

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER P2016-05

May 19, 2016

G4S SECURE SOLUTIONS CANADA LTD.

Case File Number P2695

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access request under the *Personal Information Protection Act* (the “Act” or “PIPA”) for his personal file and other information concerning him from his former employer, G4S Secure Solutions Canada Ltd. (the Organization). The Organization provided him with his file, withholding information on 4 pages of records. The Applicant requested a review of the Organization’s response.

The Adjudicator found parts of the information withheld did not consist of the Applicant’s personal information and the Organization was correct in withholding that information.

The Adjudicator found the Organization had properly severed information pursuant to section 24(3)(b) of the Act because disclosing the information to the Applicant would reveal personal information about other individuals.

Statutes Cited: AB: *Personal Information Protection Act*, S.A. 2003, c. P-6.5, ss. 1, 24, 52.

Authorities Cited: AB: Order P2007-002

I. BACKGROUND

[para 1] This inquiry arises from a request under the *Personal Information Protection Act* made by the Applicant to G4S (the Organization) for a copy of the Applicant's personal file, all documentation containing his name, and all correspondence between G4S Secure Solutions Canada Ltd. and a named company about him and his job performance, including the named company's daily occurrence records.

[para 2] The Organization provided the Applicant with approximately 125 pages of records, with information severed from four pages in reliance on section 24(3)(c). The Applicant requested a review of the Organization's response.

II. RECORDS AT ISSUE

[para 3] There are four pages of records from which the Organization severed certain information. All of the records are portions of email correspondence.

III. ISSUES

[para 4] The Notice of Inquiry sets out the issues:

1. Is the access request for the Applicant's personal information?
2. If the Organization refused to provide access to the Applicant's personal information in its custody or control, did it do so in accordance with section 24(3) (mandatory grounds for refusal)? In particular,
 - a. Does section 24(3)(b) (information revealing personal information about another individual) apply to certain requested records or parts thereof?
 - b. Does section 24(3)(c) (information revealing identity of a person who provided opinion in confidence) apply to certain requested records or parts thereof?
3. If the withheld records contain personal information of the Applicant, and if section 24(3)(b) or 24(3)(c) applies to these records, is the Organization reasonably able to sever the information to which these sections apply, and provide the personal information of the Applicant, as required by section 24(4)?

IV. DISCUSSION OF ISSUES

1. *Is the access request for the Applicant's personal information?*

[para 5] The Applicant, by letter dated October 23, 2013 to the Organization made the following request:

I would like to request for copy of my personal file in accordance of Personal Information Protection Act. I have rights to have access to all documentation where is my name. I have rights to have access to all correspondence between [named company]

and G4S about my person and my job performance include [named company's] Daily Occurrence records.

[para 6] The Organization provides security services. The Applicant was working at a job site (the named company referred to in his request above) as part of his duties for the Organization.

[para 7] The Organization provided the Applicant with the entire contents of his file held at their Calgary office save information severed on four pages.

[para 8] The information severed and withheld from the Applicant are names, addresses and email addresses of other individuals.

[para 9] Section 24 of the *Personal Information Protection Act* allows the Applicant to make an access request, but limits that request to records containing his own personal information.

24(1) An individual may, in accordance with section 26, request an organization

(a) to provide the individual with access to personal information about the individual, or

(b) to provide the individual with information about the use or disclosure of personal information about the individual.

[para 10] Personal information is defined in section 1(1)(k) of the Act:

1(1) In this Act,

...

(k) "personal information" means information about an identifiable individual;

...

[para 11] In the record labelled Section 6, page 1, the Organization severed the name and personal information of an individual. I find this is not the Applicant's personal information. It is wholly unrelated to the Applicant. He is not entitled to this information.

[para 12] In the four pages of emails provided to me, I find certain information contains the Applicant's personal information in the form of another individual's opinions and comments about him. Previous orders from this office have found that while opinions are the personal information of the individual who is the subject of the opinion, they can also be the personal information of the individual giving the opinion if there is a personal dimension to the opinion.

[para 13] In Order P2007-002 at para. 22, the Director of Adjudication stated:

That the fact a person holds or gives an opinion about another conveys something personal about the maker will not be true for all opinions. In some circumstances,

an opinion held by a person may be abstracted from their personal life to such a degree that it does not seem to have the quality of personal information. An example is where the opinion is a professional one – for example, a psychologist’s opinion from interpreting a psychological test that B has a particular personality disorder. However, for situations where the opinion that is held, or the fact it is given, does reflect something personal, and especially something sensitive, about the person making it, it is, in my view, commonly and quite properly regarded as also being information about that person.

[para 14] With respect to the records at issue, some statements made in the emails are clearly opinions that convey something personal about the maker of the statement. The opinions are not of a professional nature as described above. Because the content of the opinion indicates a connection between the information and the third party, I find it is also the personal information of the third party and not solely the personal information of the Applicant.

[para 15] However, the Organization has already provided all of those opinions to the Applicant. The Organization has not provided the names and email addresses of the individuals providing the opinions.

[para 16] Therefore, the only remaining information at issue are the names and email addresses of individuals.

2. *If the Organization refused to provide access to the Applicant’s personal information in its custody or control, did it do so in accordance with section 24(3) (mandatory grounds for refusal)? In particular,*
 - a. *Does section 24(3)(b) (information revealing personal information about another individual) apply to certain requested records or parts thereof?*
 - b. *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 17] Section 24(3):

24(3) An organization shall not provide access to personal information under subsection (1) if

...

(b) the information would reveal personal information about another individual;

(c) the information would reveal the identity of an individual who has in confidence provided an opinion about another individual and the individual providing the opinion does not consent to disclosure of his or her identity.

[para 18] Section 24(3)(b) of the Act prohibits the Organization from providing personal information of another individual to the Applicant. As noted above, the only

information not provided to the Applicant that remains at issue are the names and email addresses of individuals.

[para 19] The definition of personal information found in section 1(1)(k) would include the names and email addresses of the individuals. I find the severed information would reveal personal information about an individual other than the Applicant. As a result I find that the Organization properly applied section 24(3)(b) and withheld this information from the records provided to the Applicant.

3. *If the withheld records contain personal information of the Applicant, and if section 24(3)(b) or 24(3)(c) applies to these records, is the Organization reasonably able to sever the information to which these sections apply, and provide the personal information of the Applicant, as required by section 24(4)?*

[para 20] Section 24(4):

24(4) If an organization is reasonably able to sever the information referred to in subsection (2)(b) or (3)(a), (b) or (c) from a copy of the record that contains personal information about the applicant, the organization must provide the applicant with access to the part of the record containing the personal information after the information referred to in subsection (2)(b) or (3)(a), (b) or (c) has been severed.

[para 21] The Organization provided the Applicant information requested by him save the names and email addresses of third parties. In severing the personal information of the third parties from the records I find that the Organization properly applied section 24(4) to withhold information in the records provided to the Applicant.

V. ORDER

[para 22] I make this Order under section 52 of the Act.

[para 23] I confirm that the Organization properly applied section 24 to withhold information from the Applicant.

Neena Ahluwalia Q.C.
Adjudicator