

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER P2016-06

November 16, 2016

McLEOD LAW

Case File Number 000343

Office URL: www.oipc.ab.ca

Summary: The Complainant complained that the Organization, McLeod Law, through its process server, disclosed her personal information in contravention of the *Personal Information Protection Act* (the Act or PIPA) when it posted, face out, a written notice on the door of the condominium unit in which she was residing.

Since the Organization had already accepted the recommendations at mediation of folding any notices in half prior to posting them, the Adjudicator declined to order the Organization to do anything further.

Statutes Cited: **AB:** *Alberta Rules of Court* A.R. 125/2010; *Condominium Property Act*, R.S.A. 2000, c. C-22, s. 54, 72; *Personal Information Protection Act*, R.S.A. 2003 at c. P-6.5, ss. 1, 2, 4, 5, 7, 8, 14, 19, 20, 24, 32, 33, 34 and 52; *Residential Tenancies Act*, S.A. 2004, c. R-17.1.

Authorities Cited: **AB:** Orders P2008-010, P2012-01, and P2015-07; **CANADA:** PIPEDA #2009-015.

I. BACKGROUND

[para 1] The Complainant, lived in a condominium unit owned by another individual who also resided in the unit (the Owner). The condominium had a bylaw in place that

required residents to be at least 40 years old. The Complainant was younger than 40 years old. At all material times the Condominium Corporation that owned the building in which the Complainant resided was represented by McLeod Law (the Organization).

[para 2] On January 28, 2015, a process server retained by the Organization attempted to personally serve the Complainant with a copy of a Notice to Give Up Possession stating that the Complainant was not eligible to reside in the condominium unit because of her age and that the Complainant had until February 28, 2015 to vacate the unit (the Notice). The Complainant was not in the unit when the process server attended but the Owner was. The process server personally served the Owner with a notice similar to the one drafted for the Complainant. Attached to the Owner's notice was a copy of the Notice to the Complainant. The Owner refused to provide the process server with any information that would assist him in personally serving the Complainant.

[para 3] On January 29, 2015, the process server left a telephone message for the Complainant and asked her to contact him. Instead, the Owner contacted the process server and, among other things, asked him not to phone again. He agreed that he would not.

[para 4] On January 31, 2015, the process server once again attempted to personally serve the Complainant by attending at the unit. No one answered the door and so he posted the Notice and some attachments on the door of the unit, facing out, so that the text of the Notice was visible to individuals who may have used the hallway in which the unit's door was located.

[para 5] On February 6, 2015, the Complainant submitted a complaint to the Office of the Information and Privacy Commissioner complaining that the Organization had disclosed her information in contravention of the *Personal Information Protection Act* (the Act or PIPA). Mediation was authorized by the Commissioner but was not successful in resolving the issues between the parties, and on July 29, 2015, this Office received a Request for Inquiry from the Complainant. A Notice of Inquiry was issued on March 14, 2016. I received initial and rebuttal submissions from both parties.

II. ISSUES

[para 6] The Notice of Inquiry dated March 14, 2016 states the issues in this inquiry as follows:

1. Did the Organization disclose the "personal information" of the Complainant as that term is defined in PIPA, when it posted the Notice on the door?
2. Did the Organization disclose the information contrary to, or in compliance with, section 7(1) of PIPA (no disclosure without either authorization or consent)? In particular,

- a. Did the Organization have the authority to disclose the information without consent, as permitted by section 20 of PIPA? (sections 20(b) and 20(m) may be relevant)
 - b. If the Organization did not have the authority to disclose the information without consent, did the Organization obtain the Complainant's consent in accordance with section 8 of the Act before disclosing the information?
3. Did the Organization disclose the information contrary to, or in accordance with, section 19(1) of PIPA (disclosure for purposes that are reasonable)?
 4. Did the Organization disclose the information contrary to, or in accordance with, section 19(2) of PIPA (disclosure to the extent reasonable for meeting the purposes)?

[para 7] In addition to these issues which revolve around the disclosure of information, the Complainant also addressed several unrelated issues which are not relevant to the issues in this inquiry. As these seem to be the focus of her submissions, I will deal with each of these, individually, as preliminary issues.

III. DISCUSSION OF ISSUES

Preliminary Issue – Costs

[para 8] The Complainant spent a significant portion of her submissions discussing the notion that the Organization breached section 32(3)(a) of the Act by not providing her with a fee estimate prior to charging her a fee.

