

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER PIPA2025-05/HIA2025-03

November 27, 2025

Dr. Janine Karpakis & Janine Karpakis Professional Corp.

Case File Numbers 028868/015985

Office URL: www.oipc.ab.ca

Summary: The Complainant alleged that the Respondent disclosed his health information contrary to the *Health Information Act* (the HIA) in a letter (the Letter) provided to his (now) former spouse (the Complainant's wife). The Respondent wrote the Letter in support of the wife's claim for child custody. Some of the information in the Letter was also the Complainant's personal information under the *Personal Information Protection Act* (PIPA). The Adjudicator considered whether the Respondent complied with the HIA and PIPA when she provided the Letter to the Complainant's wife.

The Adjudicator found that the Letter contained the Complainant's health information despite that it was not clear on the face of the Letter that the information satisfied the definition of "health information" under the HIA. What mattered was that the information itself was health information in fact and law. Since there was a reasonable possibility that the health information in the Letter could be combined with other information such that its status as medical opinion could be determined, by disclosing the other information in the Letter, the Respondent disclosed the Complainant's health information. The Adjudicator found that the Respondent disclosed the Complainant's health information in contravention of the HIA.

The Adjudicator found that the Respondent disclosed the Complainant's personal information in compliance with PIPA. Disclosure was permitted under section 20(m) (for the purposes of a legal proceeding).

Statutes Cited: **AB:** *Health Information Act*, R.S.A. 2000 c. H-5, ss. 1(1)(i), 1(1)(i)(i), 1(1)(i)(ii), 1(1)(f)(ix), 1(1)(k)(i), 1(1)(k)(ii), 1(1)(u), 2(a), 31, 35, 35(1)(h), 38, 40, 58(1), 80; *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 ss. 1(n), 17(1); *Personal Information*

Protection Act, S.A. 2003, c. P-6.5 ss. 1(1)(i)(i), 1(1)(i)(v), 1(1)(k), 4(3)(f), 19(1), 19(2), 20, 20(m), 52.

Regulations Cited: AB: *Health Information Regulation*, AR 70/2001, ss. 2(2)(i), 3(a)(i), 3(a)(viii)

Authorities Cited: AB: Orders F2012-04 and H2012-01, F2012-14, H2015-04/F2015-39, P2006-004

Cases Cited: *Covenant Health v. Alberta (Information and Privacy Commissioner)* 2104 ABQB 562

I. BACKGROUND

[para 1] This inquiry concerns a complaint about disclosure of information by Dr. Janine Karpakis and Janine Karpakis Professional Corp.

[para 2] The Complainant did not name the professional corporation as a respondent. At the outset of this inquiry, it was clear that the *Health Information Act*, R.S.A. 2000, c. H-5 (the HIA) would apply to Dr. Karpakis as a physician handling “health information” as defined under the HIA. Initially, I also considered that the *Personal Information Protection Act*, S.A. 2003, c. P-6.5 (PIPA) may also apply to Dr. Karpakis (with respect to handling “personal information” as defined under PIPA) as an individual acting in a commercial capacity, and hence an organization as defined under section 1(1)(i)(v) of PIPA. In the course of preparing my decision I discovered that Dr. Karpakis was operating through or as Janine Karpakis Professional Corp. during the events discussed in this order. PIPA clearly applies to such corporate entities as they are defined as organizations in section 1(1)(i)(i). Accordingly, to the extent that PIPA applies in this case, Dr. Karpakis’ professional corporation is the proper respondent in respect of that statute and has been added as such.

[para 3] Depending upon whether the HIA or PIPA applies, Dr. Karpakis may be considered a custodian under the HIA, or with respect to operating as a professional corporation, an organization under PIPA. For ease of reference, I refer to Dr. Karpakis in either capacity as “the Respondent” throughout this order.

[para 4] Since the time of the events in question, the Complainant’s marital status has changed. In order to avoid confusion over the Complainant’s marital status, I refer to the Complainant’s partner as “the Complainant’s wife” throughout this order.

[para 5] The Complainant, his wife, their son, and their daughter attended an appointment with the Respondent in August 2017. At the time, the Complainant and his wife were patients of the Respondent. The Complainant describes it as a “family appointment” the purpose of which was to address his wife’s health, his daughter’s health, as well as medical issues affecting their family.

