

# ALBERTA INFORMATION AND PRIVACY COMMISSIONER

Report on Investigation into Complaint  
Regarding the Use of Personal Information

February 24, 2006

Edmonton Police Service  
(Investigation #3440)

Investigation Report F2006-IR-001

## I. INTRODUCTION

[1] The Commissioner received a privacy complaint against the Edmonton Police Service ("the EPS"). The Complainant said EPS queried the Complainant's name on its databases in 2000 and 2005. The Complainant wrote:

*"...I would like to know why Edmonton Police ran my name on "CPIC" and "Probe" checks. Was this part of a legitimate police investigation, or was it for other reasons..."*

[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. INVESTIGATION FINDINGS

### General Information

[3] PROBE is an EPS internal information system. CPIC (Canadian Police Information Centre) is a national law enforcement database that is separate from PROBE. A few EPS members have direct access to the CPIC database. However, the majority of EPS members can only access CPIC through PROBE.

[4] When an EPS member logs into PROBE and conducts a name query, the system defaults to include a query on the CPIC database. Therefore, the audit logs will show a query on PROBE and a query on CPIC, whether or not the CPIC data was actually accessed.

### Queries Made in 2000

[5] On February 2000, three queries were made on the Complainant's name within a four second span.

[6] The employee who queried the Complainant's name did not recall the queries or the specifics of the queries. EPS says its audit logs show the queries were conducted at the request of an investigator. The investigator has since retired from the EPS.

[7] The first query was made on the basis of a name only. The subsequent queries included a name and a date of birth.

[8] EPS says a query on a name would result in a listing of individuals with the same or similar name as the one entered. Additional information such as a case file number, age, date of birth, etc. may be available from the listing. A member may take information from the name query results and conduct a new query, which would be "logged" as another query on the audit logs.

[9] Given that the first query was on a name only and the subsequent queries were made within four seconds, it would seem that the EPS was searching for an individual. Since other individuals may have the same or similar first and last name as the Complainant, there is a possibility that the Complainant may not have been the intended subject of the query.

[10] In the absence of any other evidence, this Office can make no further findings in relation to the queries made in 2000.

#### Query Made in 2005

[11] An officer queried the Complainant's name in February 2005. The officer said the query was made after hearing the Complainant's newscast on the radio at 10:00 p.m. The newscast was about an incident at the courthouse that day.

[12] The officer had observed a disturbance involving some individuals at the courthouse that day and wondered whether that incident was the same incident reported by the Complainant. After hearing the Complainant's name at the end of the newscast, the officer entered the name and an approximate age based on the individuals the officer saw. The officer said the query was made to identify whether the Complainant could be a party or a possible witness to the incident the officer observed.

[13] The EPS audit logs confirms the officer made the query at 10:02 p.m. The audit logs also confirm the officer entered the Complainant's name and an approximate age for the query.

[14] Section 39(1)(a) of the Freedom of Information and Protection of Privacy Act ("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 the purpose...

[15] Information in PROBE and CPIC is collected for the purposes of law enforcement. Therefore, using personal information in PROBE and CPIC for law enforcement purposes would be in accordance with section 39(1)(a) of the FOIP Act.

[16] The officer says there are no notes in relation to the query. The investigation did not receive any notes or documentation in relation to the incident observed by the officer. Since there is no evidence to substantiate the query was for a law enforcement purpose, this Office finds that the officer's query on the Complainant's name was not in accordance with section 39(1)(a) of the FOIP Act.

### III. CONCLUDING COMMENTS

[17] EPS has recently amended its rules for accessing police information systems, including CPIC. The amendments provide clarification to EPS members as to what are appropriate or inappropriate queries. The amendments also reinforce to EPS members that all access, queries and use of EPS information systems, including CPIC, must be for a law enforcement purpose. The EPS says it continues to ensure that appropriate measures are in place to monitor and safeguard its information systems against unauthorized access, collection, use, disclosure or destruction.

[18] This investigation has addressed those matters that are under this Office's jurisdiction. Therefore, I recommend that this case now be closed.

Submitted by,

Marilyn Mun  
Director,  
Freedom of Information and Privacy