[para 9] Section 32 of the Act states:

32(1) Subject to subsection (1.1), an organization may charge an applicant who makes a request under section 24(1)(a) or (b) a reasonable fee for access to the applicant's personal information or for information about the use or disclosure of the applicant's personal information.

(1.1) An organization may not charge a fee in respect of a request for personal employee information.

(2) An organization may not charge a fee in respect of a request made under section 25(1).

(3) If an organization is intending to charge an applicant a fee for a service, the organization

(a) must give the applicant a written estimate of the total fee before providing the service, and

(b) may require the applicant to pay a deposit in the amount determined by the organization.

[para 10] Without going into any great detail because it is not relevant to this inquiry, after the Notice was served on the Complainant and the Owner, this matter proceeded to Court and resulted in more than one court order. Costs were awarded to the successful party (the condominium corporation). Those costs were taxed according to the Rules of Court. The Bill of Costs submitted by the Organization on behalf of its clients (the condominium corporation) included fees which its client incurred in dealing with this Office. The Taxation Officer allowed part of those costs (which dealt with a purely legal question of tenancy) and disallowed a portion that dealt with the disclosure issue that is the subject of this inquiry. It appears from her submissions that the Complainant believes that the fees noted in the Bill of Costs relating to time spent dealing with this Office are the fees to which section 32 of the Act refers. The Complainant's belief is incorrect. The fees in the Bill of Costs are fees a party is allowed to claim pursuant to the *Alberta Rules of Court*. That is a separate and completely distinct set of rules governing the Court and solely within its jurisdiction. I have no authority or jurisdiction to review a costs judgement or the taxation of a Bill of Costs.

[para 11] Section 32 of the Act allows organizations to charge fees associated with responding to an access request made by an individual in certain circumstances. The Complainant did not make an access request under section 24(1)(a) or (b) of the Act. Therefore, the Organization did not charge her a fee under section 32 of the Act and so section 32 is not applicable to this inquiry.

Preliminary issue – Accuracy of the information

[para 12] The Complainant argues that the Organization breached section 33 of the Act because the information in the Notice indicated that the Complainant was a tenant/occupant and it is apparently the Complainant's belief that she was neither, nor does she believe that she ever had possession of the unit. The Notice also made mention of notifying the Complainant's landlord (the Owner) and it is the Complainant's position that the Owner is not her landlord.

[para 13] Section 33 of the Act states:

33 An organization must make a reasonable effort to ensure that any personal information collected, used or disclosed by or on behalf of an organization is accurate and complete to the extent that is reasonable for the organization's purposes in collecting, using or disclosing the information.

[para 14] As I will explain below, the personal information disclosed by the Organization was the Complainant's name and her address, the fact that she was being required to vacate the premises and the reasons why, including her approximate age. The Complainant is also referred to as a "resident" of the unit. There is no indication from the Complainant that any of this information is inaccurate. In fact, the Complainant's

submissions indicate the opposite, that she was living in the unit as a caregiver for her grandmother.

[para 15] In addition, the Complainant believes that the Organization was incorrect in referring to and relying on section 54 of the *Condominium Property Act* which deals with giving notice to a “tenant”. The Notice referenced section 54 of the *Condominium Property Act* and a copy of that section was apparently attached to the Notice but the Notice itself does not refer to the Complainant as a tenant nor does the attachment appear to have been visible from the hallway. Therefore, I do not believe that the Organization disclosed that the Complainant was a “tenant”. It did refer to giving notification to the Complainant’s landlord, but I do not believe that that statement necessarily discloses that the Complainant was believed to be a tenant.

[para 16] In any event, the Complainant’s main argument seems to be that the Organization was incorrect that the Complainant was a tenant. She bases this argument on the definition of “landlord”, “tenant”, and “occupant” found in legislation such as *The Residential Tenancies Act* and *Condominium Property Act* and on the facts that she was aware of at the time the Notice was served. I assume that the Organization, acting on behalf of its client, the Condominium Corporation, either believed the facts were different or took a different view of the facts and legal interpretation of “occupant”, “tenant” and “landlord”. Whether or not the Organization relied on inaccurate facts or an incorrect interpretation of the related statutes is not material to this inquiry.

[para 17] Just because the Complainant disagrees with the Organization’s interpretation does not mean that the Organization did not make a reasonable effort to ensure that the Complainant’s personal information which was disclosed is accurate. The Organization relied on information from its client which was, at least in part, obtained from other owners in the Condominium Corporation. I believe that this was reasonable. So even if the Complainant’s personal information that was disclosed had not been accurate, I find that the Organization made a reasonable effort to ensure that the information it disclosed was accurate.

