

**ALBERTA**  
**INFORMATION AND PRIVACY COMMISSIONER**

**INVESTIGATION REPORT  
2000-IR-002**

**July 07, 2000**

**Calgary Police Commission**

Investigation Number #1844

This matter has now been resolved based  
on the recommendations provided in this Investigation Report.

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Robert C. Clark  
Information and Privacy Commissioner

**ALBERTA**

**INFORMATION AND PRIVACY COMMISSIONER**

**Report on the Investigation into a Complaint about  
a Breach of Privacy, contrary to Part II of the  
*Freedom of Information and Protection of Privacy Act***

**July 06, 2000**

**Calgary Police Commission**

**Case Number 1844**

**I. The Complaint**

[para. 1] A complaint letter was received by the Office of the Information and Privacy Commissioner, dated March 7, 2000, written by the President of the Calgary Police Association (the “Association”) on behalf of the nine-member Board of the Association (the Complainants). The Complainants alleged that their privacy had been violated as a result of a letter sent to their private residences by a member of the Calgary Police Commission (the “Commission”), who is also a city Alderman (the “Alderman”). The complaint letter stated:

*On or about February 7, 2000, our entire nine-member board of the Calgary Police Association received correspondence from [the Alderman], a City of Calgary Alderman and member of the Calgary Police Commission. The correspondence was mailed in an envelope to the respective dwelling addresses of the members. The letter was signed [the Alderman], Alderman, Ward [#].*

*For obvious reasons, the addresses of our Board members – all [of] whom are sworn police officers – are unlisted and known only to the Calgary Police Service. We believe that this highly confidential and personal information, which was disclosed by a public body to a third party [the Alderman], has compromised the (officer) safety of our Board members.*

*Accordingly, we kindly ask that you review this matter.*

**II. Background**

[para. 2] In December of 1999, the Association held an election for members to hold positions on the Board of the Association (the “Board”). During the election, some members discussed the issue of parallel investigations. These are investigations that are carried out by the police association, using private investigators, to determine the background, activities and motivation of

people who complained about police. There was also discussion about the police association becoming actively involved in assisting the election of politicians who support the police and conversely, publicly campaigning against those who are perceived to be anti-police. Another discussion centred around the public support campaign recently started but discontinued by the Toronto Police Association in which stickers were purchased by supporters of the police and displayed on their vehicles.

[para. 3] All of these issues are controversial and have received a great deal of attention in the media. They are controversial not only within the community, but within the policing community as well. Members of the policing community are as divided on these issues as the larger community they serve. It is these issues that prompted the Alderman to write a letter to individual members of the Board.

[para. 4] The Office of the Information and Privacy Commissioner first became aware of this incident on March 1, 2000 when the Executive Director (and FOIP Coordinator) of the Commission called our office and indicated she may have unintentionally breached the privacy of the executive members of the Calgary Police Association by giving a list of their names and home addresses to a member of the Police Commission, who is also a City of Calgary Alderman. The Executive Director indicated the list had been supplied to the Alderman so that a letter could be sent to the residences of the Police Association Executive.

[para. 5] This privacy complaint became an issue in the Calgary media prior to the receipt of the complaint letter by the Office of the Information and Privacy Commissioner. The office had three media inquiries prior to receiving the complaint. A story about the complaint ran in the Calgary Herald the morning of March 7, 2000. The complaint was faxed on that date at 11:40 am. A complaint file was opened pursuant to section 51(2)(e) of the *Freedom of Information and Protection of Privacy Act* (the FOIP Act). Because the key parties involved have felt comfortable enough to identify themselves in the media, I have taken less care than usual in protecting the identity of parties in preparing this report. It would be my normal practice not to identify the complainant(s) and other key participants by position or by the organization they represent. In this case, I also believe that the positions of the parties and the organizations they represent are relevant to this investigation.

