

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER P2009-008

February 22, 2009

COLLEGE OF ALBERTA PSYCHOLOGISTS

Case File Number P0353

Office URL: www.oipc.ab.ca

Summary: An individual made a request to the College of Psychologists for the response the psychologist had provided to the College to a complaint the individual had made to the College about the psychologist.

The Adjudicator found that the College properly withheld the information under both section 24(2)(c) (information collected for an investigation or legal proceeding) and 24(3)(b) (information that would reveal personal information about another individual).

Statutes Cited: **AB:** *Personal Information Protection Act* S.A. 2003, c. P-6.5, ss. 1(k), 24, 24(1), 24(2), 24(2)(c), 24(3), 24(3)(b), 24(3)(c), 24(4), 50(5), 52.

Orders Cited: **AB:** F2004-026, P2006-004, P2007-002.

Court Cases Cited: **AB:** *S.D.K. v. Alberta* [2002] ABQB 61; *Kellogg Brown and Root v. Alberta (Information and Privacy Commissioner)* [2007] A.J. No. 896.

I. BACKGROUND

[para 1] By letter dated July 8, 2005, the Applicant made a request to the College of Alberta Psychologists (the College) for all information the College had received from the psychologist during the course of its investigations of the Applicant's complaints against the psychologist, including the psychologist's written response to the complaints,

as well as a copy of the complete file the psychologist had created during the working relationship. The College responded on July 14, denying access to the information on the basis of sections 24(2)(c) and 24(3)(b) of the *Personal Information Protection Act* (“PIPA” or “the Act”).

[para 2] By letter dated November 18, 2005, the Applicant wrote to this office stating that she had requested her personal information from her psychologist (and that her psychologist had refused to provide it to her), that she had requested the same personal information from the College, and that the College had refused to allow her access to the information. She said she needed “complete transparency from both [the psychologist] and CAP”. By letter dated January 16, 2006, the Commissioner notified the Applicant that this matter would be investigated.

[para 3] Mediation efforts were undertaken with respect to the requests for access to information from both organizations, and continued for some time, but mediation was not successful, and the matters were both set for inquiry.

[para 4] On April 4, 2007, counsel for the Applicant wrote to the Commissioner to request an oral inquiry in both this matter and the related matter, (file P0552, dealing with the information request to the psychologist). The letter also asked that both matters be joined or held contemporaneously.

[para 5] On April 13, 2007, I wrote to counsel for the Applicant asking for information as to why it would be important to hold an oral hearing. In view of the fact that the two files were closely related, I also acceded to the request that they be joined or held contemporaneously.

[para 6] On September 17, 2007, counsel for the College wrote to this office indicating that she was confused as to the status of the matter, as she had been provided with correspondence from this office which raised a question as to whether the inquiry would be held. She stated her position, with reasons, as to why this inquiry should not go forward.

[para 7] On October 17, 2007, the Commissioner notified the College of his decision that the inquiry would go forward and advised that his reasons for this decision would issue in due course. The Commissioner’s reasons were provided to the parties at a later date (at the same time as I provided my decision to the parties on whether I had lost jurisdiction in this matter due to an alleged failure to meet the timelines in the Act (discussed below).

[para 8] On December 17, 2007 I issued a decision on whether the inquiry would be held in written or oral form. I asked the parties to provide written submissions initially, and decided that if an oral hearing appeared to be called for thereafter, I would hear additional evidence or arguments in oral form at a later time.

[para 9] The Notice of Inquiry in this matter was issued on April 14, 2008. On April 25, 2008, counsel for the College wrote to this office indicating that it was the position of the College that the Commissioner had lost jurisdiction to proceed with this matter in light of the Commissioner's failure to comply with section 50(5) of PIPA, in accordance with the decision of the Alberta Court of Queen's Bench in *Kellogg Brown and Root v. Alberta (Information and Privacy Commissioner)* [2007] A.J. No. 896. Counsel asked that this issue be added as an additional issue in the present matter.

[para 10] On December 17, 2008, I issued my decision that I had not lost jurisdiction in this case, and asked that the parties provide submissions on the substantive issues in this inquiry. The College filed an application for judicial review of this decision, but agreed that it would not proceed on this application until the case had been decided on its merits. Accordingly, this matter proceeded.

[para 11] Initial submissions and rebuttal submissions were provided by both the Applicant and the respondent Organization (the College).

