

ALBERTA
INFORMATION AND PRIVACY COMMISSIONER

Report on Investigation Regarding Disclosure of Personal Information

November 2, 2006

**Alberta Solicitor General and Public Security
(Investigation #F3802)**

Investigation Report F2006-IR-0003

I. INTRODUCTION

[1] On August 25, 2006, the Commissioner received notification from Alberta Solicitor General and Public Security (“the Public Body”) regarding the loss of a file containing information about an inmate of the Fort McMurray Correctional Camp (the Inmate).

[2] The Commissioner decided to initiate an investigation on his own motion under section 53(1)(a) of the *Freedom of Information and Protection of Privacy Act* (“the FOIP Act”). Section 53(1)(a) of the FOIP Act authorizes the Commissioner to conduct investigations to ensure compliance with any provision of the FOIP Act.

[3] The Commissioner authorized me to investigate this matter. This report outlines the findings and analysis of my investigation.

II. INFORMATION AT ISSUE

[4] The lost file is the medical file of the Inmate who had been transferred from the Fort Saskatchewan Correctional Centre to the Fort McMurray Correctional Camp in late June and subsequently released in mid July. The file contained medical information as well as the Inmate’s name, birth date, weight, sex and photo.

III. APPLICATION OF THE *Freedom of Information and Protection of Privacy Act*

[5] The FOIP Act places a duty on public bodies to protect personal information against such risks as unauthorized access, collection, use and disclosure (section 38 of the FOIP Act).

[6] Alberta Solicitor General and Public Security is a public body subject to the FOIP Act.

[7] The investigation conducted by the Commissioner's Office included meetings and interviews with representatives from the Public Body.

III. CHRONONOLGY OF EVENTS

[8] On July 21, 2006, a Public Body employee ("the Employee") departed the Fort McMurray Correctional Camp to deliver a number of envelopes which he believes or it is believed contained inmate files and gas receipts. A tracking list detailing the contents of the envelopes was not created and the Employee has no recollection of what was in the envelopes.

[9] The Employee stopped at a service station in the town of Grassland to use the restroom. Upon returning to the vehicle the Employee observed the envelopes were opened and the vehicle gas card was missing. The vehicle showed no forced entry indicating that the vehicle had not been locked when the Employee left the vehicle.

[10] The Employee arrived at the Fort Saskatchewan Correctional Centre and delivered the envelopes to the mail room. No confirmation receipt of the contents of the envelopes was generated.

[11] The Employee determined that only the gas card was missing and reported the loss to the Fort Saskatchewan Correctional Centre business manager. The business manager contacted the department of Restructuring and Government Efficiency to request that the card be cancelled. The matter was not reported to the Police.

[12] On August 24, 2006, the Public Body's Communications Department was contacted by Global Television who advised they were in possession of a file which had been found in a apartment building in downtown Edmonton. Global Television subsequently forwarded the file to the Commissioner's Office. I was unable to determine how the file got from the car in Grassland to the apartment building.

[13] During the investigation, a cross reference check was conducted of the individuals who had been transferred to the Fort McMurray Correctional Camp with the original files at the Fort Saskatchewan Correctional Centre. This check found that only one original file was lost which was the Inmate's file.

IV. FINDINGS

[14] This investigation found the following.

1. No tracking of the Inmate files occurred between the Fort McMurray Correctional Camp and the Fort Saskatchewan Correctional Centre.

[15] The Fort Saskatchewan Correctional Centre Operating procedure 4.05.46 requires that all inmate files be returned to the Centre by courier should an offender be released on Temporary Absence or complete his sentence. In this case, this procedure was not followed. The Employee did not use the courier service but transported the files in his vehicle.

2. No tracking of the delivery and receipt of Inmate files occurred between the Fort McMurray Correctional Camp and the Fort Saskatchewan Correctional Centre.

[16] There was an established process to track the delivery and receipt of inmate files. This Employee did not utilize the government courier to transport files back from the work site and did not create a tracking list.

V. CONCLUSIONS AND RECOMMENDATIONS

[17] The investigation concludes that the Public Body did not make reasonable security arrangements to protect personal information as required under section 38 of the FOIP Act. The Public Body bears the responsibility for the loss of the Inmate's medical file by its employee.

[18] We recommend that:

- The Public Body enforces the use of the Alberta Government courier system when an inmate is released from a provincial institution and the inmate's case and medical files are being returned to the parent centre.
- The Fort Saskatchewan Correctional Centre Operating procedure 4.05.46 be revised to state all couriered files are to be registered utilizing a specific "registration" form.

- The movement of inmate files or personal documentation should be clearly documented on a separate sheet which will indicate the inmate's name, identification number, and the contents of the file or personal documents. All such inventory lists are to be signed by the staff who prepare the documents and by the staff who receive them.
- The Public Body staff be advised on proper reporting requirements for the loss of Government property and that the Public Body prepare a policy on a overall privacy framework which includes reporting of privacy breaches in a timely way.
- Staff should be trained with respect to these procedures and the importance of following them.

[19] This case is now closed.

Submitted by,

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Portfolio Officer