### **III. The Investigation**

[para. 6] I interviewed the Executive Director of the Commission, the Alderman and the Complainants (in that order). At each interview, I collected copies of relevant records. Where necessary, I asked for and received subsequent documentation. Following are summaries of the interviews and relevant documentation:

#### A. The Executive Director of the Calgary Police Commission.

[para. 7] The Executive Director indicated that subsequent to the election of members to the Board, the Commission requested a list of the successful candidates so they could update their records regarding the holders of the various positions on the Board. The Executive Director

indicated that it appears there were actually two requests for the information as a result of a delay in receiving the list. This resulted in the receipt of two lists. The first list received contained only the names and positions of the Association Board. The second list was faxed to the Commission by the Association on January 21, 2000. It was titled: CPA Board & Staff Addresses, Updated January 13, 2000 (the “List”). The List included the position that the board members held with the Association and their current assigned work area within the Calgary Police Service. Home addresses along with work, home, and cell phone numbers and, where applicable, pager numbers. The list did not include the rank that each member holds with the Calgary Police Service.

[para. 8] The Executive Director indicated that they had not previously been in possession of this information. Previously, the Commission was only in possession of the names of the members and position held on the Board. The List was recognized as containing potentially sensitive personal information and it was stamped “CONFIDENTIAL” by the Commission staff. The first list, containing only names and positions, was distributed to all members of the Police Commission. The List was not distributed.

[para. 9] The Executive Director remembers a conversation with the Alderman in the early part of February 2000. As a result of the issues surrounding political support or campaigning by Police Association Members, the Alderman apparently wanted to send a letter to each of the Board members regarding their individual positions on these issues. The Alderman asked if the Executive Director had a list of home addresses for the Board members. When asked why the Alderman did not send the letters to the Association office, the Executive Director remembers being told that the Alderman had concerns that letters sent to the office may not make it to individual members.

[para. 10] I asked the Executive Director if she would have given the list to an Alderman who was not a member of the Commission and she indicated that she would not. She indicated she became concerned about a possible FOIP Act breach when she became aware that members of the Police Association were upset with the letter being sent to their homes. Once her concern was raised, she contacted the Office of the Information and Privacy Commissioner to report the incident.

## B. The Alderman

[para. 11] The Alderman indicated she was concerned about the issues of parallel investigations and the police actively supporting or opposing politicians. She wanted to get the individual opinions of members of the Board on these issues. The Alderman was also concerned that a letter sent to the Association President or individual letters sent to the Association office, would not necessarily reach all of the members of the Board. Consequently, she approached the Executive Director of the Commission to determine if a list of home addresses was available. After some discussion about the merits of sending the letters to the association office, a photocopy of the List, was supplied by the Executive Director to the Alderman.

[para. 12] The Alderman indicated she had some concerns about the privacy of the recipients and therefore, made a conscious decision to have the letters sent by courier rather than through

the mail. She specifically instructed her Executive Assistant to have the letters sent by courier. When asked why she had not opted to send the letters to the Calgary Police Service rather than to individual's homes, the Alderman indicated the letters did not relate to their employment with the police service but rather with their positions with the Association.

[para. 13] The Alderman indicated she also made a decision to send the letters on her aldermanic letterhead because she was not sending the letters on behalf of the Commission. The Alderman sent copies of the letter to other members of the Commission and to the Minister of Justice. The Alderman acknowledged that the issue of parallel investigations had been discussed by the Commission but she still had concerns about the issue and wanted to poll individual members of the Board for their views.

[para. 14] The letters in question were addressed as follows:

Name of individual  
Position (with the Police Assoc.)  
Calgary Police Association  
Home Address  
City, Province, Postal Code

[para. 15] I was told that all letters are addressed in this fashion. Specifically, they include the individual's position and the organization they represent. I asked if it was common practice to send letters to people's residences and the Alderman indicated she had specifically done so in this case to ensure the individuals on the Board received them. The Alderman added that she often receives work-related correspondence addressed to her residence.

[para. 16] I specifically asked about the Alderman's role as a member of the Commission. I was informed that she sits as a member of the Commission as a representative of City Council. Therefore, her role on the Commission is directly related to her role as Alderman.