Preliminary issue – Collection

[para 18] The Complainant argues that the Organization did not have the authority to collect her personal information pursuant to sections 14(b) (collection authorized by a statute) and 14(d) (collection reasonable for the purposes of an investigation or legal proceeding) of the Act. The collection of information is not an issue in this inquiry. Therefore I will not be making any findings on the Organization’s compliance with sections 14(b) and (d) of the Act.

Preliminary issue – Reasonableness of the method of service

[para 19] The Complainant argues that the Organization did not meet the standard of what was reasonable and is therefore in contravention of section 2 of the Act which states:

2 *Where in this Act anything or any matter*

(a) is described, characterized or referred to as reasonable or unreasonable, or

(b) is required or directed to be carried out or otherwise dealt with reasonably or in a reasonable manner,

the standard to be applied under this Act in determining whether the thing or matter is reasonable or unreasonable, or has been carried out or otherwise dealt with reasonably or in a reasonable manner, is what a reasonable person would consider appropriate in the circumstances.

[para 20] Section 2 sets the standard for reasonableness for those provisions in the Act that require actions to be done in a reasonable way, but it does not in itself impose reasonableness obligations on organizations. However, other provisions of the Act that are relevant in this case (sections 20(m), and 19(1) and (2), do impose requirements of reasonableness. I will deal with this question (and adopt this standard) when I deal with these provisions below.

Preliminary issue – Conflict with PIPA and other Acts (section 4(6) of PIPA)

[para 21] The Complainant seems to argue that the Condominium Corporation's bylaws are in conflict with PIPA because those bylaws have a provision that allows for disclosure of personal information. She also mentions the *Alberta Rules of Court* and the *Condominium Property Act*, but gives no indication as to how those statutes conflict with PIPA. These are not issues in this inquiry and I will not make any findings in this regard.

Preliminary issue – Organization responsible for process server's actions

[para 22] The Complainant argues pursuant to section 5 of the Act that the Organization is responsible for the actions of its process server when he posted the Notice to the door of the unit. I agree, and the Organization does not take issue with this in its submissions.

Preliminary issue – Protection of personal information

[para 23] The Complainant argues that the Organization failed to properly protect her information pursuant to section 34 of the Act which states:

34 An organization must protect personal information that is in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction.

[para 24] The Complainant bases her argument on the fact that the Organization did not serve the Notice in the manner which Master Laycock prescribed, in his Order dated April 22, 2015, for effecting substitutional service in a court action. Master Laycock's Order, made months later in relation to a court action, is not determinative of the requirements for service of the Notice. Further, section 34 of the Act was not set as an issue in this inquiry, and, therefore, I will not make any findings regarding its application.

[para 25] Having dealt with each of the Complainant's arguments that are not issues in this inquiry, I will now turn to the issues set out in the Notice of Inquiry.

1. Did the Organization disclose the "personal information" of the Complainant as that term is defined in PIPA, when it posted the Notice on the door?

[para 26] Personal information is defined by section 1(k) of the Act as follows:

1(k) "personal information" means information about an identifiable individual.

[para 27] The Notice contained the Complainant's name and address. These have been found to be personal information within the terms of the Act previously (see Orders P2015-07 at para 15 and P2012-01 at para 21). The Notice also contains information about the Complainant's age, as well as information about her legal situation, including that she was being required to vacate the premises. This is personal information about the Complainant. The Notice was posted, face out, on the door of the unit, which is in a hall within the condominium complex used by other residents and their visitors.

[para 28] The Organization argues that the hall in which the unit door was located was accessible only by residents of the complex or visitors the residents allow in, and that it was common knowledge that the Complainant was living in the unit and was underage. So, the Organization argues that posting the Notice as it did was not a disclosure. The fact that the Notice could be read or was read by someone other than the Organization or the Complainant means that it was disclosed. This is true even if it was disclosed to only a limited number of people. Therefore, I find that posting the Notice in this manner is a disclosure of the Complainant's personal information.

[para 29] The Complainant argues that the Organization disclosed (incorrectly in her view) that she was a tenant, by referring to section 54 of the *Condominium Property Act* and referring to the Owner as a landlord. The fact the Organization characterized the Complainant as a tenant does not necessarily mean that she was a tenant. Therefore it may not be correct to say that disclosing that the Organization took this view disclosed the Complainant's personal information. However, as discussed above, the disclosure of the fact she was being asked to vacate (presumably in part on the basis of this characterization), and the reason for this, is personal information about the Complainant.

