

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER F2009-011

September 8, 2009

**CALGARY AND AREA
CHILD AND FAMILY SERVICES AUTHORITY**

Case File Number F4065

Office URL: www.oipc.ab.ca

Summary: The Complainant provided information to the Calgary and Area Child and Family Services Authority (the “Public Body”) in the course of its investigation into alleged domestic violence involving third parties and the possible need for child intervention. The Public Body conceded that it disclosed the Complainant’s personal information, in contravention of the *Freedom of Information and Protection of Privacy Act* (the “Act”), when it revealed her identity in the course of legal proceedings involving the third parties.

Following the Complainant’s complaint to the Office of the Information and Privacy Commissioner, an Adjudicator ordered the Public Body to stop disclosing the Complainant’s personal information in contravention of the Act.

Statutes Cited: **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1(n)(i), 40, 72 and 72(3)(e); *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12.

Authorities Cited: **AB:** Order F2007-019.

I. BACKGROUND

[para 1] The Complainant provided information to the Calgary and Area Child and Family Services Authority (the “Public Body”) about a matter in which her friend and her friend’s children were apparently being threatened by the friend’s husband. The Public Body was investigating the alleged domestic violence and possible need for child intervention under the *Child, Youth and Family Enhancement Act*.

[para 2] In correspondence dated April 11, 2007, the Complainant wrote to this Office, complaining that the Public Body improperly revealed her identity to her friend’s husband, in contravention of the *Freedom of Information and Protection of Privacy Act* (the “Act”).

[para 3] Mediation between the Complainant and the Public Body was authorized but was not successful. The matter was therefore set down for a written inquiry.

II. RECORDS AT ISSUE

[para 4] As this inquiry does not involve a request to access information, there are no records at issue.

III. ISSUE

[para 5] The Notice of Inquiry, dated July 7, 2009, set out the issue of whether the Public Body disclosed the Complainant’s personal information in contravention of Part 2 of the Act.

IV. DISCUSSION OF ISSUE

[para 6] Under Part 2 of the Act, a public body may disclose an individual’s personal information if one or more of the purposes or circumstances set out in section 40 is present. If a complainant points to evidence that his or her personal information has been disclosed by a public body, the public body then has the onus to establish that its disclosure of the personal information was authorized under the Act (Order F2007-019 at para. 9).

[para 7] In her original complaint to this Office, the Complainant indicates that her friend contacted the Public Body about a matter involving the friend’s husband and children. Subsequently, the Complainant telephoned the Public Body to provide information because she had learned about threats being made against her friend by her friend’s husband. She states that she asked the Public Body not to reveal to her friend or her friend’s husband that she had called, but that she later found out that her name had been disclosed to the lawyer for her friend’s husband, and therefore to her friend’s husband. The Complainant did not make any submissions during the inquiry itself. This Office confirmed that she received the Notice of Inquiry and a subsequent piece of correspondence, as she signed for them.

[para 8] The Complainant's name is her personal information under section 1(n)(i) of the Act.

[para 9] The Public Body abandons an argument that it apparently made previously, and instead concedes that it disclosed the Complainant's personal information in contravention of Part 2 of the Act. It explains that the Complainant's name was in a document that the Public Body sent to the lawyer for the Complainant's friend, in order for the lawyer to prepare an affidavit in an application to extend an emergency protection order that had been granted by the court. The Public Body believed that the Complainant's identifying information would be protected and not actually disclosed in the emergency protection proceedings, and that the information in the document would be used only for those proceedings. However, a copy of the document later fell into the possession of the lawyer for the friend's husband in the course of a custody and access dispute. The Public Body states that its disclosure of the Complainant's personal information was unintentional and in error.

[para 10] In conceding that it disclosed the Complainant's personal information in contravention of Part 2 of the Act, the Public Body does not attempt to justify its disclosure under section 40. I find that the disclosure was in contravention of the Act.

V. ORDER

[para 11] I make this Order under section 72 of the Act.

[para 12] I find that the Public Body disclosed the Complainant's personal information in contravention of Part 2 of the Act. Under section 72(3)(e), I order the Public Body to stop disclosing the Complainant's personal information in contravention of Part 2.

Wade Riordan Raaflaub
Adjudicator