### C. The Complainants

[para. 17] I met with the nine Complainants collectively. I then offered to meet with any of them individually if they wished to discuss anything privately. None of the Complainants requested a private meeting.

[para. 18] Collectively, the Complainants expressed a view that sending a letter to their residences, which identified them as members of the Association, was a potential danger to their individual safety and their families. Consequently, they felt it was a serious breach of their privacy. They indicated this was their primary concern and that they would not have been offended by the questions raised in the letter had it been sent to them at the association office.

[para. 19] We had a discussion about the issue of officer safety. Incidents at residences as a result of someone finding out that a police officer resided there are not common, however some examples were cited.

[para. 20] There was concern raised that the Alderman had written the letter as an Alderman and not as a member of the Police Commission. There was some indication that some felt this also constituted a breach of privacy because the Alderman should not be entitled to this information.

[para. 21] I asked whether the fact that the letters had been delivered by courier gave them any comfort. It was quickly pointed out the letters had in fact been mailed. I received several examples of the envelopes, which showed clearly the letters had been run through a mail meter and automated mail-sorting equipment. Of the Complainants who were not in possession of their envelopes, several were certain that Canada Post had delivered the letter as they appeared in their "Super Mailboxes." I told them that I would look into this matter further.

[para. 22] By the time of my meeting with the Complainants, they already were aware that the list had come from their own office and not from the Calgary Police Service as first suspected. They indicated that they had a new staff member who had made an honest mistake in sending the wrong list to the police commission. They indicated that they really did not mind that the Commission had the list. They felt however, that it should not be used to send them correspondence at their homes.

#### D. Subsequent Investigation

[para. 23] I contacted the Alderman and informed her that the letters had clearly been sent through the mail and not delivered by courier as she had indicated. I invited her to supply me with an explanation.

[para. 24] I received a letter from the Alderman's Executive Assistant, dated March 16, 2000, indicating that she had specifically directed that the letters in question be sent via courier. She left the letters in the appropriate location with instructions that they be sent by courier. She did not conduct a follow-up to confirm that her instructions had been carried out as she felt this would be unnecessary.

[para. 25] I also received a letter, dated March 16, 2000, from the Manager of Aldermanic Services, which quoted the following:

- *It is standard practice of this office for aldermanic secretaries to record name, address and title information as received from aldermen or assistants for the purposes of compiling mailing lists.*
- *In my twelve years of service in this position, I have never before had a concern or complaint that an item which an alderman or assistant requested be couriered was in fact mailed. The choice of means of delivery is not a matter of discretion for our receptionists, who are charged with responsibility for distributing outgoing mail and courier items.*
- *Despite the absence of previous concerns or complaints of this nature, we will implement a practice of providing to the sender a copy of the bill of lading for each*

*couriered item effective March 20, 2000. This will provide an easy means for the sender to confirm that their courier requests have been properly dealt with.*

## **IV. Discussion**

### A. Is Address Information Personal Information?

[para. 26] Personal information is defined in section 1(1)(n) of the FOIP Act, which states:

*1(1)(n) “personal information” means recorded information about an identifiable individual, including*

- (i) the individual’s name, home or business address or home or business telephone number,*
- (ii) the individual’s race, national or ethnic origin, colour or religious or political beliefs or associations,*
- (iii) the individual’s age, sex, marital status or family status,*
- (iv) an identifying number, symbol or other particular assigned to the individual,*
- (v) the individual’s fingerprints, blood type or inheritable characteristics,*
- (vi) information about the individual’s health or health care history, including information about a physical or mental disability,*
- (vii) information about the individual’s educational, financial, employment or criminal history, including criminal records were a pardon has been given,*
- (viii) anyone else’s opinion about the individual, and*
- (ix) the individual’s personal views or opinions, except if they are about someone else;*

[para. 27] It is quite clear that an individual’s name and home address are included in the definition of personal information. So also, is business address. What is not clear however, is whether an individual’s title or their affiliation with an employer or in this case, the Association, is personal information. These two pieces of information do not specifically fit within the definition of personal information. However, the word *including* after *recorded information about an identifiable individual* could be interpreted to mean that the list that follows is not an exhaustive list. Under such interpretation, the position and employer or organization could be considered personal information when it appears with the name of an identifiable individual. It is worthy of note however, that the Legislature did not see fit to specifically include this item.