2. Did the Organization disclose the information contrary to, or in compliance with, section 7(1) of PIPA (no disclosure without either authorization or consent)? In particular,

a. Did the Organization have the authority to disclose the information without consent, as permitted by section 20 of PIPA? (sections 20(b) and 20(m) may be relevant)

[para 30] In arguing that it had the authority to disclose the Complainant's personal information the Organization did not cite any particular provision of the Act; however, it did rely on section 72 of the *Condominium Property Act*.

[para 31] Section 7(1) of PIPA states:

7(1) Except where this Act provides otherwise, an organization shall not, with respect to personal information about an individual,

(a) collect that information unless the individual consents to the collection of that information,

(b) collect that information from a source other than the individual unless the individual consents to the collection of that information from the other source,

(c) use that information unless the individual consents to the use of that information, or

(d) disclose that information unless the individual consents to the disclosure of that information.

[para 32] It is clear from the submissions that the Organization did not have the Complainant's consent to disclose her personal information.

[para 33] Organizations may disclose individual's personal information without consent in certain circumstances. The relevant portions of section 20 of the Act state:

20 An organization may disclose personal information about an individual without the consent of the individual but only if one or more of the following are applicable:

...

(b) the disclosure of the information is authorized or required by

(i) a statute of Alberta or of Canada,

(ii) a regulation of Alberta or a regulation of Canada,

(iii) a bylaw of a local government body, or

(iv) a legislative instrument of a professional regulatory organization;

...

(m) the disclosure of the information is reasonable for the purposes of an investigation or a legal proceeding;

[para 34] As noted above, the Organization argues that service of the Notice by posting it to the door of the unit was authorized by section 72 of the *Condominium Property Act* which states:

72(1) A corporation may serve on a landlord a notice given under section 54 or an application or order referred to in section 55 or 56

(a) by personal service, or

(b) by registered mail sent to the address given to the corporation under section 53.

(2) A corporation may serve on a tenant a notice given under section 54 or an originating notice or order referred to in section 55 or 56

(a) by personal service, or

(b) if the tenant cannot be served personally by reason of the tenant's absence from the premises or by reason of the tenant evading service,

(i) by giving it to an adult person who apparently resides with the tenant,

(ii) by posting it in a conspicuous place on some part of the premises, or

(iii) by sending it by registered mail to the tenant at the address where the tenant resides.

[para 35] The Organization states that it attempted, twice, to serve the Complainant personally by attending at the unit. Both times the Complainant was not home. It says the Owner provided no information that would assist the Organization in contacting the Complainant to arrange to meet; therefore, when the process server attended on the last day service could be affected, and no one answered the door, his only option was to serve the Complainant substitutionally by posting the Notice on the unit's door.

[para 36] The Complainant correctly points out that there were other ways to substitutionally serve her pursuant to the *Condominium Property Act*, by registered mail, or leaving the Notice with an adult living in the unit.

[para 37] However, the Organization explains that based on its considerable experience with such matters, the Court's preference is that individuals be personally served in these situations, and that more than one attempt at personal service is also preferred by the Court. Two attempts were made. The Organization also explains that, by statute, in order to have the Complainant give up possession by the date stated in the Notice, service must be effected before the first day of the month possession is to be given up.

Therefore, it says it could not leave the Notice with the Owner (i.e. substitutionally serve the Complainant) on its first attempt at personally serving the Complainant because, according to the Court's preference, a second attempt was expected. It could also not use this method on its second attempt because no one answered the door. By the time the second attempt was made, it did not have enough time to serve the Notice by registered mail. Therefore, it says, the only option available was service by posting to the unit's door.

[para 38] The Complainant argues that sections 54 to 56 of the *Condominium Property Act* do not apply as the Complainant was not a tenant. She also suggests that the Order for substitutional service issued by Master Laycock on April 22, 2015, which was regarding a Queen's Bench court action, governs how the Notice ought to have been served in January of 2015.

