Bookkeeper. The Organization has assigned functions regarding passwords and electronic records to appropriate persons.

[para 19] Second, the Complainant says that the Organization's policies do not address the training of staff with regard to their legal responsibilities. The Organization replies that it provides some training to its staff, but acknowledges that its seasonal volunteers may need more training, adding that it will look into improving this. While the written policies before me do not contain any information about training, the duty to develop reasonable policies and practices in order to meet obligations under PIPA does not necessarily require formally setting all of the policies and practices down in writing (Order P2010-001 at para. 14). The fact that the Organization has trained or intends to train its staff is sufficient. Having said this, a best practice would be for an organization to include information about PIPA-related training in written policies and practices.

[para 20] Third, the Complainant notes that only position titles, rather than names, are given to indicate who has certain responsibilities or authority set out in the policies. For instance, individuals may contact the "Privacy Officer" to review their personal information. However, it is perfectly reasonable for the Organization to identify individuals by position title, so as not to have to revise its policies when there are staff changes, for instance. If an individual like the Complainant wishes to know the name of, or be put in contact with, someone holding a particular position, he or she can simply ask.

[para 21] Fourth, the Complainant notes possible errors in a hard copy list of the Organization's Board of Directors, in that the list is not the same as one that she located online, a mailing address appears to be wrong, and the names may not be current. She also does not know what a line about directors being at arm's length with each other means. However, the Organization's records in respect of its Board of Directors have nothing to do with its policies and practices in order to meet its obligations under PIPA. It does not matter who the Directors are, whether they are correctly listed, or whether

they are at arm's length, in order for the Organization to meet its obligations, as contemplated by section 6(1). (A particular Director may have a concern about the accuracy of his or her personal information, but that is for the particular Director to pursue, not the Complainant.)

[para 22] Finally, the Complainant says that one of the Organization's Directors was not aware of her concerns when she contacted him in February 2012, and she therefore alleges a breakdown in communication between the Organization's administration (i.e., the Camp Director and Privacy Officer) and its Board of Directors. The Organization disputes this, saying that the Board was advised of the Complainant's complaint to this Office. In any event, the fact that members of an organization, including its directors or upper management, are not aware of a privacy complaint does not mean that the organization is failing to comply with PIPA. Section 5(3) requires only that an organization designate one or more individuals to be responsible for ensuring that the organization complies with the Act. In assigning responsibilities to various administrative staff, the Organization has properly designated individuals in this case.

[para 23] The Complainant notes that the Organization now allows electronic online registration in its camps, and that it uses the services of BrainRunner Inc., also known as CampBrain. She submitted a copy of the *BrainRunner Inc. Privacy Policy*. In her request for inquiry, she asked that this policy also be reviewed, although she sets out no specific concerns in her request for inquiry or her inquiry submissions.

[para 24] Under section 5(2) of PIPA, where an organization engages the services of another party, the organization is, with respect to those services, responsible for that party's compliance with this Act. However, in the absence of any expressed concerns on the part of the Complainant regarding the compliance of BrainRunner Inc. with the Act, I cannot review this aspect of the Complainant's complaint any further.

[para 25] Section 6(2) of PIPA states that, if an organization uses a service provider outside Canada to collect, use, disclose or store personal information for or on behalf of the organization, the organization's policies and practices must include certain information. I considered whether this section was relevant to this inquiry, but BrainRunner Inc. would appear to be a Canadian company.

[para 26] On my review of the concerns squarely raised by the Complainant in her complaint, request for inquiry and initial round of inquiry submissions, I conclude that the Organization has developed and follows policies and practices that are reasonable for it to meet its obligations under the Act, as required by section 6(1).

[para 27] Having said this, a different organization may be required to have more extensive policies, depending on its size and the amount and sensitivity of the personal information that it handles. Further, organizations are encouraged to write their policies and practices in as much detail as possible, so as to potentially raise the protection of personal information that they hold to a higher level than the bare minimum needed to meet legislative requirements: see Office of the Privacy Commissioner of Canada, Office

of the Information and Privacy Commissioner of Alberta and Office of the Information and Privacy Commissioner of British Columbia, *Getting Accountability Right with a Privacy Management Program*.