[para. 28] It is reasonable to conclude that the information used to address the envelopes is personal information as defined by the FOIP Act.

B. Would the Use of Personal Information to Address Correspondence be an Unreasonable Invasion of Privacy?

[para. 29] To address a letter to an individual, it is necessary to use personal information as defined in section 1 of the FOIP Act. However, it would be absurd to conclude that simply addressing a letter would be an unreasonable invasion of privacy and therefore a breach of the FOIP Act. If such a conclusion were reached, it would be impossible for public bodies to correspond with their clients or employees. Likewise, it would be impossible to address letters to individuals at their place of employment. This was clearly not the intent of the FOIP Act.

[par. 30] In this situation, the Complainants were upset because the letters were sent to their home addresses and included their individual position with the Association. Their argument is that as a result of the method used in addressing the correspondence, their personal safety and that of their families was jeopardized because someone could conclude that they are police officers and direct harm towards them at their residences.

[para. 31] Having personally been a police officer for twenty-six years, I find the argument of harm to be exaggerated. It is certainly possible that someone who did not already know about their status as police officers could gain the information off of a letter. It is also possible that the person gaining this information may be involved, or have contact with, some form of organized crime. It is also possible that the person delivering the letter could have some evil purpose in mind. It is highly unlikely that all of the necessary conditions would be present for an actual event to happen.

[para. 32] Everyone in a neighborhood already knows that a police officer lives among them. This type of information spreads quickly. It can originate from the police officer themselves or from their children, who tend to brag about the fact that one or both of their parents have this profession. Police officers often stop at home in marked police units which are parked in the driveway. Some wear their uniforms back and forth to work or when attending court. The opportunities for information about a police officer's identity to become known are limitless. My point is that being a police officer is a very public experience.

[para. 33] Officer safety and privacy are very similar issues. Once privacy is lost, it is hard to get it back. Likewise with officer safety. It is also important to note that different people are comfortable with different levels of privacy and safety. As a police officer, my name, address and phone number appeared in the phone book. I did not experience a problem. However, many people are not comfortable taking that chance. Individual comfort levels with privacy and officer safety should be respected, where possible.

[para. 34] In this case, the Alderman had several options in addressing her letter to the members of the Board. Sending the correspondence to the Association Officer would be the most logical option. The Alderman indicated she was not comfortable with sending the letters to the Association office because she had concerns about the letter reaching each individual. She also

indicated she believed it would be improper to send the letters to the individuals addressed at the Calgary Police Service. This only left the option of sending the letters to the home addresses of the individuals.

[para. 35] The Alderman indicated it was her office's normal practice to include an individual's position and the organization they represent when addressing correspondence. I would agree that this is normal protocol for addressing business correspondence. However, I question the need when sending correspondence to a residence. A letter addressed to a name and address without the additional title an organization would still reach its intended destination.

[para. 36] Using personal information to address correspondence is not an unreasonable invasion of privacy. However, the least invasive method should be used. Business mail should be sent to an individual's business address whenever possible. When it is necessary to send correspondence to a residence, title and organization represented should be omitted.

[para. 37] During the investigation, the method of delivery became an issue. The Alderman pointed out that she had specifically requested that the correspondence be sent by courier rather than mail. It was argued that this method is more secure than the mail. It was later determined that the correspondence was actually mailed. This matter as it relates to accountability of the process has been addressed by the Office of the Aldermen. From a privacy perspective, it does not matter how the letter is transported. The issue is whether too much information is used in addressing the letter, not whether one method is more private than the other. Consequently, the same care should be exercised no matter what mode of transport is selected.