[para 39] I asked the Organization if there was an Order of the Court stating definitively that the Complainant was a tenant. The Organization provided me with the Orders issued by the Court in this matter, noting that they do not include the finding that the Complainant is a tenant. The Organization further indicated that these findings would be found in the transcripts of the hearings that led to the Orders but that it was not prepared to request copies of the transcripts. Based on the fact that the Court ordered the Complainant to vacate the condo, and ordered the Complainant or her aunt to pay a fine to the Condominium Corporation for non-compliance with its bylaws, I believe that the Court found that the Complainant was a tenant. Therefore, section 72(2)(b) of the *Condominium Property Act* is the appropriate legislation to consider when deciding if section 20(b) of the Act authorized disclosure of the Complainant's personal information.

[para 40] In response to my further questions on the matter, the Organization stated that it has since instructed its process servers to post documents facing inward when effecting service. It states, that this practice is, "...unlikely to be offside the *Condominium Property Act*". I agree. Section 72(2)(b) of the Act does not require the disclosure of the Complainant's personal information. Posting of the Notice "in a conspicuous place on some part of the premises", this would not of necessity require the Organization to post it face out so that the entire contents of the Notice were in full view to passers-by. Therefore, the authorization to effect service in a particular manner under section 72(2)(b) does not require disclosure of the Complainant's personal information to persons other than the Complainant.

[para 41] However, section 72(2)(b) of the *Condominium Property Act* may authorize the disclosure of the Complainant's personal information. The wording of that section allows for "posting in a conspicuous place" which could encompass posting the Notice with its contents in full view. There is nothing in that section that restricts what information may be visible and to whom. Therefore, subject to section 19(2) of the Act (which I will discuss below) section 20(b) of the Act would authorize disclosure of the Complainant's personal information.

[para 42] With regard to section 20(m) of the Act, a legal proceeding is defined by section 1(g) of the Act as follows:

1(g) "legal proceeding" means a civil, criminal or administrative proceeding that is related to

(i) a breach of an agreement,

(ii) a contravention of an enactment of Alberta or Canada or of another province of Canada, or

(iii) a remedy available at law;

[para 43] Order P2008-010 stated:

It is unquestionably the case, in my view, that if a legal proceeding has been initiated or a particular proceeding is reasonably anticipated, and the Organization or another law firm acting on behalf of a client requires information such as that in the database for the purpose of participating in the proceeding, for example, for helping a client to defend a charge, or for use as a starting point for further investigation for the purposes of such a defence, sections 14(d), 17(d) and 20(m) permit the collection, use and disclosure of relevant personal information where this is done at the time the charge had already been laid or was reasonably anticipated. (I take collection, use or disclosure of information that is useful in the sense of being relevant to an investigation or legal proceeding, insofar as each of these actions is reasonably required for the investigation or legal proceeding, to also be "reasonable for the purpose" within the terms of these provisions.)

(Order P2008-010 at para 64)

[para 44] When the Notice was served, a legal proceeding was reasonably anticipated. Serving the Notice was the necessary first step in initiating the Court of Queen's Bench action that resulted in the Complainant's having to vacate the unit. Therefore, I find that the Notice was part of a 'legal proceeding' as that term is defined by section 1(g) of the Act.

[para 45] That being said, section 20(m) of the Act includes a reasonableness requirement in that the disclosure must be reasonable for the purposes of a legal proceeding. As noted above, reasonableness under the Act is "what a reasonable person would consider appropriate in the circumstances".

[para 46] Service of the Notice was reasonable and necessary, but I find that the disclosure of all of the personal information to persons who might pass by in the hallway was not reasonable. As I noted above, service of the Notice on the Complainant could have been effected without disclosure of all of the Complainant's personal information to others. As already noted, Master Laycock's Order of April 22, 2015, cited by the Complainant, is not determinative of how service of the Notice ought to have been done; however, I note that he authorized service by posting on the unit's door, but required the documents to be served in a sealed envelope. I believe that this restriction was likely

intended to avoid disclosure of personal information. I also note that the Privacy Commissioner of Canada has recommended that this consideration be taken into account when serving legal documents (see case PIPEDA case summary #2009-015). If service can be easily effected with minimal or no compromise to an individual's privacy, this ought to be the way that service is carried out. In this case it would involve simply posting the Notice facing inwards with only the name exposed, or in an envelope. These are not extraordinary measures. Each would require little to no extra time, effort, or expenditure. Therefore, I do not think it was reasonable to post the Notice, face out on the unit door, when the Notice could have simply been folded so as to obscure the information that it was not necessary to make visible, or put in an envelope.

[para 47] As a result I find that section 20(m) of the Act did not give the Organization the authority to disclose the Complainant's personal information without consent.

b. If the Organization did not have the authority to disclose the information without consent, did the Organization obtain the Complainant's consent in accordance with section 8 of the Act before disclosing the information?

