

ALBERTA INFORMATION AND PRIVACY COMMISSIONER

Report on the Investigation into Complaint Regarding the Disclosure of Personal Information by a Public Body

December 16, 1998

Workers' Compensation Board

Investigation #1511

The Complaint

On November 18, 1998, the Office of the Information and Privacy Commissioner received a letter from two Complainants concerning the disclosure of personal information by the Workers' Compensation Board (the "WCB"). The Complainants indicated their complaint is similar to Investigation #1403.

Background

The Complainants are part of a group of workers who submitted similar claims for compensation to the Claimant Services Department of WCB in 1995. All claimants were employed with the same Employer. The Claimant Services Department denied the Complainants' WCB claims.

The Complainants filed a lawsuit against the Employer and other parties alleging negligence and breach of contract in 1996. In addition, the Complainants appealed the denial of their WCB claims to the Claims Services Review Committee of WCB (the "CSRC"). The civil proceedings were placed in abeyance until the Complainants' appeals have been completed by WCB.

An oral hearing was conducted by the CSRC in August 1997. Parties named as defendants in the Complainants' Statement of Claim were invited by the CSRC to attend the hearing as "interested parties". The CSRC issued its decision denying the Complainants' appeals in December 1997.

Issue

The Complainants claimed that WCB breached their privacy by disclosing information relating to their WCB claims, including correspondence and medical information, to parties named as defendants by the Complainant in a civil law suit. Therefore, the issue is:

Did WCB disclose personal information in violation of Part 2 of the Freedom of Information and Protection of Privacy Act?

Investigation Findings

On December 2, 1998, the findings and recommendations on Investigation #1403 were publicly released in Investigation Report 98-IR-005. As with Investigation #1403, the following findings apply to this complaint:

1. The CSRC disclosed personal information about the Complainants to defendants;
2. The information disclosed by the CSRC to the defendant is “personal information” in accordance with section 1(1)(n) of the FOIP Act; and
3. WCB did not have authority to disclose the Complainant’s personal information under its own legislation and it did not meet the requirements of section 38(1) of the FOIP Act.

The above findings are addressed fully in Investigation Report 98-IR-005.

Conclusion

I find that WCB disclosed personal information in violation of Part 2 of the *Freedom of Information and Protection of Privacy Act*.

The recommendations noted in Investigation Report 98-IR-005 can be applied to this complaint. These recommendations have been accepted by the WCB.

Submitted by:

Marylin Mun
Portfolio Officer