C. Did the Organization comply with section 34 of the Act (reasonable security arrangements)?

[para 28] Section 34 of PIPA reads as follows:

34 An organization must protect personal information that is in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction.

[para 29] With respect to section 34 of PIPA, an organization has the burden of proving that it made reasonable security arrangements to protect the personal information that is in its custody or under its control, as it is in the best position to provide evidence of the steps that it has taken (Orders P2009-013/ P2009-014 at para. 109). To be in compliance with section 34, an organization is required to guard against reasonably foreseeable risks; it must implement deliberate, prudent and functional measures that demonstrate that it considered and mitigated such risks; the nature of the safeguards and measures required to be undertaken will vary according to the sensitivity of the personal information (Order P2006-008 at para. 99).

[para 30] The Complainant says that, during a telephone conversation on June 22, 2010, she asked a question about how personal information was stored by the Organization, and the Camp Director replied only that it was “carefully” stored. The Complainant has concerns about the security arrangements made by the Organization with respect to paper copies of information, information in any computer databases or hard drives, who has access to the foregoing, who is responsible for shredding paper material, and how electronic information is disposed of.

[para 31] As with the Organization’s development of policies and practices under section 6(1), the parties appear to be content to address the Organization’s security arrangements as they exist now, rather than as they might have existed in 2010.

[para 32] The Organization’s *Policies regarding retention of documents* indicate that hard copies of camper registration forms are kept in a locked drawer during the week and filed in a secure room at the end of the week. The same policy states that electronic records are kept on a secure computer, and the *Eagles Nest Ranch Association Commitment to Privacy* states that all computers are password protected. The retention policy further indicates that paper and electronic records are accessible to the Camp Director, Registrar and Bookkeeper, presumably meaning them only. As for the shredding of paper material, the retention policy indicates that this is done in the presence of two individuals from among a specified group.

[para 33] Because neither the Organization's retention policy nor its submissions indicated how it disposes of electronic information, I requested additional information by letter dated April 30, 2012. In response, the Organization explains that it deletes electronic information from databases located on its computer hard drives, and that it wipes clean or destroys the CDs and DVDs on which it stores information by way of backup. It destroys the CDs and DVDs by breaking them into pieces or scratching them so that they are unreadable.

[para 34] In her initial complaint, the Complainant queried whether the Organization keeps copies of the personal information that it collects at both its office in Medicine Hat and at the Eagles Nest Ranch campsite. Given the information conveyed by the Organization, it appears that the Organization keeps the hard copy of each camper registration form at one of those locations, and scans another copy to be retained electronically. In any event, the Organization has explained that it keeps the hard copies in a locked drawer or secure room, and that only certain authorized individuals have access to both the hard and electronic copies of the forms that contain the personal information of camp registrants and their parents.

[para 35] On my review of the Complainant's concerns regarding the Organization's duty to protect personal information, as set out in her complaint, request for inquiry and initial round of submissions, I am satisfied that the Organization has made reasonable security arrangements to protect personal information in its custody or under its control. It limits who has access to personal information, and it properly destroys personal information, both that in hard copy and in electronic form, so as to avoid unauthorized collection, use, disclosure, copying, modification, disposal or destruction. I conclude that the Organization has complied with section 34 of PIPA.

D. Did the Organization comply with section 35 of the Act (retention and destruction of information)?

[para 36] Section 35 of PIPA reads, in part, as follows:

35(1) An organization may retain personal information only for as long as the organization reasonably requires the personal information for legal or business purposes.

(2) Within a reasonable period of time after an organization no longer reasonably requires personal information for legal or business purposes, the organization must

(a) destroy the records containing the personal information, or

(b) render the personal information non-identifying so that it can no longer be used to identify an individual.

