

**ALBERTA
INFORMATION AND PRIVACY COMMISSIONER**

Report on Investigation into the Use of Personal Information

April 27, 2005

Edmonton Police Service

Investigation #3210
Investigation Report F2005 - IR - 001

I. INTRODUCTION

[1] In a newspaper in early February 2005, it was alleged that member(s) of the Edmonton Police Service ("the EPS") inappropriately used EPS information systems in relation to a member of the Edmonton Police Commission and a member of the media for an improper purpose.

[2] In response to these allegations, the Commissioner initiated an investigation on February 3, 2005. The investigation is on the Commissioner's own motion under section 53(1)(a) of the *Freedom of Information and Protection of Privacy Act* ("the FOIP Act"), which authorizes the Commissioner to conduct investigations to ensure compliance with any provision of the FOIP Act.

II. ISSUE

[3] The issue of this investigation is:

Did EPS use personal information in contravention of Part 2 of the FOIP Act?

III. FINDINGS AND ANALYSIS

A. General

[4] This investigation involved the review of the Investigative Report prepared by the EPS and the Calgary Police Service's analysis and conclusions with respect to the above allegations. This investigation report was prepared by the Calgary Police Service. At issue were allegations that 14 employees of EPS had breached the FOIP Act and EPS Policy and Procedure. The internal EPS investigation report found that members of the EPS and a civilian employee improperly accessed the Canadian Police Information Center (CPIC) database with respect to two individuals. There was no law enforcement purpose behind accessing information about these individuals. The Commissioner's investigation included a complete review of all interviews conducted by the Calgary Police Service and EPS.

B. What is the information at issue?

[5] The information at issue is personal information contained in the CPIC database which includes information such as name, address, date of birth, personal description of the individual etc. and whether certain members of the EPS used this information for an improper purpose .

[6] Section 1(n) of the FOIP Act defines “personal information” as “recorded information about an identifiable individual”. I find that the information at issue is “personal information” as defined by the FOIP Act and is therefore subject to the provisions of the FOIP Act.

C. Is the use of personal information in accordance with the FOIP Act?

[7] Section 39 of the FOIP Act sets out the circumstances under which a public body may use personal information. Section 39(1)(a) of the FOIP Act states:

39(1) A public body may use personal information only

(a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose,

[8] The information in the EPS information systems including CPIC is collected for the purposes of law enforcement. Based on my review of the EPS investigation report, I find that, in this instance, the information in the EPS information systems was not accessed or used for a law enforcement purpose. Therefore, it is my opinion that in this instance member(s) of the EPS, including a civilian employee, accessed and used personal information in contravention of section 39(1)(a) of the FOIP Act.

[9] In addition to the FOIP Act, EPS has a policy regarding use of EPS information systems. The EPS policy states that access to EPS information systems comes with a strict requirement to guard the confidentiality of the information. Further that all access, input, inquiry and use of the information systems including CPIC must be police related and not for personal reasons.

IV. RECOMMENDATIONS

[10] I recommend the following actions be taken by the EPS:

- i) That EPS reminds its members, both sworn and civilian members, of their obligations under the FOIP Act and the EPS Policy.
- ii) That disciplinary action be taken against the EPS member(s) who used personal information in contravention of section 39(1) of the FOIP Act.

- iii) That EPS conduct spot audits on its information systems to ensure the information on the systems is used for law enforcement purposes.

V. CLOSING COMMENTS

[11] Media coverage of these events has raised the issue of independent investigation of allegations of police wrongdoings. I am aware that the Solicitor General of Alberta is reviewing this matter. Accordingly I make no recommendations in this regard.

[12] I find that member(s) of the EPS did use personal information as contained in the EPS information systems in contravention of Part 2 of the FOIP Act. As the EPS is addressing this matter by taking disciplinary actions against those involved, no further action is warranted by this Office.

Submitted by,

Frank Borsato
Portfolio Officer