[para 6] The Respondent states that the appointment was a consultation for the Complainant’s wife. In her submission, the Respondent provided a copy of notes taken from the time of the appointment which state that the appointment was for the Complainant’s wife.

[para 7] The Complainant, his wife, and their children started seeing a new family doctor in October 2018, and thereafter were no longer the Respondent's patients.

[para 8] The next year, 2019, divorce proceedings were underway, and the Complainant's wife approached the Respondent to provide a letter in support of her bid for custody of the children. The Respondent provided a letter (the Letter) as requested.

[para 9] The Letter is written upon the Respondent's professional letterhead which prominently displays her name, status as an M.D., Practitioner Identification Number, the address, telephone number, and fax number of the clinic where she carries on her practice, and the municipality in which her practice is located. The body of the Letter states,

Dear Sir/Madam.

[Name of Complainant's wife] is known to me and I support her claim for full custody of their children. [Name of Complainant's Wife] has been struggling with a [descriptive term] marriage. Her spouse [Name of Complainant] is known to struggle with mental health concerns.

I can support [Name of Complainant's wife's] claim that [name of Complainant] had an altercation in my office where he was behaving in a very [descriptive terms] manner, and I had to ask [name of Complainant] to leave the office to continue the consultation with [name of Complainant's wife].

It is my opinion that [name of Complainant's wife] is the stable partner in the relationship and that she would be the parent that would be able to keep the children stable.

Kind Regards,

Janine Karpakis, M.D. – [Practitioner Identification Number]

[para 10] The Letter also contains the address of the Complainant's wife and her home telephone number, which, as her spouse, were possibly also the Complainant's address and home telephone number.

[para 11] The Complainant became aware of the Letter in December 2019, in the course of the divorce proceedings. He then filed a complaint with this Office about disclosure of his information in the Letter.

[para 12] Investigation and mediation were authorized to attempt to resolve the issues in this matter, but did not do so. The matter proceeded to inquiry.

II. ISSUES

- A. Does the HIA apply to some or all of the information about the Complainant in the letter? If so, whose health information, is it?

- B. Does PIPA apply to some or all of the information about the Complainant, in the letter? If so, whose personal information, is it?
- C. If the HIA applies and the Custodian disclosed the Complainant's health information, did she do so in contravention of Part 5 (Division 1, ss. 31-45) of the HIA?
- D. If the HIA applies and the Custodian disclosed the Complainant's health information, did she disclose health information in contravention of section 58(1) of the HIA? (disclosure in limited manner)
- E. If PIPA applies to some or all of the information, did the Organization disclose the information contrary to, or in accordance with, section 19(1) and 19(2) of PIPA? (disclosure for purposes that are reasonable and to the extent reasonable for meeting the purpose)

III. DISCUSSION OF ISSUES

Preliminary Matter – redacted terms and confidential addendum

[para 13] Descriptors of the Complainant's marriage and behaviour from the Letter are redacted in this order since while they form part of the Complainant's personal information, disclosure of the was not necessary to providing the reasons for this decision.

[para 14] In order to avoid disclosing more personal and/or health information than the Letter itself did, portions of my decision appear in confidential addendum (the Addendum) provided only to the parties. In order to provide a clear understanding of the decision as it relates to health information, it was necessary to display the Complainant's health information as written in the Letter.

Preliminary Matter – Scope of complaint and order

[para 15] The substance of the complaint focuses on the information in the body of the Letter which references the Complainant, rather than on other "peripheral" information mentioned in paragraphs 9 and 10 above, such as the identity of the Respondent as an M.D. Accordingly, while the peripheral information might be health information under section 1(1)(i)(ii) of the HIA as information about a custodian who provided a health service, I do not address such information in this order.

Preliminary matter – health information regulated under the HIA, personal information under PIPA

[para 16] The Letter contains some information that is health information under the HIA, and other information that is or may be personal information under PIPA. Per section 4(3)(f) of PIPA, PIPA does not apply to collection, use, or disclosure information that is health information under the HIA to which the HIA applies. Section 4(3)(f) of PIPA states,

(3) *This Act does not apply to the following:*

...