[para 37] Although the Organization decided not to register the Complainant's son in summer camp when she refused to provide his Alberta Health Care number, she had already completed and provided a 2010 registration form and cheque for payment. The Complainant says that, during her telephone conversation with the Camp Director on June 22, 2010, he indicated that he could return the cheque but not the registration form, as the Organization needed it for its files. The Complainant writes that, in an earlier conversation on June 17, 2010, the Camp Director told her that the Organization kept personal information for five years and then shredded it. The Organization does not dispute the Complainant's account.

[para 38] The Complainant further indicates that she successfully registered her son in the Organization's camp in the summer of 2009, meaning that it collected a registration form from the Complainant and her son at that time as well.

[para 39] In a letter dated July 21, 2011, the Organization's Privacy Officer advised the Complainant that the Organization had deleted, at her request, all references to any member of her family from its databases. The Privacy Officer further wrote: "We have shredded all camper registration forms from previous years and this includes 2009 but I am including your son's original registration form from 2010". I am not sure whether this means that the 2010 registration form of the Complainant's son was included for shredding or included with the letter, but in any event, the form was either destroyed or returned.

[para 40] While the Organization's practice, in 2010, was apparently to keep personal information for five years, it retained the personal information of the Complainant's son, as found on his 2010 registration form, for approximately one year between the time that it collected the form and the time that it destroyed the form or returned it to the Complainant in July 2011. As for the personal information of the Complainant's son collected by the Organization in 2009, the Organization retained the 2009 registration form for up to approximately two years.

[para 41] The Organization's *Policies regarding retention of documents* indicate that hard copies of camper registration forms are now shredded or burned by September 30 following the end of the particular summer, as September 30 is the end of the Organization's fiscal year. It would therefore appear that the Organization considers itself to require the hard copies of the registration forms, for legal or business purposes, only for up to approximately four months. As the Organization retained the hard copies of the 2009 and 2010 registration forms of the Complainant's son for one to two years, I find that it retained the personal information, as found on the hard copies of those forms, for longer than reasonably required under section 35(1) of PIPA.

[para 42] The letter of July 21, 2011 from the Organization's Privacy Officer to the Complainant noted that references to the Complainant's family had been deleted from the Organization's databases. In my letter of April 30, 2012, I asked the parties to tell me what specific information about the Complainant's family had been stored electronically and deleted. The Organization responded that it consisted of the name of the

Complainant's son, his date of birth, mailing address, emergency contact information, payment information and other information initially collected on the hard copy of the camper registration form, which information was then also stored electronically (i.e., presumably scanned).

[para 43] The Complainant notes that she continues to receive brochures advertising upcoming camps offered by the Organization, so she suspects that the Organization still has her mailing address. As the Complainant continues to receive promotional material from the Organization, I presume that the Organization has retained and continues to use her mailing address. This retention of the Complainant's mailing address is despite the fact that the Organization intended to delete or destroy all of the personal information of the Complainant and her son around July 2011. Given that the Organization does not take the position that it must retain the Complainant's mailing address or any other personal information of the Complainant and her son for any purpose, I find that, in addition to retaining the hard copies of the Complainant's son's registration forms for longer than reasonably required for legal or business purposes, the Organization has retained the Complainant's mailing address for longer than reasonably required.

[para 44] Because the Organization retained the hard copies of the Complainant's son's registration forms as well as the Complainant and her son's mailing address for longer than reasonably required, I conclude that the Organization did not comply with section 35 of PIPA.

[para 45] Section 35(2)(a) requires an organization to destroy personal information within a reasonable period of time after it is no longer reasonably required for legal or business purposes. Here, the Organization has effectively indicated that it no longer requires any of the personal information of the Complainant or her son, yet it appears to have retained their mailing address. I will therefore order the Organization to destroy all copies of the mailing address, if it has not already done so.