II. RECORDS AT ISSUE

[para 12] The records at issue consist of the psychologist's response to the College of Alberta Psychologists regarding the Applicant's complaint about her. They are described in the College's submissions as including the following: cover letters; the psychologist's curriculum vitae; intake form; case notes; correspondence; academic publications; peer supervision notes; [...] notes [of the Psychologist's phone contact with specified government offices in British Columbia and Alberta].

III. ISSUES

[para 13] The Issue as stated in the Notice of inquiry was as follows:

Must the Organization disclose to the Applicant the information that it withheld? In the present circumstances, it appears that answers to the questions that follow will determine this issue. (However, the parties may raise any other factual or legal point they regard as relevant.)

Issue A: Is the information in the records withheld by the Organization, or any of it, the Applicant's personal information? (Applicants are entitled to request and to have access to only their own personal information. Section 1(k) of the Act defines "personal information".)

Issue B: If the Organization withheld the Applicant's personal information, did it do so in accordance with section 24(2) (discretionary grounds for refusal) or with section 24(3) (mandatory grounds for refusal)? In particular,

- i. **Did the Organization properly apply section 24(2)(c) (information collected for an investigation or legal proceeding) to certain requested records or parts thereof?**
- ii. **Does section 24(3)(b) (information revealing personal information about another individual) apply to certain requested records or parts thereof?**
- iii. **Does section 24(3)(c) (information revealing identity of a person who provided opinion in confidence) apply to certain requested records or parts thereof?**

Issue C: If section 24(3)(b) or 24(3)(c) apply to the information or parts of it, is the Organization reasonably able to sever the information to which these sections apply, and provide the remaining personal information of the Applicant, as required by section 24(4)?

[para 14] The Applicant raises a number of additional issues in her submission: that the College refused to correct her personal information (at para 72); that it improperly disclosed her personal information (at para 58); and that it failed in its duty to assist her. I have not considered these issues, as they were not part of the request for review, and were not included in the Notice of Inquiry. The Act permits me to conduct inquiries only relative to matters under review that are not resolved.

[para 15] As well, in her rebuttal submission (at para 25), the Applicant says that documents in the possession of the College that the College generated itself, for example, submissions to the Discipline Committee, and additional notes or records of an investigator, are at issue in this inquiry. No reference is made to the dates of these records, but this inquiry relates only to records that were in existence at the time of the access request (July 8, 2005), regarding which the request for review was brought to this office. One of the individuals referred to was, according to the affidavit of the Applicant, not retained by the College until after June, 2006. I cannot consider access requests in this inquiry made after the request for review in this matter was made to this office.

[para 16] As well, I have no jurisdiction to consider whether the College contravened the *Psychology Profession Act* when it allegedly failed to give the Applicant a copy of an investigation report.

IV. DISCUSSION OF THE ISSUES

Issue A: Is the information in the records withheld by the Organization, or any of it, the Applicant's personal information?

[para 17] The information that the Applicant requested from the College relates to the Applicant's complaints to the College about the psychologist's treatment of the Applicant and related actions of the psychologist. It consists of the correspondence

between the College and the psychologist about that complaint, including the psychologist's response to the College relating to the complaint and attached materials.

[para 18] I begin by noting that the College appears to list the records in its possession that relate to the complaint as "the records at issue", but argues that some of these records are unresponsive to the Applicant's request because they do not contain her personal information.

[para 19] I also note that in making its submission to the Commissioner in support of its position that this inquiry should not be held, the College argued that the Commissioner had (in Order P2006-004) already decided the question of whether information about a complaint made by an individual about another individual who was acting in a professional capacity is personal information of the complainant. In that order, the Commissioner concluded that much of the information relating to such complaints (against lawyers) was not the personal information of the person making them, and that a request for access to the records relating to the complaints was not a request for personal information under PIPA.

[para 20] It is equally true for this case that the Applicant could make a request under PIPA only for information that is her own personal information, and that the College was obliged by PIPA to provide to her only such information and no other.

[para 21] I take the College's position that some of the records are "unresponsive" to her request, even though she asked for them, as another way of saying that those of the records that do not consist of the Applicant's personal information are not properly the subject of an access request.

[para 22] Turning to the information in this case, insofar as the complaint related to the therapy provided by the psychologist to the Applicant, the information contains personal information about the Applicant, and is thus the Applicant's personal information within the terms of the Act.¹ Much of the information discussed in the psychologist's response to the complaint is clearly about the Applicant's therapy issues and about events relating to or arising from her treatment that ensued, and are the Applicant's personal information. As well, the psychologist's opinions about the Applicant are the personal information of the Applicant.² Finally, the fact that she made a complaint to the College, and the details of the complaint, are also information about the Applicant, insofar as they reflect her opinions and actions.