(f) *health information as defined in the Health Information Act to which that Act applies;*

...

[para 17] Accordingly, disclosure of health information to which the HIA applies will be governed by the HIA even though it may also appear to be personal information under PIPA as well.

A. Does the HIA apply to some or all of the information about the Complainant in the letter? If so, whose health information, is it?

[para 18] I acknowledge that the Respondent perhaps believed that she was not disclosing the Complainant's health information by wording the Letter in the manner that she did. She states that the Letter pertains to the Complainant's wife and not the Complainant, and that references to the Complainant's mental health concerns pertain to his behaviour during the altercation and how it affects his wife. The Respondent further states and that she worded the Letter in way that avoided disclosing his known diagnoses and is aware that she cannot disclose the Complainant's "personal history" to anyone without his consent. However, upon examining the Letter and the Respondent's statements explaining its content, it is clear that some of the information in the Letter is the Complainant's health information.

[para 19] For clarity, I note that in this issue I am only determining whether any information is health information as a matter of fact and law determined by interpretation of the lengthy and complex definition of "health information" under the HIA; I am not here determining whether any of the information was *disclosed* as health information. There are further contextual considerations that inform that decision as discussed further on in this order.

[para 20] The HIA regulates disclosure of health information by custodians. The Respondent is a physician and a regulated member of the College of Physicians and Surgeons of Alberta. As such, she is a "custodian" as that term is defined in section 1(1)(f)(ix) of the HIA and section 2(2)(i) of the *Health Information Regulation, AR 70/2001* (the HIR).

[para 21] "Health information" is defined in section 1(1)(k)(i) and (ii) of the HIA as "diagnostic, treatment and care information" and "registration information", respectively. "Diagnostic, treatment and care information" is defined in section 1(1)(i); the relevant portion of that section for the immediate discussion is section 1(1)(i)(i):

(i) "diagnostic, treatment and care information" means information about any of the following:

(i) the physical and mental health of an individual;

...

[para 22] For the reasons that follow, I find that the following statements in the Letter are the Complainant's health information as his diagnostic treatment and care information:

- "... [Name of Complainant] is known to struggle with mental health concerns."
- "... [Name of Complainant's wife] is the stable partner in the relationship and that she would be the parent who would be able to keep the children stable."

I discuss each statement in turn.

"... [Name of Complainant] is known to struggle with mental health concerns."

[para 23] The Respondent states that she has a special interest in mental health. She indicates that the opinions, generally, in the Letter are based on her "professional acumen" and that she has knowledge of the Complainant's known health issues. It is also clear from her submission that she assessed the Complainant's mental health status based upon his behaviour during the altercation. In view of the foregoing, the statement regarding the Complainant's mental health concerns is not mere observation of the Complainant, but is diagnostic information that resulted from the Respondent's professional evaluation of him. Indeed, there appears to be a diagnosis underlying the general statement since the Respondent felt the need to write the statement in a deliberately vague manner in order to avoid disclosing a diagnosis.

[para 24] I note that avoiding precise diagnoses does not deprive the statement of its status as health information. While the definition of "health information" in section 1(1)(i)(i) of the HIA includes specific diagnoses, it is also considerably broader, including the entire category of "diagnostic information" "about" an individual's mental health.

"... [Name of Complainant's wife] is the stable partner in the relationship and that she would be the parent who be able to keep the children stable."

[para 25] For the reasons given in the confidential Addendum to this order, I find that this statement is the Complainant's health information. It includes a medical opinion about him. That medical opinion is entangled with the one regarding the stability of his wife that appears in the statement.

[para 26] In reaching my conclusions that the above two statements are the Complainant's health information, I acknowledge the Respondent was not treating the Complainant at the time the Respondent wrote the Letter; that is, the health information in the Letter was not made for the purpose of providing a health service to the Complainant. In my view, this makes no difference to the determination that the information is health information. The Respondent observed, assessed, and formed medical opinions about the Complainant. That he was not aware of what the Respondent did until learning of the Letter does not strip the information of its status as diagnostic health information which the HIA clearly intends to protect. Rather the situation here is like one discussed in Order H2015-04/F2015-39.

