

ALBERTA INFORMATION AND PRIVACY COMMISSIONER

Report on Investigation into Complaint Regarding Disclosure of Personal Information

April 23, 2002

Greater St. Albert Catholic Schools

Investigation #2356

I. THE COMPLAINT

[para 1] On January 30, 2002, the Office of the Information and Privacy Commissioner received a complaint against the Greater St. Albert Catholic Schools ("the School District") that personal information had been disclosed in contravention of the *Freedom of Information and Protection of Privacy Act* ("the FOIP Act").

[para 2] The St. Albert Minor Hockey Association ("SAMHA") claimed that the School District disclosed information from student records to SAMHA coaches, in particular student attendance information. SAMHA questioned the School District's authority to disclose student information to the hockey teams and asked that this Office review this matter.

II. RSA 2000

[para 3] On January 1, 2002, the Revised Statutes of Alberta 2000 came into force. Although this did not result in substantive changes to the FOIP Act, various sections of the FOIP Act have been renumbered. This report will refer to both the new and previous section numbers.

III. THE COMMISSIONER'S AUTHORITY TO INVESTIGATE

[para 4] This investigation was conducted pursuant to section 53(2)(e) [previously section 51(2)(e)] of the FOIP Act, which reads:

53(2) Without limiting subsection (1), the Commissioner may investigate and attempt to resolve complaints that

(e) personal information has been collected, used or disclosed by a public body in contravention of Part 2.

IV. ISSUE

[para 5] The issue of this investigation is:

Did the School District disclose personal information in contravention of Part 2 of the FOIP Act?

V. INVESTIGATION FINDINGS AND ANALYSIS

1. Was information disclosed?

[para 6] The School District acknowledged that one of the schools under its jurisdiction (“the School”) did disclose the attendance records of two students to a hockey team manager (“the Team Manager”). The School District said that the disclosure was an one-time incident and that no other disclosures of this nature were made by any of the other schools under its jurisdiction.

[para 7] A copy of the School’s attendance policy was provided to me. The School said its policy is printed in the students’ agendas. The relevant portions reads:

“...once students are registered in school they are expected to attend classes regularly (refer to section 7 of the Alberta School Act)[as a result of RSA 2000, section 7 has been renumbered to section 12] ...As regular attendance is both a parent and student responsibility, we require that all students inform their teachers of absences, in advance, whenever possible. Parents are asked to verify all absences by note or phone call to the school. Parents will be contacted about their son’s /daughter’s attendance...”

[para 8] The School’s practice is to telephone the student’s parents or guardian the day following an absence that has not been excused.

[para 9] The School said two of its students who played on a SAMHA hockey team were from out of town and were billeted at the same private residence. The billet volunteer was listed as the contact person on the students’ school records.

[para 10] The School said it telephoned the billet volunteer in accordance with its attendance policy to advise that the students had been absent. The billet volunteer then communicated this information to the Team Manager.

[para 11] After the billet volunteer had received a number of telephone calls from the School regarding the students’ absences, the Team Manager went to the School and asked for a copy of the students’ attendance records. The School disclosed this information to the Team Manager.

2. Was the information disclosed “personal information”?

[para 12] Part 2 of the FOIP Act sets out the parameters under which a public body may collect, use or disclose personal information. In order for the provisions of Part 2 of the FOIP Act to apply, the information at issue must be “personal information”

[para 13] Under section 1(n) of the FOIP Act [previously section 1(1)(n)], “personal information” is defined as “recorded information about an identifiable individual”.

[para 14] I find that the information disclosed by the School to the Team Manager is the students’ personal information and is subject to the disclosure provisions set out in Part 2 of the FOIP Act.

3. Was the School's disclosure to the Team Manager authorized under section 40(1) of the FOIP Act?

[para 15] The School District said it reviewed this matter, independent of this Office's investigation, and had determined that the disclosure to the Team Manager was not in accordance with the FOIP Act.

[para 16] The School District acknowledged that the disclosure was an error in judgement and said it has taken steps to ensure that such a disclosure does not recur.

[para 17] I agree with the School District's decision that the disclosure to the Team Manger did not fall under any of the disclosure provisions set out in section 40(1) of the FOIP Act. In my view, the School District's disclosure was influenced by the fact that the Team Manager was known to the School District. Therefore, I conclude that the disclosure to the Team Manager is in contravention of Part 2 of the FOIP Act. Having said this, I commend the School District for its objective review and initiative in addressing this matter.

VI. CLOSING COMMENTS

[para 18] In summary, I find that the School's disclosure to the Team Manager did not fall under the disclosure provisions and is therefore in contravention of Part 2 of the FOIP Act. However, as the School District has addressed this matter, no further action is warranted.

[para 19] I believe this investigation has addressed those issues that are relevant to the FOIP Act and that are within this Office's jurisdiction. Therefore, this case is now closed.

Submitted by,

Marylin Mun
Team Leader, FOIP