[para 23] I reject the argument of the College that the information in the records that is about the Applicant but that is not associated with her name in such a manner that third persons unfamiliar with the present circumstances would be unable to identify her – in

¹ Section 1(k) of the Act defines "personal information" as "information about an identifiable individual".

² As discussed in Order P2007-002 at paras 19-20, in some circumstances, as in this one, an opinion of one person about another can be the personal information of both of them. Thus, as discussed further below, in this case, the psychologist's opinions about the Applicant are also the personal information of the psychologist.

particular, the “peer review” notes (which did not contain her name) – is not the Applicant’s personal information. The Applicant is the requestor of the information, and she clearly could identify herself. I believe that is sufficient to make this “personal information” in the case of an access request by a person for their own personal information; that is, there is no requirement that third persons be able to tell that the information is about the applicant. (Furthermore, even identifiability by the applicant may not be a necessary condition for triggering a right to one’s own personal information, where the representatives of the organization know the information is about an applicant.) In addition, although I do not see the relevance of identifiability by third parties in the situation in which someone is requesting their own personal information, if this were a relevant factor, it would be met, as there are presumably other people familiar with the Applicant’s situation who could identify her as the subject of the records.

[para 24] Despite this, however, as discussed more fully in the companion order, there is another potential basis for the finding that the information in the peer review notes is not the Applicant’s personal information. It is arguable that the advice that is sought by the psychologist, and given by her peers, is about the issues regarding which the consultation is done – even though these issues pertain to particular individuals who could recognize themselves in the information – rather than about the persons being treated.

[para 25] However, I do not need to decide in this case whether this is the best way to characterize the information relating to the Applicant that is contained in the peer review notes. This is because, regardless whether this information is the personal information of the Applicant, in the context of an access request for this information *to the College*, these notes, as well as all of the other information in the records that are in the possession of the College, is also about the psychologist – it is her account of her interactions with the Applicant and her explanations for the choices that she made and actions she took in the context of the relationship. (As will be discussed further below, this conclusion is determinative of the decision I am to make about the Applicant’s entitlement to access this information.)

[para 26] I note that the psychologist’s information is in the context of her professional life, and that past orders of this office have said that information about a person acting in their professional capacities is not their personal information, unless, in the particular context, the information has a personal aspect. (See the discussion in Order F2004-026 at para 111.) In this case, the information of the psychologist has the requisite “personal aspect”. The complaint involved a challenge to her professional competency, with potential adverse consequences to her. Thus all of the information in the records (the response) relating to the psychologist, including her opinions and views about the Applicant, her treatment and other decisions relating to the Applicant, and her standard practices and information relating to her personal work experience, is, *in the context of her response*, the personal information of the psychologist. This includes the information in the treatment file insofar as it records the psychologist’s thoughts, opinions and treatment and related decisions relating to the Applicant. The College’s assessment of all

this information would form the basis for its conclusions about the psychologist relative to the complaint against her.

[para 27] The Applicant cited *S.D.K. v. Alberta* [2002] ABQB 61, in support of the idea that information generated by a psychologist with respect to professional services or the professional relationship should not be regarded as the confidential information of the psychologist. In that case, the Court was applying the provisions of the Code of Conduct for psychologists, which was a schedule to the *Psychology Profession Regulation*. The Code (which is no longer in force) contained a provision (section 23) that required a psychologist to provide a client's 'confidential information' (defined as "information disclosed by the client to the psychologist") to a client. The Court stated, relative to the Code requirement, that "all information *provided by* a recipient of professional services to a psychologist is to be provided to that person at his or her request [unless certain specified conditions were met]". The Court also referred to the requirement to produce "source documentation". While the Court also spoke of a requirement that the psychologist "produce her entire file", it did not indicate that it included in this phrase the opinions of the psychologist about the client, and the Code itself did not suggest that this was included. Neither did the Code contain any provisions suggesting that information created by a psychologist for the purpose of responding to a complaint was "confidential information" of the client, nor did it address the information of third parties. The Court did not say, nor would I agree, that section 34, which required that "assessment results or interpretation" be treated as confidential, had the effect of making a psychologist's opinions, even opinions relating specifically to assessments, "confidential information" of the client *within the terms of section 23*. Finally, the Code did not require the College (in contrast to the psychologist) to provide any information to clients.