[para 27] In Order H2015-04/F2015-39, the adjudicator considered, among other things, whether video footage of a complainant taken in a hospital emergency waiting area was the complainant's health information. The adjudicator identified three categories of diagnostic, treatment and care information at paragraph 15:

Given the facts in this inquiry, in order for this to be diagnostic, treatment and care information it must fit into one of the following categories:

1. The video contains information about the physical and mental health of the Applicant; or
2. The video is information about a health service provided to the Applicant; or
3. The video was taken while the Applicant was being provided a health service.

[para 28] The Adjudicator found that the information was not health information since, "in order to be information about someone's health within the terms of that provision, the recorded information must be assessed to be such by a health professional" (Order H2015-04/F2015-39 at para. 18), and the video footage had not been assessed. The Adjudicator continued at para. 20:

I do not go so far as to say what the surveillance camera records can never be health information. If a health care professional reviewed the recording for the purpose of ascertaining something about a person's health condition at the time, it could then (but not before) properly be regarded as information about the health of the person. (Thus, the original or primary purpose of the recording is not necessarily the critical factor.)

[para 29] A comparable series of events unfolded in this case. The Respondent witnessed the Complainant's behaviour during the altercation. While observing that behaviour was not for the express purpose of treating the Complainant, at some point, the Respondent assessed the behaviour and drew diagnostic information about the Complainant from it, just as one might have reviewed the video footage in Order H2015-04/F2015-39 in order to make a diagnosis. At that point, the Respondent's conclusions that appear in the Letter became the Complainant's health information under the first category of health information identified above: information about the Complainant's mental health.

[para 30] I find that none of the other information in the Letter is the Complainant's health information. For most of that information, it is clear on the face of it that it does not satisfy the definition of "health information" in the HIA. There are some words and phrases, however, that might appear to be his health information, when they are not. I provide further reasons for finding such information is not health information, below. Those words and phrases consist of the following:

- "[Name of Complainant's wife] ... has been struggling with a [descriptive term] marriage";

- “I can support [Name of Complainant’s wife’s] claim that [name of Complainant] had an altercation in my office where he was behaving in a very [descriptive terms] manner...”; and,
- “Her spouse,” which precede the statement about the Complainant’s mental health.

“[Name of Complainant’s wife] ... has been struggling with a turbulent marriage.”

[para 31] In the context of other information in the Letter, this phrase might be taken to be a reference to an effect (a turbulent marriage) caused by the Complainant’s mental health concerns, and hence information about his mental health. However, the facts of the case lead to another conclusion. Details are provided in the Addendum. In brief, this statement relates to the state of the Complainant’s marriage at the time when the note was written, rather than in relation to the Respondent’s assessment of anyone’s health.

“I can support [Name of Complainant’s wife’s] claim that [name of Complainant] had an altercation in my office where he was behaving in a very [descriptive terms] manner....”

[para 32] I note that the Respondent has stated that her observations of the Complainant’s behaviour were the basis for her conclusion about the status of his mental health. That information would be the Complainant’s health information. What appears in the Letter, however, is not the same.

[para 33] The description of the Complainant’s behaviour in the above phrase, including his name, appears not to be a medical one in the context of its use in that phrase. The Respondent did not indicate in the Letter that the descriptive terms were intended as clinical descriptions of the Complainant or were medical terms. Rather, the structure of the phrase indicates that the Respondent, who witnessed the altercation, is supporting and agreeing with *the non-medical claim of the Complainant’s wife* about his manner, as opposed to making her own medical conclusion about him. She is merely agreeing with what someone else said.

[para 34] Specific to the use of the Complainant’s name in the phrase, since it was used in a non-medical context in the phrase, I find that it is not his health information despite the inclusion of names as “registration information” in section 1(1)(k)(ii) of the HIA as further defined in section 1(1)(u) of the HIA and section 3(a)(i) of the HIR. Section 3(a)(i) of the HIR states:

3 The following information, where applicable, relating to an individual is registration information for the purposes of section 1(1)(u) of the Act:

(a) demographic information, including the following

(i) name, in any form

...

