

**ALBERTA  
INFORMATION AND PRIVACY COMMISSIONER**

**Report on Investigation into Complaint  
Regarding the Use of Personal Information**

**July 19, 2005**

**Southern Alberta Institute of Technology  
(Investigation #3089)**

**Investigation Report F2005-IR-004**

**I. INTRODUCTION**

[1] The Commissioner received a privacy complaint against the Southern Alberta Institute of Technology (“the Public Body”) on the following matters:

- The documentation required by the Public Body to support a name change; and
- The Public Body’s use of personal information to search its database.

[2] In response to the complaint, the Commissioner authorized an investigation. Section 53(2)(e) of the *Freedom of Information and Protection of Privacy Act* (“the FOIP Act”) allows the Commissioner to investigate complaints regarding the collection, use or disclosure of personal information by public bodies.

**II. BACKGROUND**

[3] The Complainant had registered on-line for a course with the Public Body. A registration confirmation and receipt was subsequently issued by the Public Body. The confirmation and receipt was in the Complainant’s previous last name although the Complainant said “...*I did not provide my previous name or the fact that I use to take courses there...*”.

[4] The Complainant requested a name change from the Public Body and a new receipt in the Complainant’s current last name. The Public Body asked the Complainant to provide a marriage certificate and divorce papers as supporting documentation for the name change.

[5] The Complainant offered to provide other documents such as a passport, driver's license or birth certificate. The Public Body refused to accept the documents offered by the Complainant.

### III. COMPLAINANT'S ISSUES

[6] The Complainant's issues are:

- That the Public Body refused to accept other documents for a name change.

The Complainant says the divorce papers do not indicate the change in the Complainant's last name and the Complainant no longer had a copy of the marriage certificate.

- That the Public Body should treat the Complainant as a "new student".

The Complainant says the previous courses are not relevant to the Complainant's current courses or career.

- That the Public Body used personal information in contravention of the FOIP Act.

The Complainant believes the Public Body used the Complainant's birth date or social insurance number ("SIN") to search its database in order to find and link the current registration information with the previous last name. The Complainant says the Public Body should not use the SIN for this purpose.

### IV. INVESTIGATION FINDINGS AND RECOMMENDATIONS

#### Issue A: Documentation Required for a Name Change

[7] Independent of this Office's investigation, the Public Body conducted a "best practice check" of its sister institutions regarding documentation required to support a name change.

[8] As a result of its review, the Public Body decided to change its processes to accept a passport as one of the supporting documents for a name change. The Public Body also adjusted the Complainant's records and issued a new receipt with the Complainant's current last name.

[9] Since the Complainant was satisfied with the Public Body's actions in relation to the name change, no further action is warranted by this Office on this matter.

### **Issue B: New Student Status**

[10] The issue whether the Complainant should or should not be considered a "new student" by the Public Body is not a matter over which the Commissioner has jurisdiction. There are no provisions in the FOIP Act that govern such a matter. Therefore, this Office has no authority to review or comment on this matter.

### **Issue C: Did the Public Body use personal information in contravention of the FOIP Act?**

#### ***Was the Complainant's SIN used?***

[11] The Complainant questioned how the Public Body linked the current registration information with the Complainant's previous last name.

[12] The Public Body says it conducted an analysis of the data history in relation to the Complainant's registration and concluded that the previous last name, birth date and the SIN were originally entered by the Complainant. The Public Body said the Complainant's entry of the SIN in the on-line registration would have revealed an existing student record in the previous last name.

#### ***What are the provisions set out in the FOIP Act regarding use of personal information?***

[13] Section 39(1)(a) of the FOIP Act allows a public body to use personal information for the purpose for which the information was collected or compiled or for a use consistent with that purpose.

[14] Under section 41 of the FOIP Act, a use is "consistent" if it meets the following criteria:

- The use has a reasonable and direct connection to the purpose for which the information was collected or compiled; and
- The use is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body.

#### ***What is the purpose for the Public Body's collection of the SIN?***

[15] The Public Body says it collects a student's SIN for income tax purposes and for identification purposes.

[16] The Public Body states the *Income Tax Act* requires educational institutes to report education credits on T2202A forms and that these forms must contain a student's SIN, just as a T4 form must contain an employee's SIN. Therefore, the Public Body is required to collect a student's SIN to issue tax forms for that student to receive education credits or when reporting income (such as student awards or financial assistance).

[17] The Public Body says the establishment and maintenance of student records is a necessary requirement in its delivery of educational programs and services. The student record is a permanent record of a student's academic history with the Public Body. The student record is also used to confirm course, certificate or diploma eligibility.

[18] The Public Body establishes one student record per student. Each student record contains three identifiers to minimize the risk of record mix-ups, such as updating the wrong student record. A student may provide their SIN as one of the identifiers. The Public Body said the provision of the SIN as an identifier is optional not mandatory.

[19] The Public Body is authorized to collect the SIN from a student under section 33(c) of the FOIP Act for income tax purposes. Section 33(c) allows a public body to collect personal information that relates directly to and is necessary for an operating program or activity of the public body.

[20] Section 33(c) of the FOIP Act also allows the Public Body to collect personal information for identification purposes. The SIN is an identification option for a student. Therefore, the Public Body's collection of the SIN provided by students for identification purposes would be under section 33(c) of the FOIP Act.

***Did the Public Body use the SIN for the purpose for which the information was collected or for a use consistent with that purpose?***

[21] The Public Body said a search of its database is standard practice to avoid the creation of duplicate student records and to ensure it is updating the correct student record.

[22] Using the SIN as an identifier for student records is one of the purposes for which that information was collected by the Public Body. Therefore, the use is allowed under section 39(1)(a) of the FOIP Act. As the information was used for the purpose for which it was collected, it is not necessary to review section 41 of the FOIP Act for consistent purpose.

## V. CONCLUSION

[23] It is mandatory for students to provide their SIN to the Public Body for income tax reporting purposes. It is optional for students to provide their SIN to the Public Body for identification purposes. The SIN is retained in the student records for the Public Body's use for income tax reporting and for identification. Therefore, the Public Body's use of the Complainant's SIN as one of the identifiers in the student record is allowed under section 39(1)(a) of the FOIP Act. This case can now be closed.

Submitted by,

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