[para 28] Furthermore, my task is to determine whether PIPA, not the Code of Conduct, requires access to the information requested by the Applicant. Even if the Code had been another route for access to the psychologist's opinions, I cannot base my decision under PIPA on the terms of the provisions of another statute, nor do I see how such provisions could affect my interpretation of what constitutes personal information under PIPA. Even if (which I do not find) there had been a conflict between the Code's access provisions and the restrictions on disclosure in section 24 of PIPA, the latter would have prevailed by reference to section 4(6) of the Act.

[para 29] I characterize the information in the psychologist's response as her personal information despite the fact that the psychologist, when acting in her professional capacity, has the status of an organization. In my view this fact does not preclude information that has the requisite personal aspect, albeit created while she was acting as a professional (and thus as an organization), being her "personal information". In other cases in which information of persons acting in professional capacities has been held to be personal information, the persons were also acting on behalf of private or public organizations.

[para 30] The fact that much of the information in the records is about the psychologist does not necessarily exclude this information from the category of the

Applicant's personal information. On the contrary, a large portion of the records consist of information that is the personal information of both these individuals, as it describes, at one and the same time, facts about and ideas of the Applicant, and the psychologist's thoughts, responses and actions relative to the former, as she expressed or conveyed them in the context of defending herself against the complaint. (However, as discussed further below, while this fact does not remove the information from the category of the Applicant's personal information, it does remove it from the category of information disclosable on the access request.)³

Issue B: If the Organization withheld the Applicant's personal information, did it do so in accordance with section 24(2) (discretionary grounds for refusal) or with section 24(3) (mandatory grounds for refusal)? In particular,
i. Did the Organization properly apply section 24(2)(c) (information collected for an investigation or legal proceeding) to certain requested records or parts thereof?

[para 31] Section 24(2)(c) provides:

(2) *An organization may refuse to provide access to personal information under subsection (1) if ...*

(c) *the information was collected for an investigation or legal proceeding;... .*

[para 32] The College argues that all of the information in the records it provided for my review was collected for an investigation or legal proceeding, within the terms of section 24(2)(c), and that none of it is disclosable on this account.

[para 33] I have reviewed the records provided to me by the College, both those that consist of the personal information of the Applicant, and those that do not. I find that all of the information collected by the College from the psychologist was collected for the purpose of an investigation or legal proceeding – namely the disciplinary proceeding that was initiated by the Applicant against the psychologist. This was a legal proceeding insofar as it was conducted pursuant to the regulatory legislation governing the psychology profession, and potentially had legal consequences for the psychologist in the form of prescribed sanctions. Order P2006-004 held that a professional disciplinary proceeding is a legal proceeding. Thus I agree with the College that in its hands, all such information falls within the cited provision.

[para 34] I note the argument made by the Applicant that the information in this case was not collected for the purpose of a legal proceeding because the initial purpose of the collection of the information was not for the purpose of a legal proceeding; rather, the Applicant says, the information was collected for the purpose of the therapeutic

³ In concluding that the information in the response in this case is both that of the Applicant and of the psychologist, I do not preclude the possibility that in other circumstances, a response to a complaint about the way a professional dealt with a person may be personal information only of the professional and not of the person making the complaint. As in this case the professional's activities involved treating the Applicant at a personal level, the information about the treatment is also the personal information of the person being treated.

relationship between the psychologist and the Applicant. The applicant also makes the point that the purpose of section 24(2)(c) is to prevent disclosures that would thwart an investigation, which would not happen by giving the Applicant the information in this case.

[para 35] I reject the Applicant's first point. First, only a part of the information in the records was initially collected for the purpose of the therapy. Much of the information collected by the College for the purpose of investigating the therapy provided by the psychologist and her related actions was *created* by the psychologist for the purpose of responding to the complaint. The information initially collected from the Applicant for therapy purposes (which presumably was asked for and provided to give context and background for the psychologist's accounts of and explanations for her thoughts and actions in relation to the Applicant), was only a part of the overall response. Furthermore, contrary to the Applicant's assertion, I believe the relevant "collection" in this case was the collection that was done by the organization to which the access request is being made in this inquiry – that is, the College. What is now being requested is information in the hands of the College that the College "collected" within the terms of the provision. This includes both the information consisting of the psychologist's explanations, and the treatment and peer review information (part of which was collected by the psychologist from the Applicant) that provided the background and context for her explanations.