[underlining added]

[para 35] In my view, while the Complainant's name might otherwise be his health information since he was a patient of the Respondent at one point, the circumstances in which it appears in the above phrase are ones to which the HIA is not applicable.

[para 36] Nothing in the HIA suggests that it prohibits naming a patient in *every* context; when read on the whole, it is clearly limited to situations where a name is used in the custodian's capacity as a custodian. In the phrase, the Respondent is referring to the Complainant as a result of agreeing to what the Complainant's wife reported. The Respondent is simply reporting what she saw just as any non-custodian witness may do. Her role as custodian is not engaged with regard to the information in the phrase.

"Her spouse..."

[para 37] The same reasoning that applies to the use of the Complainant's name in the previous phrase applies here. "Demographic information" includes marital status under section 3(a)(viii) of the HIR. The words "Her spouse" as used in the Letter indicate that at the time the Letter was written, the Complainant was married. Again though, the words do not relate to the Respondent in her role as a custodian. As used in the Letter, the words "Her spouse" refer to the mere fact that the Complainant was married to his wife, nothing more.

[para 38] I now comment on the latter question in Issue A regarding whose health information appears in the Letter.

[para 39] The latter question arose in light of the decision in *Covenant Health v. Alberta (Information and Privacy Commissioner)* 2014 ABQB 562 (*Covenant Health*), wherein the Court discussed circumstances under which one person's health information may also be that of another. If the Complainant's health information were also that of his wife, it may affect the operation of the HIA as it applies to the disclosure in this case. However, I find that none of the Complainant's health information is also that of his wife.

[para 40] I also find that none of the Complainant's personal information under PIPA is his wife's health information. Accordingly, PIPA will apply to that information rather than the HIA.

[para 41] I now consider Issue C.

C. If the HIA applies and the Custodian disclosed the Complainant's health information, did she do so in contravention of Part 5 (Division 1, ss. 31-45) of the HIA?

[para 42] It is important to note that the issues in this inquiry concern the information communicated via the Letter, and not more specific underlying medical information about the Complainant (or his wife) which the Respondent has provided in her submissions. Even though the underlying information underpins and elucidates a deeper understanding of the statements in the Letter and thus informs its intended content and meaning, the fact remains that the underlying information is not communicated via the Letter itself and so neither it nor any intended content or meaning associated with it is disclosed.

[para 43] Section 31 of the HIA states,

31 No custodian shall disclose health information except in accordance with this Act.

[para 44] To begin, I consider whether the information I found was the Complainant's health information under Issue A was disclosed as health information in the Letter. In particular, I consider whether it was disclosed as health information despite that the Respondent wrote the Letter in an ambiguous manner, which in some cases tends to obscure the true medical nature of what is written. I again address each phrase containing the Complainant's health information in turn.

"Her spouse [Name of Complainant] is known to struggle with mental health concerns."

[para 45] This statement can be interpreted in different ways. The use of the passive voice makes it unclear *to whom* it is known that the Complainant struggles with mental health concerns. One interpretation is that, despite the use of the passive voice, it is the Respondent who knows this on the basis of her own professional interactions with the Complainant and/or knowledge of some other health provider's professional opinion – hence the information reads on its face as the Complainant's health information.

[para 46] Another possible understanding of the statement is that the knowledge spoken of is not the Respondent's, but rather, she is providing information she obtained from some lay source, perhaps from the Complainant's wife; hence the statement might be understood as simply a lay opinion not related to any health services or any custodian at all.

[para 47] While the precise information that is health information in the Letter is not self-evidently health information on all possible readings (since it omits to indicate that the information in it is a medical opinion of a physician), when combined with other information in the Letter, its medical nature as the Respondent's medical opinion is revealed. As such, it is health information and must be treated accordingly. This is a similar approach to that taken with respect to determining whether information is personal information when combined with other information under both PIPA and the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 (the FOIP Act).

[para 48] In Orders F2012-04 and H2012-01¹, the applicant had already obtained some information via an access request under the FOIP Act but sought more. The adjudicator found that disclosing further information amounted to disclosing personal information since there was a reasonable possibility that persons other than the applicant could use the information to identify the person who the individual was about. (Orders F2012-04 and H2012-01 at para. 59). The adjudicator explicitly considered that an acquaintance of the individual the information was about may have other information which, when linked with the further information, would reveal an individual's particular health condition and treatment, even if the individual was not named in the further information (Orders F2012-04 and H2012-01 at paras. 59 and 62 – 64).