[para 48] Section 8 of the Act states:

8(1) An individual may give his or her consent in writing or orally to the collection, use or disclosure of personal information about the individual.

(2) An individual is deemed to consent to the collection, use or disclosure of personal information about the individual by an organization for a particular purpose if

(a) the individual, without actually giving a consent referred to in subsection (1), voluntarily provides the information to the organization for that purpose, and

(b) it is reasonable that a person would voluntarily provide that information.

(2.1) If an individual consents to the disclosure of personal information about the individual by one organization to another organization for a particular purpose, the individual is deemed to consent to the collection, use or disclosure of the personal information for the particular purpose by that other organization.

(2.2) An individual is deemed to consent to the collection, use or disclosure of personal information about the individual by an organization for the purpose of the individual's enrolment in or coverage under an insurance policy, pension plan or benefit plan or a policy, plan or contract that provides for a similar type of coverage or benefit if the individual

(a) has an interest in or derives a benefit from that policy, plan or contract, and

(b) is not the applicant for the policy, plan or contract.

(3) Notwithstanding section 7(1), an organization may collect, use or disclose personal information about an individual for particular purposes if

(a) the organization

(i) provides the individual with a notice, in a form that the individual can reasonably be expected to understand, that the organization intends to collect, use or disclose personal information about the individual for those purposes, and

(ii) with respect to that notice, gives the individual a reasonable opportunity to decline or object to having his or her personal information collected, used or disclosed for those purposes,

(b) the individual does not, within a reasonable time, give to the organization a response to that notice declining or objecting to the proposed collection, use or disclosure, and

(c) having regard to the level of the sensitivity, if any, of the information in the circumstances, it is reasonable to collect, use or disclose the information as permitted under clauses (a) and (b).

(4) Subsections (2), (2.1), (2.2) and (3) are not to be construed so as to authorize an organization to collect, use or disclose personal information for any purpose other than the particular purposes for which the information was collected.

(5) Consent in writing may be given or otherwise transmitted by electronic means to an organization if the organization receiving that transmittal produces or is able at any time to produce a printed copy or image or a reproduction of the consent in paper form.

[para 49] As already noted above, the Complainant did not consent to the disclosure of her personal information. She was not provided with Notice and she did not provide the information to the Organization. Therefore section 8 of the Act does not apply.

3. Did the Organization disclose the information contrary to, or in accordance with, section 19(1) of PIPA (disclosure for purposes that are reasonable)?

4. Did the Organization disclose the information contrary to, or in accordance with, section 19(2) of PIPA (disclosure to the extent reasonable for meeting the purposes)?

[para 50] I have found that the Organization did have the authority to disclose the Complainant's personal information to persons other than the Complainant under section 20(b) of the Act. In my findings regarding section 20(m) of Act above, I decided that it was not reasonable for the Organization to have disclosed the Complainant's personal information as it did because there were other ways that the Organization could have effected service without the need to disclose so much of the Complainant's personal information to anyone passing in the hall. Given the facts before me in this inquiry and the fact that the Organization has not argued otherwise, I adopt that same reasoning regarding the interplay between section 20(b) of the Act and section 19(2) of the Act.

[para 51] In reaching these conclusions I note that there are many varied circumstances in which people are served with documents. The conclusion I have reached in the present case is one that takes into account the particular factors in this situation. In the present case the relevant factors were: there were no reasonable alternatives available at the material time to the mode of service of attaching the Notice to the door; the Notice was posted on the outside of privately-occupied premises; the premises were such that there would be close passers-by, and the visible contents of the Notice would be readable by such persons; there was more than one resident in the premises, but the Notice was intended for only one of them, so that posting the Notice without making the intended recipient visible might lead to another occupant reading it. Other situations in which documents are served might have different, or somewhat different, factors at play, which could lead to a different conclusion about what is reasonable in those circumstances. The conclusions about reasonableness in this case are intended to apply only to the circumstances outlined above.

[para 52] The Organization disclosed the Complainant's personal information in contravention of the Act. However, I note that throughout its dealings with this Office it has accepted the recommendation that in the future its notices ought to be posted in a way that does not reveal unnecessary personal information prior to posting it on a door; therefore, I do not believe that there is anything further I need to order.

IV. ORDER

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

[para 54] I find that the Organization disclosed the Complainant's personal information in contravention of the Act.

Keri H. Ridley
Adjudicator