[para 36] With respect to the Applicant's point about the purpose of the provision, I agree that in some cases, withholding personal information about a third party that the third party requests will be necessary to preserve the integrity of an investigation. Thus I agree that part of the purpose of section 24(2)(c) is to enable withholding where necessary for this reason. However, there is nothing in the language of the provision to suggest that is the only purpose. An equally valid purpose that comes to mind is that when private information must be relinquished to a body who has a right to require it for the purpose of a legal proceeding, this should not create a conduit by which third parties may gain access to that information for their own unrelated purposes. In other words, information not otherwise available to third parties that is given to an organization for the purpose of legal proceedings should not thereby be potentially made available for other purposes, simply by virtue of the fact that it is placed in the hands of an organization (to which access requests can be made).

[para 37] I turn to whether the College appropriately exercised its discretion to withhold the part of the information that was the Applicant's personal information under section 24(2)(c). The explanation given by the College for exercising its discretion to withhold the information indicated that its privacy officer considered the following factors, among others:

- the purpose for which the information was collected, which was to process and investigate [the Applicant's] complaint in accordance with the governing legislation

- the expectation of the College and members of the College that information gathered during the course of an investigation will be used to process the complaint in accordance with the governing legislation, and will not be used for a collateral purpose.

[para 38] I accept that the College appropriately exercised its discretion to withhold the information from the Applicant. It collected the information for the purpose of the legal proceeding initiated by the Applicant. The College's powers and processes for conducting such a proceeding are set out in its statute. It is entitled to ask for information from respondents to complaints so that it may exercise its powers to conduct proceedings and make decisions. Section 24(2)(c), as discussed in the previous paragraph, ensures that having obtained the information for the limited purposes of its mandate, the College does not thereby become a conduit by which information so placed in its hands becomes accessible to others for unrelated purposes. I believe the College was alluding to this idea when it set out the factors quoted above.

[para 39] I understand that the Applicant made the complaint to the College in this case, and that on that account she may feel that she has an entitlement to the response to her complaint – in other words, that her reason for wanting this information is not “unrelated”. However, even if (which is not the case) complainants had an active role to play in disciplinary proceedings under the legislation governing the profession, it would be up to the College acting in accordance with its governing statute, and beyond my jurisdiction, to decide how much information should be given to a complainant for that purpose. Similarly, it is up to the College, again acting in accordance with its legislation, and beyond my jurisdiction, to decide how much information a complainant needs with respect to dismissal of a complaint to enable them to appeal such a dismissal.

[para 40] Thus I uphold the College's exercise of its discretion to withhold information from the Applicant that it required the psychologist to provide in order to process the Applicant's complaint about her.

[para 41] I note the Applicant's reference to the College's “Access and Correction” policy, which permits access to individuals to personal information held about them. The Applicant suggests that in denying access to the Applicant to her own personal information, the College was acting unreasonably or with bias, and was fettering its discretion. In this regard, I note that the policy says individuals will be provided with access to information about them “subject to certain lawful restrictions”. In my view, section 24(2)(c) is such a lawful restriction. (The same is true of section 24(3)(b), discussed below, which is a mandatory exception.) As for the exercise of discretion, I do not know whether it is the College's practice, in responding to access requests from third parties (assuming it commonly receives them) for their own personal information that has been collected by the College as part of the information it collects for the purposes of complaint proceedings against College members, to routinely withhold such personal information. However, if this were its practice, I would not regard this as inappropriate so long as the College considered in each case whether there was anything in the particular circumstances that would make the rationale for withholding the information that is

discussed in the preceding paragraph (to enable an appropriate confining of compelled information) inapplicable.

[para 42] Finally, I note the Applicant's point that the College in its submissions states that it has no objection to providing some of the information that it formerly withheld. I agree that this is an indicator that the College is of the view that withholding this information would not serve any of the purposes of the Act, and suggests that these portions of the information should have been disclosed earlier. However, this point applies only to the parts of the information that the College is now willing to disclose.

[para 43] To conclude, I agree that the College properly applied section 24(2)(c) to the parts of the information in the psychologist's response material that consist of the Applicant's personal information. It had no obligation to provide the remaining information in the records requested by the Applicant (that is, those parts that did not consist of the Applicant's personal information).

ii. Does section 24(3)(b) (information revealing personal information about another individual) apply to certain requested records or parts thereof?

