

COMPLAINT INVESTIGATION REPORT

TRAX FILE 1407

SEPTEMBER 18, 1998

INTRODUCTION

The Office of the Information and Privacy Commissioner received a complaint regarding an alleged breach of privacy by Alberta Health. The applicant believed that their income tax assessment was provided to a third party by Alberta Health without consent. A file was opened pursuant to section 51(2)(e) of the *Freedom of Information and Protection of Privacy Act* (the Act).

The applicant requested our office to investigate and determine if there was a breach of privacy in contravention of section 38 (Disclosure of Personal Information) of the Act.

INVESTIGATION

After receiving the complaint the Portfolio Officer assigned to the file discussed the issues with the applicant to ensure that the facts were clear. I then contacted the public body and arranged a meeting to discuss the issues. During my meeting I requested copies of the public bodies' agreement with Equifax as well as the policies and procedures used in collection of arrears. A chronology of the facts was also requested as well as a summary of the information contained in Alberta Health's file on the applicant.

The public body provided me with the following materials and information:

1. December 1997 agreement between the Minister of Health and Equifax Canada Inc.
2. Blank form AHC 391, which is an application for premium subsidy.
3. Pages 30 and 31 which identify the data elements provided to collection agents when an overdue account is assigned.
4. A written summary of the file.
5. A chronology of the file.
6. Copies of pertinent documents submitted to Alberta Health.

DISCUSSION

The agreement between Alberta Health and Equifax and the data elements provided to them indicate that Alberta Health does not provide them with Income Tax information. The collection agency contacts the debtor to discuss the overdue account. During that discussion, possible qualification for premium subsidy or waiver is discussed. The agent could do a quick income test over the phone to see if the debtor is within or close to the limits of possible subsidy/waiver. If so then the agent would send the debtor an application form to complete, sign and return with a Revenue Canada Notice of Assessment. The form sent to the debtor would be stamped by the agent to identify which agent was handling the account and their return address. The debtor would be asked to return the form directly to the agent who would then forward it to Alberta Health.

If the debtor objects to sending the form back to the agent, they may send it directly to Alberta Health whose address is pre-printed on the form. If the debtor send the form directly to Alberta Health, the agent is not provided with any of the information. The agent is only notified that the outstanding amount has been reduced by Alberta Health if this is the case. There are approximately 80,000 accounts sent to collections each year.

Upon reviewing the microfilmed application form for subsidy completed by the applicant on May 16, 1997, it was stamped by the agent indicating that it was sent to the agent. The dates indicate that it was first received by the agent on May 21, 1997 and subsequently sent to Alberta Health on May 22. The 1995 Notice of Assessment documents on the file are identified as fax copies sent by J.P. Vleeming Prof. Corp. to Equifax on May 14, 1997. Equifax maintains an electronic note system to log events and notes regarding the collection process. The log indicates that on May 14 the applicant's accountant, from J.P. Vleeming Prof. Corp. called to discuss the applicant's possible qualification for subsidy. The notes further record that the accountant faxed the Notice of Assessments for 1993, 1994 and 1995 to Equifax on that same day.

It should be noted that in the agreement between Alberta Health and Equifax all matters coming to their attention must be kept confidential. All employees

of Equifax who have access to the information must swear an Oath of Secrecy and all information collected by Equifax reverts back to Alberta Health upon termination of the agreement. Equifax must also protect the personal information in their custody and are prohibited from using it for any other purpose other than those specified in the agreement.

CONCLUSION

Based on the information gathered during the investigation and a review of the pertinent documents, it is my view that there was no breach of privacy by Alberta Health in this matter. I believe it is clear that the Income Tax information referred to by the applicant was provided to Equifax by the accountant acting on behalf of the applicant and not by Alberta Health.

RECOMMENDATIONS

It is my recommendation that this report be forwarded to both the applicant and the public body and that the file be closed with no further action being taken.

Respectfully submitted by,

Tom Thackeray
Portfolio Officer