### C. Was the Information Properly Collected by the Public Body?

[para. 38] Collection of personal information is set out in section 32 of the FOIP Act, which states:

- 32 *No personal information may be collected by or for a public body unless*
- (a) the collection of that information is expressly authorized by or under an Act of Alberta or Canada,*
  - (b) that information is collected for the purposes of law enforcement, or*
  - (c) that information relates directly to and is necessary for an operating program or activity of the public body.*

[para. 39] In this case, the Commission asked the Association for a list of members and the position they held on the Board. As a result, two different lists were sent by the Association. One contained the information requested and the other, the List, contained home addresses and phone numbers of the members of the Board as well as administrative employees of the Association.

[para. 40] In Order 98-002, the Commissioner stated that collection includes the receipt of unsolicited information. During this investigation the Executive Director stated that this was the first time the List had been supplied and it was recognized that it contained more information than the Commission required. Consequently, it was stamped “CONFIDENTIAL.”

[para.41] The Commission did not have specific authority to collect the information contained in the List and this information was not necessary for an operating program or activity of the Commission. All Board members could be reached through the business address of the Association. Therefore, the List should have been returned to the Association.

[para. 42] Since this investigation has concluded that the Commission did not have authority to collect the information contained in the List, it is not necessary to determine if the information was used for a purpose which was consistent with its collection.

[para. 43] The Complainants expressed concern that their personal information had been given to the Alderman and that her correspondence had been written in her role as Alderman, not as a Commission member. I am satisfied that part of the Alderman’s role is to be City Council’s representative on the Commission. The Alderman would not be a member of the Commission without being an Alderman. Consequently, it is difficult to separate the two roles. It is also reasonable to conclude that in either role, she has a right and responsibility to raise her concern about the issues contained in her letter. Conversely, it would be unreasonable to argue that the Complainants have no right to raise the officer safety issue because the Alderman wrote to them in their role as Association Board members and not police officers.

## **IV. Investigative Findings**

[para. 44] The findings of this investigation can be summarized as follows:

1. Use of personal information for the purpose of addressing correspondence is not an unreasonable breach of privacy.
2. Business correspondence should be sent to business addresses, where possible. When this is not possible, title and organization represented should be deleted.
3. The Commission was not authorized to collect the home addresses and phone numbers of members of the Board and the administrative personnel of the Association, as contained on the List.
4. The List was supplied to the Commission by the Association. The List contained personal information about Board members and administrative staff of the Association which was not requested by the Commission.

## **V. Concluding Comments**

[para. 45] This complaint addressed some valid privacy concerns. However it is difficult not to come to the conclusion that the true issues go far beyond the scope of the FOIP Act or the jurisdiction of this office. If the larger issues were not present, it would have been far more expedient for the Association to ask the Alderman and the Commission to address further correspondence in a different fashion. For this approach to be successful, however, all parties have to be open to such a process. This report addresses the privacy issues. It cannot address the larger concerns.

## **VI. Recommendations**

[para 46] As a result of this investigation, it is recommended:

1. That the Alderman return her copy of the List to the Executive Director of the Calgary Police Commission and that all references be removed from administrative data bases within the Office of the Aldermen.
2. That the Alderman address further correspondence to the members of the Board to the business office of the Calgary Police Association
3. That the Executive Director of the Calgary Police Commission return the original and any copies of the List, including the copy received from the Alderman, to the Calgary Police Association.
4. That the Calgary Police Commission adopt a practice of returning personal information that is received without specific authorization or for which a specific request has not been made.
5. That the Calgary Police Commission and the Office of the Aldermen adopt a practice of omitting the title and organization represented when addressing correspondence to a residence.
6. That the Calgary Police Association consider reviewing controls on the personal information it has in its possession. (NOTE: The Calgary Police Association is not a public body under the FOIP Act. Therefore, this recommendation is offered for their consideration only).

Dave Bell

Portfolio Officer