[para 44] Section 24(3)(b) provides:

- (3) *An organization shall not provide access to personal information under subsection (1) if ...*
 - (b) *the information would reveal personal information about another individual;... .*

[para 45] As I have already decided that section 24(2)(c) was properly applied, it is not strictly necessary for me to consider this sub-issue. However, as the rationale for permitting withholding is equally compelling under this provision, I will consider it.

[para 46] I have already noted that the Applicant has a right to access under PIPA only to information that is her own personal information.

[para 47] The information in the records relating to the complaint that are in the hands of the College that does consist of the Applicant's personal information is all found in the context of the psychologist's response to the Applicant's complaint. In this context, the Applicant's personal information is presented by the psychologist for the purpose of explaining to the College her own thoughts, opinions and actions relative to the Applicant. Given this context, the combined information can be characterized in one of two ways, each of which has the same result for the purposes of the determinations I must make under the Act. One is to say that the personal information of both the Applicant and the psychologist are inextricably intertwined in this material, as the opinions and explanations of the psychologist are directly referable to and depend on the described behaviour of the Applicant, and the two kinds of information cannot be separated. The other is to say that all the information is at the same time the personal information of both the psychologist (insofar as it describes and explains her reactions to particular matters),

as well as of the Applicant, (insofar as it describes her behaviour and the psychologist's opinions about this).⁴ Another basis for characterizing all the information in the response as the personal information of the psychologist is that all of it constitutes what she thought it would be relevant for the College to know about her treatment relationship with the Applicant.

[para 48] Thus, section 24(3)(b) applies to all the information in the psychologist's response. As this is a mandatory exception, I do not need to consider whether the College properly exercised its discretion in withholding records or information under this provision.

iii. Does section 24(3)(c) (information revealing identity of a person who provided opinion in confidence) apply to certain requested records or parts thereof?

[para 49] As I have decided that section 24(3)(b) applies to all of the information in the hands of the College, I do not need to decide if this provision applies in this case.

Issue C: If section 24(3)(b) or 24(3)(c) apply to the information or parts of it, is the Organization reasonably able to sever the information to which these sections apply, and provide the remaining personal information of the Applicant, as required by section 24(4)?

[para 50] As I have decided that section 24(3)(b) applies to all of the information in the hands of the College, this section cannot be applied.

[para 51] In saying this, I acknowledge that, with respect to the treatment file (which I believe is what the College refers to as the 'Case Notes') it would be possible to separate those parts of the personal information of the Applicant in the treatment file which describes the psychologist's dealings with the Applicant prior to the complaint, or even those parts that do not reveal any of the psychologist's interactions with the Applicant or actions taken relative to the Applicant. However, I would not order the College to do this, for two reasons. First, as background to the psychologist's explanations, these items of information are still interwoven with, or (according to the second analysis described in the discussion under the heading of section 24(3)(b), at para 47) consist of, the psychologist's personal information. Second, section 24(1), which gives the right of access, permits the organization to take into account what is reasonable. The psychologist has already given the treatment file to the Applicant directly. It would be unreasonable to require the College to go through such an exercise with the treatment file where there is no practical purpose for it to do so.

⁴ As is discussed more fully in the companion order, some of the information in the records also consists of, and is interwoven with, personal information of the Applicant's child. This fact is determinative in that order relative to the parts of the information in the hands of the psychologist that is not also the psychologist's personal information. There is no such information in the present case.

[para 52] However, I note that the College has indicated its willingness to give the Applicant the treatment file (which I believe is what it refers to as the ‘Case Notes’). This is permissible, given that the Applicant already has copies of this file. Providing it to her would not entail ‘revealing’ the personal information of anyone else, hence would not contravene section 24(3)(b).

V. DECISION AND ORDER

[para 53] I make this order under section 52 of the Act.

[para 54] I find that the College properly applied sections 24(2)(c) and 24(3)(b) to all of the records consisting of the Applicant’s personal information. The Applicant has no entitlement under the Act to information that fell within her request but that is not her personal information.

[para 55] I note that the College has indicated its willingness to provide the ‘Intake Form’, ‘Case Notes’, and particular correspondence, to the Applicant. I agree that the Intake Form contains no personal information of anyone other than the Applicant. As already noted, disclosure of the Case Notes would not ‘reveal’ personal information of anyone other than the Applicant (as the Applicant already has copies of these notes). The same would apply to the correspondence between the psychologist and the Applicant. The College may provide all this information to the Applicant.

Christina Gauk, Ph.D.
Director of Adjudication