[para 46] The Organization explains that it keeps the electronic copies of the camper registration forms for between two and seven years because they may be required for income tax or GST purposes. The Organization refers to the fact that the Canada Revenue Agency can conduct an audit going back seven years, and that the registration forms confirm the Organization's sources of income. Given that the Organization has deleted all of the personal information of the Complainant and her family from its electronic databases, I see no point in deciding whether the Organization retained the electronically stored personal information of the Complainant and her family for longer than reasonably required for business or legal purposes. Further, I am not in a position, based on the information presented to me by the parties, to decide what records the Canada Revenue Agency would or would not want to review for the purpose of an audit. In other words, while the Organization decided to delete or destroy all of the personal information that it possessed in relation to the Complainant and her son, this Order will not address whether section 35(1) of PIPA authorizes that Organization to be retaining the electronic copies of its camper registration forms in relation to other individuals.

[para 47] The question of how much personal information an organization reasonably requires for the purpose of an audit by the Canada Revenue Agency is better left for a different inquiry or investigation, where the particular organization continues to retain the personal information of the particular complainant and/or the particular complainant has squarely raised a concern about the organization's general practice of retaining personal information for the purpose of a tax audit. Here, the Complainant's concerns about the Organization's retention and destruction of personal information were vaguely stated, even after I asked her to elaborate further to my letter of April 30, 2012. In response to my question, she essentially repeated her concerns about where the Organization keeps personal information, who has access to it and how it is destroyed, which concerns I have already addressed.

[para 48] While the Complainant also raised a number of other issues in response to my letter of April 30, 2012, I decline to address them in this Order. This is because the issues are unrelated to the question that I posed about the retention and destruction of the Organization's electronic records; the issues were not previously raised by the Complainant in her complaint, request for inquiry or initial round of inquiry submissions; and/or the issues do not relate to the Complainant's own personal information or that of her son. With the possible exception of the Complainant and her son's mailing address, the Organization has already destroyed all of their personal information, both in paper and electronic form. In this inquiry, I have addressed the matters that directly pertain to the Complainant and her son. To summarize, I have found that the Organization improperly required the Complainant to consent to the collection of her son's Alberta Health Care number; that it did not provide written information about its policies and practices to the Complainant on her request; that it retained some of the personal information of the Complainant and her son for longer than reasonably required; and that it has made reasonable security arrangements to protect the personal information collected on its camper registration forms, which is the same personal information that was collected from the Complainant and her son.

V. ORDER

[para 49] I make this Order under section 52 of PIPA.

[para 50] I find that the Organization, as a condition of supplying a product or service, required the Complainant to consent to the collection of personal information beyond what was necessary to provide the product or service, contrary to section 7(2) of PIPA. Under section 52(3)(e), I order the Organization to stop collecting the Alberta Health Care numbers of individuals who register in its camps.

[para 51] I find that the Organization has complied with section 6(1) of PIPA, as it has developed and follows policies and practices that are reasonable for it to meet its obligations under the Act. Under section 52(3)(a), I confirm that the Organization has performed its duty under section 6(1).

[para 52] I find that the Organization did not comply with section 6(3) of PIPA, as it failed to provide written information about its policies and practices available to the Complainant when she requested it. However, it is unnecessary for me to order the Organization to perform its duty, under section 52(3)(a), as it has now provided the Complainant with a copy of its written policies and practices.

[para 53] I find that the Organization has made reasonable security arrangements to protect personal information in its custody or control, as required by section 34 of PIPA.

[para 54] I find that the Organization did not comply with section 35 of PIPA, as it retained some of the personal information of the Complainant and her son for longer than reasonably required for legal or business purposes. It already meant to destroy all of the personal information of the Complainant and her son. However, under section 52(3)(a), I order the Organization to comply with its duty under section 35(2)(a) by destroying all copies of the Complainant and her son's mailing address in its custody or under its control, if it has not yet done so.

[para 55] I further order the Organization to notify me and the Complainant, in writing, within 50 days of receiving a copy of this Order that it has complied with the Order.

Wade Riordan Raaflaub
Adjudicator