[para 49] The same approach regarding personal information under PIPA appears in Order P2024-04 in respect of license plate numbers. On their own, those numbers are not personal information, however, in combination with other information that reveals the identity of an individual, they are personal information under PIPA (Order P2024-04 at paras. 39 - 43).

[para 50] This case is similar to Orders F2012-04 and H2012-01 in that there is a reasonable possibility that further information reveals that the statement is the Respondent's medical opinion about the Complainant. Thus, disclosure of that information will reveal the Complainant's health condition, that he struggles with mental health concerns. That the further information clarifies the medical nature of the statement rather than the identity of the Complainant makes no difference in my view. The point is that disclosure of the further information amounts to disclosing the health information. The further information appears immediately with the health information as it is contained in the Letter itself.

[para 51] The Letter is signed by the Respondent as a physician and appears on her professional letterhead which prominently displays her status as an M.D. and provides detailed contact information for her medical practice. This information informs the reader that a physician is the source of the information in the Letter and wrote it in their capacity as a physician. Further, the Letter provides no stated alternate source for the opinions in the Letter. Indeed, the Respondent's statements that she is writing *in support* of the Complainant's claim for custody of the children indicates that, as is actually the case, she is providing her own knowledge of the Complainant, rather than anyone else's. In the context of the preceding information, it is eminently reasonable that a reader of the Letter would understand that what is presented is medical opinion about the Complainant.

[para 52] In view of the above the statement is regarded as disclosed health information.

"... [Name of Complainant's wife] is the stable partner in the relationship and that she would be the parent who be able to keep the children stable."

[para 53] The same analysis of the previous statement applies to this statement as well. Despite that a reader of the Letter may not immediately realize the true medical nature of the opinion about the Complainant in the statement when read in isolation, when considered alongside the other information in the letter, it is reasonably understood as health information.

[para 54] I now consider whether disclosure complies with the HIA.

[para 55] Circumstances that permit a custodian to disclose individually identifying health information without the consent of the individual it is about, which are the circumstances of this case, appear in sections 35 to 38 and 40 of the HIA.

[para 56] The Respondent did not refer to any particular section of the HIA that she argues permitted disclosure of the Complainant's health information. I do not see that any apply. I find that the Respondent has contravened section 31 of the HIA.

[para 57] As to the fact that the latter of the Respondent's opinions about the Complainant is entangled with her statement about his wife's stability, that makes no difference. The HIA does not permit disclosure of health information of one individual on the basis that it is entangled with the information of another, even if disclosure of the other information is permitted. In practical terms, in order to comply with the HIA when disclosing the information about the Complainant's wife, the Respondent needed to disentangle it from her opinion about the Complainant. One way of doing so would have been to simply state that the Complainant's wife

is a stable parent and capable of keeping the children stable, omitting any reference to the Complainant.

[para 58] In closing, I note that while section 35(1)(h) of the HIA permits disclosure of health information without the consent of the individual it is about for the purposes of a court proceeding, it is limited to court proceedings wherein the custodian disclosing the information is a party. Section 35(1)(h) states,

35(1) A custodian may disclose individually identifying diagnostic, treatment and care information without the consent of the individual who is the subject of the information

...

(h) for the purpose of a court proceeding or a proceeding before a quasi-judicial body to which the custodian is a party,

...

[para 59] Accordingly, while the Letter was for use in a court proceeding regarding divorce and child custody, disclosure of the Complainant's health information was still contrary to section 31 of the HIA.

D. If the HIA applies and the Custodian disclosed the Complainant's health information, did she disclose health information in contravention of section 58(1) of the HIA? (disclosure in limited manner)

[para 60] Section 58(1) of the HIA states,

58(1) When collecting, using or disclosing health information, a custodian must, in addition to complying with section 57, collect, use or disclose only the amount of health information that is essential to enable the custodian or the recipient of the information, as the case may be, to carry out the intended purpose.

[para 61] Since the Respondent did not disclose the Complainant's health information pursuant to any provision of the HIA that permits disclosure, disclosing any amount of it was not permitted. I find that the Respondent disclosed health information in contravention of section 58(1) of the HIA.

B. Does PIPA apply to some or all of the information about the Complainant, in the letter? If so, whose personal information, is it?

[para 62] PIPA applies to "organizations." "Organization" is defined to include corporations in section 1(1)(i)(i):

(i) "organization" includes

(i) a corporation,

...

[para 63] Thus, the Respondent's professional corporation, through which she was operating when dealing with the Complainant and providing the Letter to his wife, is an organization under PIPA. As such, the Respondent was required to comply with PIPA's regulations regarding disclosure of personal information.

[para 64] "Personal information" is defined in section 1(1)(k) of PIPA as follows,

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

[para 65] As noted earlier in this Order, per section 4(3)(f) of PIPA, PIPA does not apply to information that is the Complainant's health information. Accordingly, I do not regard his health information as personal information here, and do not apply PIPA to it.

[para 66] The Letter contains the Complainant's personal information. For example, the Complainant's name and the description of his behaviour is his personal information. The Complainant's behaviour is about him and he is identified as the person behaving as such. This is so even if the Complainant disputes the Respondent's account of the altercation. Below I find disclosure of any information that is the Complainant's personal information is permitted under PIPA in this case.

[para 67] As to the second part of this issue concerning whose personal information appears in the Letter, I need not consider it. Even if some of the Complainant's personal information were also that of his wife, it does not affect the applicability of either PIPA or the HIA to it. As discussed in Issue E, it also would not affect the outcome of my decision on whether disclosure of the Complainant's personal information complied with PIPA.

E. If PIPA applies to some or all of the information, did the Organization disclose the information contrary to, or in accordance with, section 19(1) and 19(2) of PIPA? (disclosure for purposes that are reasonable and to the extent reasonable for meeting the purpose)

[para 68] Prior to discussing sections 19(1) and (2), I note that PIPA generally proscribes disclosing personal information without the consent of the person that the information is about, unless disclosure is permitted under section 20. In this case, there is no dispute that the Letter was disclosed for the purposes of a legal proceeding (determining custody of children) as permitted under section 20(m). Unlike section 35(1) of the HIA, section 20(m) of PIPA is not limited to legal proceedings in which a custodian (or an organization) is a party; section 20(m) states,

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:

...

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

...

[para 69] Sections 19(1) and 19(2) of PIPA state,

19(1) An organization may disclose personal information only for purposes that are reasonable.

(2) Where an organization discloses personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is disclosed.

[para 70] Regarding section 19(1), since section 20(m) states that a legal proceeding is a purpose for which personal information may be disclosed, I find that it is a reasonable purpose for disclosure.

[para 71] As the Complainant's personal information in the Letter is succinct and limited to the Respondent's knowledge of the issue of the custody claim, it is reasonable for the purposes of legal proceedings related to that issue. The personal information in the Letter is entirely germane to that matter.

[para 72] Regarding section 19(2), for the same reasons that disclosure without consent is permitted under section 20(m), disclosure was made to a reasonable extent for the purpose of disclosure. The Complainant's personal information in the Letter is limited, and germane to the legal proceeding.

[para 73] As to the possibility that the Complainant's personal information could also be his wife's personal information, even if it were, that would not change the outcome. There is no argument that disclosing any of the Complainant's wife's personal information to her, upon her request for the Letter, was unreasonable or not permitted under PIPA. In all likelihood, as the one requesting and accepting the Letter, the Complainant's wife consented to such disclosure as required by PIPA.

IV. ORDER

Order with respect to the HIA

[para 74] I make this order under section 80 of the HIA.

[para 75] I order the Respondent to cease disclosing the Complainant's health information in contravention of the HIA.

[para 76] I order the Respondent to confirm to me and the Complainant, in writing, that she has complied with this order within 50 days of receiving it.

Order with respect to PIPA

[para 77] I make this order under section 52 of PIPA.

[para 78] I find that the Respondent complied with PIPA.

John Gabriele
Adjudicator

¹ Orders F2012-04 and H2012-01 appear in the same decision and so are referred to together.